

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

REGULAR MEETING

Wednesday, August 21, 2013 at 9:30 a.m.

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

Aired Live on SFGTV Channel 78

ADOPTED November 20, 2013

MINUTES

The regular meeting of the Building Inspection Commission was called to order at 9:58 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**

Frank Lee, **Commissioner**

James McCray, Jr. **Commissioner**

Debra Walker, **Commissioner (excused at Noon)**

Warren Mar, **Vice-President**

Kevin Clinch, **Commissioner**

Myrna Melgar, **Commissioner,**

(excused at 12:20 p.m.)

Sonya Harris, **Secretary**

D.B.I. REPRESENTATIVES:

Tom Hui, **Acting Director**

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

Daniel Lowrey, **Deputy Director, Inspection Services**

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

William Strawn, **Communications Manager**

Gayle Revels, **Acting Manager Finance Services**

Hema Nekkanti, **IS Project Director**

John Hinchion, **Building Inspector-Code Enforcement**

CITY ATTORNEY REPRESENTATIVE

John Malamut, **Deputy City Attorney**

President's Announcements.

President McCarthy made the following announcements:

- Deputy Directors Ed Sweeney and Pamela Levin, each received letters from Ms. Cynthia Dangberg, praising individual DBI staff for outstanding customer service.
- Cora Ella, who works with the Technical Services Staff; Kristina Sun, and Aldeliza Herrera, who work in Accounting/Administrative Services

- Thank you Cora, Kristina, and Aldeliza for doing everything possible to assist DBI customers!
- A big thank you to the Records Management Division who received a thank you letter from Ms. Jennifer Kurrie. Thank you all for your excellent customer service!
- Thanks to DBI staffers Kenneth Young, Joseph Chan, Mira Lee and Matt Greene – who staffed DBI’s booth at the Third Annual Chinatown Ping Pong Festival, held on August 18th. These are excellent community outreach opportunities to inform the public about DBI services.
- Special thanks to Acting Director Tom Hui, who not only attended the Ping Pong Festival, but also played a match against Mayor Ed Lee, who was very sharp with his paddle! Congratulations, to the DBI Ping Pong Team, led by Team Captain Ren Zhang from Plan Review Services, and its excellent showing against top ping pong talent from multiple City departments!
- Acting Director Hui also joined Supervisor David Chiu and the Mayor’s Director of Earthquake Safety, Patrick Otellini, in a panel discussion on July 31st for the Asian American Contractors Association – and provided important tips on the new mandatory seismic retrofitting law for soft story buildings. An audience of more than 100 contractors welcomed this information from the City.
- On July 30th the Board of Supervisors approved a final total of 158 properties on the 2013 Delinquent Properties, or Liened Properties’ list. The original list submitted to the Board in June had 242 properties, meaning that 84 property owners acted and took the required steps prior to the Board’s final vote to pay overdue cost assessments on code violations and thus avoided having their property encumbered. Even so, the 158 properties on this year’s Delinquency List are more than 40 percent higher than last year’s final total.
- Thanks to efforts by Acting Director Hui, and cooperation by David Goldin, the SFUSD Facilities Director, beginning September 3rd DBI will collect SFUSD school impact fees here at 1660 Mission Street. This will save customers a trip to the SFUSD office, and take us an important step closer to providing the “One Stop” services Mayor Lee wants to see available at our Permit Center.
- A warm welcome to Senior Environmental Health Inspector Elyse Heilshorn, P.E., who is available at Station 20 on the Fifth Floor on Tuesdays and Thursdays, 10-Noon, to answer customer questions about the new expanded Maher Toxics Zone – another important step for customer service. Thanks to DPH’s Richard Lee for making this happen.
- Thanks to Chief Building Inspector Patrick O’Riordan and the new DBI Condo Conversion Team appointed by Acting Director Hui on July 19th to prepare for new Board of Supervisors’ legislation that became effective on July 29th. DBI Team members include Chief Electrical Inspector Ron Allen, Chief Plumbing Inspector Steve Panelli, and Records Management Supervisor Patty Herrera – who are working closely with Inspectors John Cuneo and Chester Chiu. While this new legislation was expected to generate a dramatic

increase in applications for condo conversions, to date we have received a total of 220 applications – up from the initial 175 received as of July 29th. DBI’s goals are to perform 15 inspections per week, and to complete the final report within two weeks. DPW, which also plays a vital role in condo conversions, expected 60-100 new applications on July 29; in fact, they received 15. DPW also stated that all existing tenants in condo conversion buildings are to be offered a lifetime lease as outlined in the legislation.

- Thanks to Deputy Directors Ed Sweeney and Dan Lowrey, as well as Mechanical Plan Review staffers Mohsin Shaikh (“MO-Shan Shake”), and Danny Lau for meeting on Friday, August 16th, with a 4-person Japanese Delegation doing research on building energy efficiencies.
- Finally, for those of you using new Social Media tools, DBI is now actively using Twitter! Daily “Tweets” are being sent to remind customers about DBI professional services, as well as to alert customers, the media and the general public to important events. Take a look at Twitter and see for yourself how many “followers” DBI already has!

