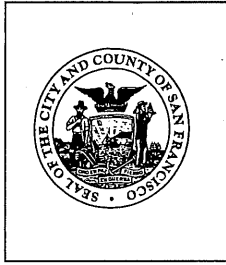


***BIC Meeting of
August 21, 2013***

Agenda Item #14



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

REGULAR MEETING

Wednesday, May 15, 2013 at 12:00 p.m.

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

Aired Live on SFGTV Channel 78

DRAFT MINUTES

The regular meeting of the Building Inspection Commission was called to order at 12:00 p.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**

Warren Mar, **Vice-President**

Frank Lee, **Commissioner** (Left at 12:50 p.m.) Kevin Clinch, **Commissioner** (Left at 1:03p.m.)

James McCray, Jr. **Commissioner**

Myrna Melgar, **Commissioner**

Debra Walker, **Commissioner** (Left at 12:45 p.m.)

Sonya Harris, **Secretary**

D.B.I. REPRESENTATIVES:

Tom Hui, **Acting Director, excused**

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

Pamela Levin, **Deputy Director, Administrative Services**

William Strawn, **Communications Manager**

Rosemary Bosque, **Chief Housing Inspector**

Hema Nekkanti, **IS Project Director**

CITY ATTORNEY REPRESENTATIVE

John Malamut, **Deputy City Attorney**

2. President's Announcements.

President McCarthy offered congratulations and best wishes to Shirley Hodge, a clerk, who is retiring after 29 years of service to DBI. President McCarthy said that Ms. Hodge was honored by a luncheon held in her honor on May 9th and thanked her for her years of invaluable service to DBI.

President McCarthy thanked several employees for whom the Acting Director had received letters of commendation from customers for their excellent customer service; those employees were Chief Plumbing Inspector Steve Panelli, Evelyn Karcs and Carrie Pei. President McCarthy mentioned that Building Inspector Neil Friedman was thanked publically in a letter to the *San Francisco Chronicle* in May titled "Building Inspectors Nothing but Helpful". President McCarthy also

thanked Evelyn Karcs, Bernedette Perez, Ronald Dicks and Vice-President Mar for their participation at the DBI booth for Cinco de Mayo.

President McCarthy reminded all DBI staff about nominations for the second quarter “Employee of the Quarter” which are due on June 3rd.

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. Tom Harvey of the San Francisco Fire Department announced that he would be retiring in June after 31 years with the City, 20 plus of those working with the Department of Building Inspection going back to when it was known as the Bureau of Building Inspection and residing on McAllister Street. Mr. Harvey mentioned working with the Department to get the sprinkler ordinance enacted and said that he enjoyed working with all of the people at DBI. Mr. Harvey stated that he was working on the Fire Code changes in order to get it done before he retires. Mr. Harvey said that he loved his job, loved the City and enjoyed working with the entire Department and the Commission.

President McCarthy congratulated Mr. Harvey, thanked him for all of his hard work and wished him well in his retirement.

There was no further public comment.

President McCarthy asked that Item #'s 4a, b & d and item #'s 6 and 7 be continued until the next meeting. The Commissioner’s were in agreement.

4. Director’s Report.

- a. Update on DBI’s finances. - continued**
- b. Update on proposed legislation. - continued**
- c. Update on Permit Tracking System.**

Hemma Nekkanti IS Project Director said that the Department is continuing to make progress on the reconfiguration and automation components of the project; Round I of user acceptance testing was completed last week and several small to medium gaps were identified and logged and are being corrected this week. Ms. Nekkanti reported that Round II of the user acceptance testing is being planned which will include a larger number of permit types and the majority of the functionality will be tested. Ms. Nekkanti said that the Department is getting ready to install the Samsung mobile Inspector devices.

There were no Commissioner comments or public comment.

5. Update on Director Search.

Ms. Sherrill Uyeda, the lead recruiter from Alliance Resource Consulting said that she had interviewed three of the Commissioners, McCarthy, Mar and Walker, in order to obtain

information that should go on the recruiting packet. Ms. Uyeda said that everything should be approved by May 20th and at that time Alliance will post the position and send out invitations to a target list. Ms. Uyeda stated that the resume deadline is June 28th and said that she would send all of the Commissioners an updated recruitment timeline through the Commission Secretary. President McCarthy called for any questions.