There was no public comment on the President’s Announcements.

2. 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 public comment.

3. Discussion and possible action to approve and swear in a member of the Board of Examiners Licensed Architect Seat: Bradley Sugarman. Seat to expire September 15, 2016.

Vice-President Mar introduced Mr. Bradley Sugarman who had been appointed to the Board of Examiners Licensed Architect Seat at the last BIC meeting. Vice-President Mar asked Mr. Sugarman to give a brief overview of his experience.

Mr. Sugarman stated that he worked for David Baker and Partners Architects primarily in multi-family housing for non-profit and for profit groups. Mr. Sugarman said that he worked with mixed use and residential in the City as well as all over the Bay Area and had been with his company since 1999; he has been a licensed Architect since 2003.

Vice-President Mar asked if there were any comments or questions from any of the Commissioners; there were none. Vice-President Mar thanked Mr. Sugarman for his willingness to serve and said that he thought that the Board of Examiners would be very busy due to the new Codes. Vice-President Mar then swore Mr. Sugarman in with the Oath of Office.

There was no public comment.

President McCarthy announced that the Commission would now be going to Item #9.

9. Discussion and possible action regarding the Civil Grand Jury report.

President McCarthy called on Mr. Bill Strawn, DBI Legislative and Public Affairs, to speak on the Grand Jury Report.

Mr. Bill Strawn explained the process of how the Department and the Commission reply to the Grand Jury report. Mr. Strawn said that the report was received in June and a reply would be due to the presiding Judge on September 16, 2013; DBI and the BIC respond that they either agree or disagree with the recommendations. Mr. Strawn explained that the Department had already been working on many of the recommendations of the Grand Jury, such as the implementation of the Business Process Reengineering, and asked the Commissioners to send any further suggestions on the draft response in front of the Commission today to him as soon as possible. Commissioner Walker asked if the Commission would vote on the response. Deputy City Attorney John Malamut said that the Commission could vote on the response today.

Commissioner Walker said that she wanted to talk about public perceptions that were addressed in the report and said that the draft response disagrees with the Grand Jury on that issue. Commissioner Walker asked how the Department projected what public perception is. Mr. Strawn said that the only public perceptions study that has been done involving the Department was initiated by DBI with an outside vendor in 2008. Mr. Strawn stated that this study was being submitted as an appendix with the response and said that another study was budgeted for the coming year. Mr. Strawn said that he thought it is always a slippery slope to talk about public perception that is not authenticated or based on actual data. Mr. Strawn said that many things are written in the newspapers and said it is a mistake to use that as a basis for decision making.

Vice-President Mar said that all of the Commissioners should read the 237 pages of the response very carefully and said that he had actually responded to the Grand Jury report before this. Vice-President Mar stated that regarding perception and the Department he thought that thing should be made as clear as possible so there is as little room as possible for the misinformation in terms of the public perception and the media. Vice-President Mar said that the Department has been working on updating data systems and making things much more accessible to the public.

Commissioner Lee said that he appreciated Mr. Strawn's response on the topic about perception as if there are no facts supporting accusations; he would not know how to respond to it. Commissioner Lee said that maybe the Department should go out and do the audit and do the interview and get the data needed to support the fact that there are no problems.

Commissioner McCray said that he appreciated the methodology that was used for making the response.

Vice-President Mar said that he had concerns about the timeframe for submitting the response. Commissioner Walker said that she would suggest that the Commissioners take more time to read the draft response document, make suggestions or changes and that this item be agendaized again for the September 5, 2013 meeting. President McCarthy said that he would have no problem with that and asked that the Commissioners send any comments to the BIC Secretary prior to that meeting.

Commissioner Walker asked if anyone was present to speak for the Grand Jury.

Ms. Suzanne Tucker introduced Ms. Martha Mangold, the Forewoman of the Grand Jury. Ms. Mangold said that she wanted to speak on a legal issue and stated that the BIC and DBI did not have to respond jointly as some of the recommendations were solely for the BIC, others for DBI and others that were joint.

Ms. Suzanne Tucker stated that the BIC and the Department are not identical. Ms. Tucker said that the Grand Jury report is appropriately titled “Building a Better Future at the Department of Building Inspection”. Ms. Tucker stated that the committee was very committed to an approach that made a positive contribution to the Department and the City and were very impressed with the BPR report which provided and still does an excellent road map for the Department. Ms. Tucker said that the committee was very impressed by the many dedicated individuals that they interviewed. Ms. Tucker stated that the committee only had one year to do its work and that their charge under the Penal Code is to be the eyes and the ears of the citizenry, to be a watch dog and to examine the county departments to see if they are operating efficiently and effectively. Ms. Tucker said that the report calls for transparency, consistency, equitable treatment and leadership at DBI and noted that the current Acting Director has been Acting Director for more than a year along with the two Deputy Directors. Ms. Tucker said that there are increasing demands on the Department because of the building boom. Ms. Tucker said that she could understand the Department being defensive due to articles that were published in the newspaper and said that there was no questions that much progress has been made since 2006 and with the recession. Ms. Tucker stated that the Grand Jury thought that their report was spot on in some key areas and indeed found general agreement with their recommendations. Ms. Tucker mentioned 308 Turk Street and said that the system had failed at this address. Ms. Tucker gave a sample of some of the findings and recommendations: it is the BIC’s responsibility to address placing stable, professional and independent leadership at the helm of DBI; this is an overburdened Department undergoing a great technological change; there is a big backlog of unresolved building violations; all of the tools available have not been used for enforcement which has not been consistent nor fees and costs consistently collected; this sends a dangerous message and could smack of favoritism or that those who could afford expensive attorneys can get better treatment than those who can’t; there needs to be training and the new systems need to be embraced by all management. Ms. Tucker spoke about the sampling of violations that the Grand Jury studied and said that they intentionally studied a group from several years ago so that there would be an opportunity for them to be resolved; however, after four years 11% were still open. Ms. Tucker asked that the BIC keep an open mind, as they play an important role and share responsibility for the Department and building a better future for it. Ms. Tucker asked for any questions from the Commissioners; there were none. President McCarthy thanked Ms. Tucker for her comments.

Ben stated that he works with the Code Enforcement Outreach Program through the Tenderloin Housing Clinic mostly in the Tenderloin and South of Market areas. Ben said that he wanted to clarify some things that were in the Grand Jury report about 308 Turk Street and said that one of them was that there was no restaurant on the property. Ben said that 308 Turk Street is a two story, twenty unit building housing mostly non-English speaking tenants. Ben stated that the confusion about the restaurant probably came from the fact that the tenants confronted the owner at his restaurant. Ben said that it took three years for the tenants to file a formal complaint and said that beginning last December he finally worked closely with a Housing Inspector to inspect each

and every one of the units to discover the deplorable living conditions. Ben said that had it not been for Housing Inspection the deplorable conditions would still exist.

Ms. Lucia Kimble of Causa Justa (Just Cause), a Tenants & Immigration Rights Organization, said that the organization has an office in the Mission and is a grass roots organization that handles over 1,000 cases annually. Ms. Kimble stated that the organization works closely on Code Enforcement with the DBI Housing Inspection Services mostly dealing with complaints from tenants. Ms. Kimble said that one of the main complaints is about repairs and said that the Inspectors work with the counselors and the tenants to make sure that the residents are living in habitable conditions. Ms. Kimble said that the counselors and Inspectors work together to help the tenants understand the process and to help them prepare for Director's hearings. Ms. Kimble said that the CEOP program is very successful and that there is nothing quite like it in the nation. Ms. Kimble stated that the Grand Jury did not mention the collaborative that directly connects the community to the services which is very important to the tenant community.

Ms. Tina Chung of the Chinatown CDC another CEOP partner said that she read part of the Grand Jury report and wanted to comment that there is always room for improvement, but said that she wanted to echo what Lucia said about this process. Ms. Chung said that even when the Housing Inspectors were extremely short staffed her calls were still answered and she felt that habitability was a top priority in the Department. Ms. Chung stated that the CEOP program helps tenants, many of whom do not speak English, landlords and property managers to know that there is a Housing Code and a Building Code. Ms. Chung said that many of these people are fearful of government, but through the CEOP program come to understand that they all have rights and responsibilities. Ms. Chung said that this is a continued process that continues to improve.

Ms. Sarah Short of the Housing Rights Committee another Code Enforcement Outreach partner said that she read the Grand Jury report and said that it was very holistic which it was meant to be, but said that she wanted to single out the Housing Inspection Services and their Code Enforcement program. Ms. Short stated that during the recession and the layoffs at DBI, Housing Inspection Services were particularly impacted. Ms. Short said that Housing Inspection was under resourced and now that the Department is flush again she is happy to see that there are new Housing Inspectors and clerical staff in that Division. Ms. Short said that the Housing Inspectors have been doing a great job and are an excellent model that actually goes above and beyond what is seen in other parts of the country.

President McCarthy asked Ms. Short to comment on the human issues tied to NOV's as he did not feel that the Grand Jury report took those issues into consideration. President McCarthy stated that there are a lot of human problems attached to this and it is difficult to expedite them because the Department's hands are tied.

Ms. Short said that ideally it is more of a negotiated process and that through the assistance of the community groups like the HRC and the Department it helps to take the time to go and try to find out what is behind a delay. Ms. Short stated that it can be a hoarding and clutter issue on the part of the tenant which is a mental health disability and sometimes on the landlord's end of it there can be financial crisis or just a lack of understanding of the Codes. Ms. Short said that in other cases the Department is really needed to bring down the hammer on the landlord to get repairs done. Ms. Short said that there are residents who are fearful of their landlord and will not allow them to

come in and make the necessary repairs so there are all sorts of interaction and the human component.

Commissioner Walker thanked all of the community groups for coming in who really help DBI in resolving these issues. Commissioner Walker said that the previous speakers gave prime examples that show the need for the BIC and DBI to support and provide more funding and person power to these organizations

Commissioner Lee said that it was interesting to hear about the human issues involved with the NOV's and said that changes should be made to the process to suspend the NOV's until that human issue is resolved. Commissioner Lee stated that the Department should look at the entire NOV process to help solve and get the data done correctly and then it can be determined what is being done right or wrong.