Commissioner Melgar asked how the Director's position would be advertised within the local area and for candidates within DBI or within other City Departments. Ms. Uyeda stated that she was working with DHR to post the position and said that it would be posted on linked-in, throughout California and on National sites.

President McCarthy thanked Ms. Uyeda for the update.

There was no public comment.

8. Discussion and possible action regarding proposed ordinance (File No. 130369) amending Building Code, Section 106A.3.2.4, and Health Code, Sections 1220 through 1237, and adding Section 1219, to expand the boundaries and types of projects for which soil testing is required and to require testing of groundwater under specified circumstances; amending Public Works Code, Article 20, to eliminate soil testing provisions; renumbering code sections in Health Code, Article 22A; and making environmental findings.

Mr. Bill Strawn with DBI's legislative and public affairs said that DBI has been working with people from the Mayor's Office of legislation, the Planning Department and the Department of Public Health on this legislation. Mr. Strawn introduced Ms. Kelly Pretzer of the Mayor's Office to speak on the issue.

Ms. Kelly Pretzer said that she was pleased to present on behalf of the Mayor's Office and to express support for this legislation. Ms. Pretzer said that simply put this item would increase protection for public health and safety as well as make the approach for the potential for contaminated ground water more standardized and user friendly. Ms. Pretzer thanked Director Hui and Bill Strawn for their work and turned the presentation over to Mr. Paul Maltzer.

Mr. Paul Maltzer of the Planning Department gave a brief overview of the legislation and highlighted the following points:

- Legislation would amend certain provisions of the Building and Health Code known originally as the Maher Ordinance which was originally adopted in 1986 as a Health & Safety Ordinance
- Maher Ordinance was set up as a regulatory process for identifying and handling soils during the construction process
- Existing Ordinance applies along the eastern shore of the City
- New Ordinance would expand the possibility of soils testing to all parts of the City
- There are now two processes for dealing with the contaminated soil (one by Code and one by CEQA which is very cumbersome)

- Ordinance would aid in identifying and handling contaminated soils during the construction process in which 50 cubic yards or more would be disturbed
- Ordinance will update the Department of Health procedures
- Department of Health involvement will be tied in directly to the permit issuance
- Update would eliminate the need to have mitigation measures to deal with this procedure in the City
- This Ordinance was reviewed and recommended by the Code Advisory Committee

Mr. Maltzer asked for questions from the Commission.

President McCarthy stated his concerns that 50 cubic yards of dirt is not a lot of dirt and said that this Ordinance should not be tied into the issuance of the building permit, but should be taken care of in Planning before any permit is even applied for. President McCarthy said that he had heard of a situation that took two years to solve regarding a soils problem and said that the building permit time would run out during that period. President McCarthy stated that 50 cubic yards would trigger pretty much every project in the City especially remodeling projects; this could bring even small projects to a stop for five months. Mr. Maltzer said that the intention is that while the Department of Health is working with the applicant there would be no reason why the structure review could not be still happening, but before the final permit is issued this would have to be resolved.

President McCarthy, Commissioners Walker, Lee and Melgar all expressed concerns over the 50 cubic yard issue and expanding this Ordinance to include the entire City. President McCarthy said that the Health Department is not known for speed when it comes to dealing with these kinds of issues and this would have a large impact on small or medium sized remodeling projects. Commissioner Walker expressed concern over the time encumbrance this would place on smaller projects. Commissioner Melgar said that this is the right thing to do, but said that there is a process involved in working out the details; the large developer has people that know how to deal with CEQA, but the smaller contractors would have a difficult time with the application and communication issues. Commissioner Lee said that the amount of soil being disturbed is very small as just grading an area could be disturbing the soil. Commissioner Lee said that perhaps the depth of excavation should be considered. President McCarthy asked if a decision by the Health Department was appealable. Mr. Maltzer said that it was not.

President McCarthy said that there is no clear timeframe for the Health Department's review and said that in his experience this is a lengthy process, not a fast one. President McCarthy stated that parallel existence is not what happens out in the field.