Vice-President Mar thanked all of the CEOP groups for coming to the BIC meeting and said that they should come more often because they are an extension of DBI's work. Vice-President Mar said that the CEOP groups along with the Housing Inspectors often solve issues before an NOV is issued and the Commission does not hear about or see reports about these items. Vice-President Mar stated that he did think DBI could do a better job to resolve a problem once the NOV is issued.

Ms. Short said that had the Grand Jury interviewed some of the CEOP groups during their investigation they might have gained some insight into how the CEOP groups and the Housing Inspectors work to solve issues before they become real problems.

Commissioner Melgar said that she agreed with Commissioner Walker regarding the funding of the CEOP groups and said that she wanted to make sure that the issue of budget be incorporated into the response to the Grand Jury just to have it on the record as to how the Department responds to substandard housing.

Mr. Drake Gardner said that he is a development consultant and a design consultant who participates in the Public Advisory Committee and said that he wanted to address the hiring of a permanent Director. Mr. Gardner stated that this is urgent and said that the group that is running the Department right now is doing a tremendous job and is working with the community. Mr. Gardner said that at one time the Department hired a Director from outside and that did not work very well and said that he hoped the BIC learned from that experience and will hire an in-house employee as permanent Director. Mr. Gardner praised the Department for working closely with the Planning Department to keep things moving and said that the Department has money and should use it to hire enough staff to get the job done.

There was no further public comment.

After discussion among the Commissioners it was decided that the Commissioners would get their comments back to Mr. Strawn by the 1st of September and he would incorporate those changes into the final draft for review by the Commissioners before this item is considered for a vote on September 5th. Mr. Strawn is to highlight the changes that are made.

Deputy City Attorney John Malamut suggested that the Commissioners vote on a continuance of this item.

Commissioner Melgar made a motion, seconded by Vice-President Mar, that this item be continued until a Special Meeting to take place on September 5, 2013. The motion carried unanimously.

RESOLUTION NO. BIC 033-13

5. Discussion on the recruitment process for Director of the Department of Building Inspection.

President McCarthy said that he wanted the Commissioner to know that he had included Item #6 on this agenda, a Closed Session, in case there needed to be further confidential discussion regarding Item #5. President McCarthy stated that he did not think a Closed Session would be necessary, but just wanted to cover all the bases.

President McCarthy called on the representative from Alliance Resources to report on this item. Ms. Sherrill Uyeda of Reliance Resource said that she wanted to recap the progress to date: On June 4th invitations were sent to the target list of individuals, these individuals were based on Alliance's research to appear to have the most ideal fit and experience to what was expressed in the recruitment brochure; a round of recruitment calls were made to the individuals for a response and feedback; ads were placed nationwide in ten places; the deadline was June 28th and as of the deadline Alliance received a large number of candidates; over half of these applicants met the minimum qualifications and a request was sent to those candidates for additional information such as budget, size, staff size and some short answer questions; four questions were asked based on notes that were taken from Alliance's meeting with the City; of the candidates that completed the supplemental information ten were identified as leading candidates; since then face-to-face in-depth screening interviews were held and now there is narrow list of candidates. Ms. Uyeda said that now Reliance is ready to move this recruitment to the interview phase with the Commissioners.

Commissioner Lee asked how many applications were received. Ms. Uyeda said that there were thirty-one applicants and Alliance requested supplemental information from nineteen of these individuals with a recommendation that the BIC interview seven.

Vice-President Mar asked what some of the criteria was after the supplemental. Ms. Uyeda said that she based the questions on management, leadership, technology, educating the community, outreach and building and fostering relationships. Vice-President Mar asked how it was decided to interview the seven candidates. Ms. Uyeda stated that it was those candidates interviewed who were the strongest and had the most similar experience to meeting San Francisco's needs.

President McCarthy thanked Ms. Uyeda for her presentation. Commissioner Walker said that now it was time to move forward to have permanent leadership for the Department. President McCarthy asked Mr. Ted Yamasaki to come forward and explain the next steps to be taken.

Mr. Ted Yamasaki, Managing Deputy Director of the Department of Human Resources said that his Department has been working very closely with the vendor to establish a process to provide qualified candidates. Mr. Yamasaki said that the Commission as a whole will evaluate the final applicant pool and will spend some time where DHR and the vendor will be able to do a formal presentation of the candidates where the Commission will have an opportunity to do a more structured interview to come up with the finalists. Mr. Yamasaki said that it was up to the Commissioners as to timelines and structure. President McCarthy said that the Commission had set aside the 5th and the 10th of September for two rounds of interviews with the final candidates. Mr. Yamasaki mentioned that the Commission was interested in establishing a peer panel review and that could be done at the same time that the Commission had the opportunity to meet the candidates. Mr. Yamasaki suggested that the peer panel be made up of select department heads in the City and then they would provide feedback for the Commission.

Commissioner Walker stated that she was on the Commission when this was done previously and said that the Director of DPW and the Controller were involved and were helpful in the Commission's decision at that time. President McCarthy stated that there will be two sets of interviews with the peer review with the department heads running parallel with the Commission's interviews. Mr. Yamasaki said that the consultant would provide candidate profiles to the Commissioners in advance of having the interview and some questions that would be asked of all of the candidates so that the Commissioners would be able to put each individual in the context of the whole. President McCarthy thanked Mr. Yamasaki for his hard work and for holding his hand during this process.

President McCarthy announced that the Commission would not be going into a Closed Session and asked for public comment.

Several members of the public spoke in support of Tom Hui to be permanent Director and Dan Lowrey to be a permanent Deputy Director. The following people spoke: Mr. Rodrigo Santos, a structural engineer with Santos and Urrutia; Mr. Luke O'Brien of San Francisco Coalition for Responsible Growth (SFCRG); Mr. Ahmad Larizadeh, a contractor and expeditor; Mr. Kevin Chang; Mr. Bob Noelke a former Housing Inspector at DBI and member of SFCRG; Mr. John Keoghan, SFCRG; Mr. Jeremy Shoub, Architect; Mr. Drake Gardner, a contractor; Mr. John McArdle, resident of San Francisco; Mr. Edea Masulik; Mr. John Singleton, retired Building Inspector for DBI; Mr. Homer Yam, a DBI customer; Mr. Shane O'Reilly, a DBI customer; Jorge and one anonymous speaker. All of the speakers were in favor of appointing Mr. Hui and Mr. Lowrey to permanent status and gave the following reasons for their support:

- Experience, continuity; talented and capable
 - Good relationships with staff, customers and other City departments
 - Knowledge of the processes
- Tom Hui is a licensed structural engineer and understands the technical complexities of the permitting process
- Tom Hui instituted the over-the-counter process
 - Dan Lowrey has a great deal of experience from the private sector
 - Internal candidates should be given the same level of priority as outside candidates
 - Proven commodity

- Comprehension of the Code
- Willing to make decisions
- No learning curve
- Understand the politics of San Francisco
- Know the neighborhoods and aid small businesses
- Participate in Community meetings
- Good for employee morale
- Highly motivated
- Fit well into the organization
- Language skills
- Leadership skills
- Open door policy
- Hiring from the outside would create a disconnect

There was no further public comment.

President McCarthy stated that there would be no need for a Closed Session.

Deputy City Attorney John Malamut advised that the Commission would have to vote to continue Item #6.

6. CLOSED SESSION

**Public Employee Appointment – Director of the Department of Building Inspection.
Discussion and possible action to interview candidates for the position of Director of the
Department of Building Inspection.**

- 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)(1) and the San Francisco Administrative Code Section 67.10(b).**
- 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 Walker made a motion, seconded by Commissioner Mar, that the Commission not go into Closed session and continue this item until the September 5, 2013 meeting. A roll call vote was taken and the motion carried unanimously.

RESOLUTION NO. BIC 034-13

7. **Discussion and possible action regarding proposed ordinance (Clerk of the Board File No. 130782) amending the Building Code to modify some of the evaluation and retrofit criteria for the Mandatory Earthquake Retrofit Program and add seismic members to the Board of Examiners; amending the Housing Code to require a Report of Residential Building Record (3R Report) to include information on whether a building is included in the Program and whether the required upgrade has been completed; adopting environmental findings and**

findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board to forward the legislation to specified State agencies.

Mr. Patrick Otellini, Director of Earthquake Safety for the City Administrators Office said that he was looking for approval on one aspect of this issue only and that he would presenting other information only to give an update as to what is happening with the soft story ordinance and it's enforcement. Mr. Otellini stated that this ordinance provides some technical bench marking and allows for five different structural standards to be utilized that have not been dealt with before in San Francisco. Mr. Otellini thanked the Structural Engineers Association of Northern California (SEAONC) for their work in testing these new standards and the Code Advisory Committee (CAC) for their work and approval. Mr. Otellini said that this does not change the original ordinance, but does bring all of the standards in line for connection with one another. Mr. Otellini showed slides of a building that was used to test the standards. Mr. Otellini stated that both SEAONC and the CAC recommended these changes unanimously. Mr. Otellini said that an appeal process adding three members to the Board of Examiners had been added; the three members are required to be a licensed architect or engineer and in addition to that one is required to be a property owner, one a tenant and one and one is required to be a seismic retrofit expert. Mr. Otellini said that it was also agreed to make sure that the process was added to the 3-R reports by adding the questions to the report of was the building subject to the program and has the work been completed. Mr. Otellini stated that calculations would have to be added to the plans and that is a Code change.

Commissioner Lee asked if anyone had done a study as to the pool of structural engineers that would be qualified to sit on these committees and would they have to be San Francisco residents. After some discussion it was noted that first choice would be to have committee members be San Francisco residents, but if none were available then the Commission could appoint from outside of the City.

Secretary Harris called for public comment.