Mr. Scott Nakomura of the Department of Health said that the 50 cubic yards was decided back in the 1980's as it was considered the amount of dirt disturbed on a larger project. Mr. Nakomura stated that the depth of the contamination would not matter as the soil could be contaminated down two feet or even on the surface. Mr. Nakomura said that the timeframe for DPH is supposed to be thirty days, but said that typically it does not take thirty days as DPH meets with the developers and their consultants as soon as possible when there is a problem. Mr. Nakomura stated that the Department of Health has become more efficient than they were 26 or 27 years ago. President McCarthy said that when dirt is disturbed it expands so it would not take very much to get to 50 cubic yards. Mr. Nakomura said that the dirt is measured in the ground not on a truck.

President McCarthy said that he is a developer and said that he understood the process, but said he was concerned about the smaller builders as dirt does not even have to be moved from the site, but just moved around and a neighbor could make a complaint to DBI to have the job stopped. President McCarthy asked if DBI was going to be able to send someone out quickly to inspect his project so that it can be mitigated swiftly. President McCarthy asked how many field inspectors DPH had to deal with this Ordinance. Mr. Nakomura said that the Department had 0.5 Inspectors currently and said that DPH will be looking at the anticipated number of projects and develop their staffing needs at that time. Commissioner Melgar asked if the half time FTE person also had other responsibilities. Mr. Nakomura said that this person is assigned to underground storage tanks as well. Commissioner Melgar asked how that position was paid for and Mr. Nakomura said that it is paid for by a contract with the State Water Resources Control Board. Commissioner Melgar asked what would happen if that funding dries up. Mr. Nakomura answered that he was not sure. Commissioner Melgar commented that this legislation could be creating situations where developers could be looking for answers concerning this issue and there would not be a person to address any issues. Commissioner Melgar stated that it could be hazardous if this is not properly funded.

Ms. Pretzer said that DPH will have staff people to see to this requirement and to review these permits.

Acting Deputy Director Tom Hui said that it is usually major projects that require 50 cubic yards of dirt to be moved and these projects are cleared through Planning and if tanks are involved the Department of Health has to approve the project before any permit can be issued. Mr. Hui said that DBI does not have the PTS system in place right now to deal with the City-wide requirement in this legislation, but may have later this year or next year. Mr. Hui stated that it would be helpful if DPH had a station on the 5th floor at 1660 Mission Street in order to answer questions and aid in the process.

President McCarthy said that 50 cubic yards of dirt did not need to be removed from a site, but just moved around the site. President McCarthy asked if a neighbor were to make a complaint saying that more than 50 cubic yards of dirt was being moved would DBI be able to send an Inspector out to the site right away to mitigate the problem; would the job have to be shut down. Acting Director Hui said that by the time construction starts DBI could do nothing about this situation as dirt could have already been moved and also because dirt expands in the trucks. Mr. Hui said that DBI would not shut down a job as this issue would be taken care of before the permit it issued.

Mr. Richard Lee of the Health Department said that he expects that the person who is now doing the inspections will have more time to deal with this legislation in the future.. Mr. Lee stated that this legislation will not expand the amount of work for the Health Department. Mr. Maltzer said that the only difference will be that all of the work will be done under Code and not partially under CEQA.

Commissioner Melgar said that she thought that it was a good thing to bring this legislation under Code and said that she hoped it would be set up correctly to avoid any hardships on developers. Commissioner Melgar stated that by putting this in the Code neighbors would be more aware of what is happening around them.

President McCarthy asked when this legislation is scheduled for implementation. Ms. Pretzer said that this issue should be before the Board of Supervisors in mid June and if passed would take effect 30 days later which would be mid July. Ms. Pretzer stated that she had been assured that DPH would have available staff ready to handle the requirements under this Code. Mr. Maltzer said that he did not anticipate a large increase in inspections due to this legislation; it will all be under Code.

President McCarthy asked how many cases DPH is handling at the present. Mr. Maltzer said that the Local Oversight Program has 50 cases and the Maher issues have 65 cases with 1.5 people working on them. Mr. Maltzer stated that DPH is trying to work on the front end with developers and project managers to solve issues before the permit process starts.

Commissioner Melgar stated that she thought that making this part of the Code was a good idea, but said that it would increase the workload of the Health Department because every neighbor will be involved with the CEQA process being removed. Commissioner Melgar said that she hoped the Health Department would plan ahead so that there is not another level of hardship on developers or homeowners that want to do remodeling.