Mr. Ned Finney Chair of the CAC thanked Mr. Otellini and SEAONC for their help with this ordinance to make sure that all of the fixes are uniform and said that this came just in time so that when the projects actually start everything will go off as planned. Commissioner Walker suggested that the person appointed as the tenant licensed engineer or architect be involved with the Tenant Code Enforcement Outreach Program to help with the tenant displacement and getting or dealing with the tenants on the ground. Mr. Otellini said that he would completely agree and said that it would the BIC that would be appointing that person.

Commissioner Walker made a motion, seconded by Commissioner Lee, that the Ordinance be approved. A roll call vote was taken and the motion carried unanimously.

RESOLUTION NO. BIC 035-13

- 8. Informational Presentation from the Earthquake Safety Implementation Program (ESIP) regarding update on financing options for soft story retrofits.**

Mr. Patrick Otellini said that the soft story outreach is very positive and said that he wanted to thank Acting Director Hui and Robert Chun from the team at DBI. Mr. Otellini stated that additional funds had been given to DBI and his division to team up and do the outreach which will be done through the Supervisor's districts and community areas. Mr. Otellini said that there are four areas of outreach: the engineering community; the design and builders community; property owners and tenants. Mr. Otellini said that it is important that the tenants living in these buildings have the avenues to stay in their place of residence during the construction and that they apply for any rent or hardships if needed depending on individual situations. Mr. Otellini said that there have been outreach events and everyone involved is becoming more informed. Mr. Otellini stated that DBI is on track to send out 6,000 notices next month to the property owners; the owner's notification packet will have a notice to explain the ordinance and why it is being sent and will list the important dates for these owners such as that they will be allowed one year for the screening process and when DBI will be offering the first brown bag lunch. Mr. Otellini said that under a separate contract some training will be offered to DBI staff to be able to plan check this; SEAONC has a seminar tentatively scheduled for December 9th and these will be recorded and put on the website so that those who are unable to attend can actually see the experts speaking on this matter. Mr. Otellini said that underneath the notice there will be a screening form that can be completed by any licensed architect or engineer and where people can opt out of the ordinance if they have completed a voluntary retrofit under AB-094 and if it has been signed by the Department. Mr. Otellini said that under the screening form will be the instruction form along with a booklet explaining all of the boxes; the instructions themselves are self-explanatory. Mr. Otellini stated that the fourth item in the packet is a flier for a financing workshop that is being co-hosted with the San Francisco Apartment Association to be held on October 23rd at Fort Mason from 6 to 8 p.m. Mr. Otellini said that there would be a team of over 20 private lenders setting up their own tables at this workshop. Mr. Otellini said that the City's Green Financing program is being amended to issue loans to the mandatory and voluntary upgrades and there is a parallel financing mechanism with the Department of the Environment. Mr. Otellini stated that his Department is geared up to deal with the community outreach once these letters go out in the mail to make sure that the people know how to deal with this.

Commissioner Walker asked about the tenants and increasing rents because of the pass through allowance. Mr. Otellini said that for mandatory seismic work required by law the pass through is usually 100% and voluntary 50/50, but said that this was outside of his realm of expertise and very complicated so he did not want to comment. Mr. Otellini said that Supervisor Chiu was introducing legislation that will help to streamline the hardship process for those people that are on means tested income and said that this is a big win for the tenant population and would be for all capital improvements.

Commissioner Melgar asked if there was going to be someone to work with the non-profits to help them with the cumbersome process of getting financing. Mr. Otellini said that there are a very few buildings that would be required to retrofit, but said that the funding will be provided and said that the loans will be at one and a half percent for those non-profit buildings that have to comply. Mr. Otellini said that he has been trying to have meetings to make sure that the funding needs are understood as well as the advocacy needs.

Commissioner Mar asked about the list of 6,000 home owners and asked if it would be online and how often it would be updated. Mr. Otellini said that after the notices have been sent the list will

be online as the City wants this process to be as transparent as possible and then the list will be updated every two weeks.

President McCarthy thanked Mr. Otellini for all his hard work. Mr. Otellini said that there was an event that evening at 245 Third Street in the Moscone parking garage that is a retail space. Mr. Otellini said that tonight was the grand opening of this pop up space and stated that many City departments were invited along with DBI such as the Fire Department and invited anybody else who has the need for a public forum. Mr. Otellini said that the event would be held from 4 to 7 P.M.

There was no public comment.

Commissioner Walker was excused at this time. (12:00 Noon)

10. Discussion and possible action to approve San Francisco Code amendments to the 2013 California Building, Mechanical, Electrical, Plumbing, Residential & Green Building Codes and recommend approval to the Board of Supervisors.

Mr. Kirk Means of DBI technical services and Secretary to the Code Advisory Committee gave an overview of the history and workings of the Code cycle. Mr. Means spoke about the many steps that San Francisco has to go through with the Universal Building Code, the California Building Code, DBI, the Planning Department, the Code Advisory Committee and sub-committees and the Public Advisory Committee to come up with the San Francisco Code amendments to the Building, Mechanical, Electrical, Plumbing, Residential and Green Building Codes. Mr. Means said that after the Commission approves these amendments they are sent to the Planning Department for an environmental review. Mr. Means stated that there are very few actual major changes if any, as it most of the Codes are carried forward from the past. Mr. Means said that with the BIC's recommendation this goes to the Board of Supervisors and there is a 30-day wait period in land use; then the Board of Supervisors hears it twice and there is ten days for the Mayor to sign it and 30 days before it becomes effective. Mr. Means said that all of this has to happen between July 1st and January 1st and then the document goes to the publisher and when published hard copies come back to the Department and training has to take place. Mr. Means stated that there is an online version available on the website and there is training and outreach along with updates on Administrative Bulletins. Mr. Means said that the general policy of the Department is to carry forward the existing amendments when necessary to maintain the same standard of safety that is currently in San Francisco and to delete any unnecessary ones. Mr. Means thanked the Department of the Environment for their work on the San Francisco Green Building Code.

Mr. Means outlined the legislation that was passed that included changes and additions to the Codes since the last Code cycle including:

- Soft Story Chapter
- Hunter's Point Parcel
- Penalty for not getting or permit/doing unpermitted work
- Residential Code Green Building Code
- Mechanical Amendments Housing Code Republished

- Minor changes in numbering

Mr. Means introduced Mr. Ned Fennie, Chairman of the Code Advisory Committee. Mr. Fennie thanked the Acting Director and said that he is the perfect example of someone who knows the ropes and has been through several Code cycles and attended several of the meetings of the CAC and its sub-committees. Mr. Fennie said that Mr. Means did a fantastic job to keep things on track, along with two CAC members, Tony Corea and Jim Reed who both chair two of the committees. Mr. Fennie thanked Barry for his help on the California Green provisions. Mr. Fennie stated that he thought that this would be a very good Code cycle.

Mr. Means said that there was one minor Code provision that did not make it into the packet, but said that it is fully supported by the CAC. Mr. Means said that he wanted to thank several people for their help through this difficult task: Laurence Kornfield, Mr. Barry Hooper, Benjamin Lui, Patrick O’Riordan, Ron Tom, James Hahn, David Leong, Director Hui, the Deputy Directors, and the Chiefs of the Divisions.

Vice-President Mar stated that he had been to a couple of the CAC’s meetings and thanked all the volunteers and members of the CAC for doing all of this work.

There was no public comment on this item.

Commissioner Clinch made a motion, seconded by Commissioner Melgar, that the BIC approve the 2013 and pass it on to the Board of Supervisors for approval. A roll call vote was taken and the motion carried unanimously. (Commissioner Walker had left the meeting.)

RESOLUTION NO. BIC 036-13

11. Update on new condominium conversion legislation.

Mr. Bill Strawn, Legislative and Public Affairs, said that there are now 240 applications that have been applied for as about 20 came in since the numbers were given to President McCarthy. Mr. Strawn stated that there has been about a 27% increase in these applications since the passage and enactment of the new ordinance on July 29th. Mr. Strawn said that there has been a lawsuit filed regarding this legislation and said that people who are not yet in the system could be put on hold until there is a court ruling. Mr. Strawn said that there has been a team put together to handle these applications and said that Mr. Cuneo, the Building Inspector who is leading the effort has told him that beginning the week of September 14th 16 inspections will be done per week. Mr. Strawn reported that there will be a combined team of electrical, plumbing and building inspectors to go through these applications to generate reports as quickly as possible. Mr. Strawn stated that DPW were expecting a lot of applications, but have received only 51. Mr. Strawn said that DBI is prepared internally to move this legislation forward as quickly as possible.

There was no public comment on this item.

Commissioner Melgar was excused at 12:20.p.m.

12. Director's Report.

a. Update on DBI's finances.

Deputy Director Pamela Levin said that she wanted to let everyone know that she would be leaving DBI to be a Deputy Director and CFO at the City's Health Services System which is a group that handles all of the active and retired health benefits and covers the school district and the community college district. Ms. Levin said that it was a very hard decision to make, thanked the BIC and all of her staff and wished the Department success in the future. Several of the Commissioners wished her luck.

Ms. Levin said that currently it is anticipated that the Department will be ending the year with \$22.63M compared to budget and said that there will be some minor changes to this figure, but it should not change very much. Ms. Levin stated that this consists of \$22.85M in additional revenues over the budget and \$6.5M in savings. Ms. Levin said that \$6.35M will be transferred as there are deferred credits for permits that have been submitted, but not all of the revenues have been earned. Ms. Levin said that the construction valuation for the permits issued in 2013 were 36% greater than in 2011/2012 as there have been a lot of very large projects. Ms. Levin announced that the Department is working on the specifications for a fee study to ensure that the correct amount is being charged for cost recovery.

Commissioner Clinch asked who would be taking over for Ms. Levin when she leaves DBI. Acting Director Hui said that it would temporarily be Gayle Revels.

b. Update on proposed legislation.