There was no public comment.

Secretary Harris asked for a motion on the item.

President McCarthy said that the Commission could vote on this now or could wait until all Commissioners were present as Commissioner Walker and Commissioner Lee had to leave the meeting.

Vice-President Mar said that he had not spoken earlier, but said that he had the same concerns as President McCarthy and Commissioner Melgar and stated that he was concerned about DBI's ability to manage the Department of Health and the Department of Health's abilities to manage this entire issue.

President McCarthy said that he would like to continue this until the next meeting and asked if DPH could come back with some stronger clarification about the timeframe to do this in the field. President McCarthy stated that he was not too concerned about developers as they could hire consultants, but said that he was more concerned with homeowners who might be remodeling and would find this very stressful as they do not know the process. Commissioner Melgar said that she thought that it was right to continue this item even if the BIC does not have to approve this before it goes to the Board of Supervisors; it would send the message that the BIC is not quite ready to pass this legislation.

President McCarthy made a motion, seconded by Commissioner Melgar, to continue this item for the next meeting. The motion carried unanimously.

RESOLUTION NO. BIC 025-13

9. Report from the Nominations Sub-Committee.

Vice-President Mar said that unfortunately the Chair of the Committee, Commissioner Frank Lee, had to leave early, but reported that the Committee received a good number of applications and decided to interview five. Vice-President Mar said that four actually came to the meeting and gave the Committee their background information. Vice-President Mar stated that as a result the Committee was recommending Mr. Henry Karnilowicz for the Code Advisory Committee Commercial Property Seat and Mr. Bradley Sugarman for the Architect Seat on the Board of Examiners. Vice-President Mar stated that the Committee would be holding on to some of the qualified candidates applications as there may be more openings in August. Secretary Harris explained that the BIC would not be voting on these recommendations at this meeting as this was just an update.

10. 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.**

President McCarthy said that he would like an update on the CAPSS program and what DBI's involvement is at the present time. Vice-President Mar said that he had been approached by residents to know whether there was a list of properties regarding CAPSS on the DBI website.

- 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 regular meeting would be held on June 19th. Vice-President Mar said that he would like to propose that a special meeting be held for the Abatement Appeals Board in order clear up some of the lingering cases. Vice-President Mar asked if the Secretary could check with the Commissioners regarding availability and to set up a room and give plenty of public notice. Secretary Harris said that she would follow up.

There was no public comment.

11. Review and approval of the minutes of the Regular Meeting of March 20, 2013.

There was no Commissioner or public comment.

Commissioner McCray made a motion, seconded by President McCarthy, that the minutes be approved. The motion carried unanimously.

RESOLUTION NO. BIC 026-13

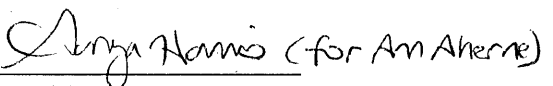
12. Adjournment.

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

RESOLUTION NO. BIC 027-13

The meeting was adjourned at 1:09 p.m.

Respectfully submitted,


Ann Aherne
Commission Secretary (Retired)

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS	
Item #4 a, b& d, Director's Report. - continued to June meeting - President McCarthy a. Update on DBI's finances. b. Update on proposed legislation. c. Update on major projects.	Page 2
Item #6, Discussion on electrification of DBI's fleet - continued to June meeting - President McCarthy	Page 2
Item #7, Discussion on work flow at DBI including fifth floor operations, and staff assignments of large projects vs. over-the-counter projects. - continued to June meeting - President McCarthy	Page 2

<p>Item #8, Discussion and possible action regarding proposed ordinance (File No. 130369) amending Building Code, Section 106A.3.2.4, and Health Code, Sections 1220 through 1237, and adding Section 1219, to expand the boundaries and types of projects for which soil testing is required and to require testing of groundwater under specified circumstances; amending Public Works Code, Article 20, to eliminate soil testing provisions; renumbering code sections in Health Code, Article 22A; and making environmental findings. - continued to next meeting. - President McCarthy</p>	<p>Page 3-6</p>
<p>Update on CAPSS & DBI's involvement. - President McCarthy & Vice-President Mar</p>	<p>Page 8</p>