Mr. Bill Strawn said that Supervisor Kim has legislation tied to the mandatory retrofit regarding hardship provisions that will be heard in September. Mr. Strawn reported that the land use committee and full board will probably approve the amendments relative to the Board of Examiners and some of the technical issues that Mr. Otellini described earlier in the meeting. Mr. Strawn stated that DBI has published an informational brochure on the mandatory retrofit program in English, Cantonese and Spanish and said that these are also on DBI's website. Mr. Strawn said that Supervisor Chiu has introduced legislation on the district sharing of non-potable water and said that DBI has some concerns regarding a violation of the Building Code that is being worked out with the City Attorney's office. Mr. Strawn stated that DBI is also discussing this issue with the PUC and will provide more information as it unfolds. Mr. Strawn reported that there is an informal working group that Supervisors Chiu and Avalos have put together to work on ways to legalize in law units. Mr. Strawn stated that this has been taken on many times over the last decade, but said that DBI is now involved and that he and Dan Lowrey have been attending meetings along with Rosemary Bosque. Mr. Strawn said that the Supervisors hope to put together some legislation to make it easier to protect some lower income housing and to do so without violating the Building or Fire safety issues that have been challenges in earlier attempts. Mr. Strawn said that the Maher ordinance takes effect on August 24th and not August 15th as anticipated.

c. Update on Permit Tracking System.

Ms. Hema Nekkanti reported that the project is going strong and said that several of DBI's business have been reviewing and testing the functionality every day, but said that additional changes and requirements are coming in with new legislation. Ms. Nekkanti stated that this is very complex and said that as a result round two has been moved to October and that is pushing out the go live date from November to March 2014. Ms. Nekkanti said that this is a shift in the original plan, but said that DBI as well as the vendor feels the need to invest this extra time to go through testing and to make sure that everything needed is in the system to accommodate the Department's functionalities. President McCarthy asked if anyone from the citizen's advisory group has participated in any of the testing. Ms. Nekkanti said that the Department will have the public participate when there is a system that is fully functional. Commissioner McCray asked if there was a cost to the delay. Ms. Nekkanti said that there is an increase in cost from the original contracted amount; however it is still below the original planning budgeted amount for the project.

• Demonstration of hand-held devices.

Building Inspector Tom Fessler gave the Commission a demonstration of the hand held device (a smart phone) that the Inspectors are now using to enter information in the field. Mr. Fessler showed how all of his inspections for a particular day come up on the device and how he can enter information that is automatically sent to the computers at DBI and is posted on the web. President McCarthy asked how mistakes could be corrected and Ms. Nekkanti explained that a correction could be made, but said that the initial information would still be part of the audit. Mr. Fessler pointed out that the device gives the Inspectors the history of the permit applications which is very helpful. Commissioner Lee asked if pictures taken would automatically be attached to the file. Ms. Nekkanti explained that right now the pictures have to be added as an attachment, but said that in the future that feature will be automatic.

d. Update on major projects.

Acting Director Hui said that he had provided the Commissioners with an update on the Major Projects in their meeting packet and asked if there were any questions. There were none. President McCarthy thanked him for the update.

Vice-President Mar said that he did have one question; can a developer find out where a permit is when Planning has it under review as this process can take a long time? Acting Director Hui said that from DBI's tracking system it only shows when it is submitted to Planning and when it gets out of Planning; there is no way to track when something is under environmental review because there is no permit number attached.

e. Update on code enforcement.

Mr. Dan Lowrey, Acting Deputy Director for Inspection Services, said that the Department was providing a monthly report as requested by the Commission that will show the activity in the Code Enforcement Division, Building Inspection Division and Housing Division on complaints received. Mr. Lowrey explained the information that would be provided to give the Commission a look at what is done as far as complaints that are received for the month and the outcome of complaints for the month. Mr. Lowrey said that the supervisors in each division use the numbers

collected to make sure that all of the complaints are received and responded to in a timely manner. Commissioner Lee asked why the number of complaints abated was higher than the number of complaints received. Mr. Lowrey explained that there are existing complaints in the system that is carried over if not abated. Mr. Lowrey said that Code Enforcement have stepped up and are now scheduling at least 20 hearings a week.

Vice-President Mar said that he was interested in some of the older cases and wanted to know how many NOV's are held for a year or two years before it even gets to a Director's hearing. Mr. Lowrey said that he would try to get those statistics, but said that if something ends up in Planning it can be in the process for year and said that violations can take three years.

Inspector John Hinchion of Code Enforcement explained how a particular address could appear twice in one month if a hearing was scheduled and someone asked for a continuance. Mr. Hinchion said that is very hard to present numbers that make complete sense to everyone. Vice-President Mar said that sometimes it is not about the timing with a complaint or a resolution, but the tenant or the landlord need to know that there is movement with the issue; has it been solved or is it being escalated to a Director's Hearing, the City Attorney or even if it has been sent to Planning. Vice-President Mar said that this is where it is frustrating; not knowing where the process is.

Mr. Hinchion said that staff has been increased in Code Enforcement and that over the next few months the Commission would see cases going from first to second quicker, going to hearings quicker and being resolved quicker. Mr. Hinchion stated that the \$52 monthly fee is also encouraging owners to resolve these issues and said that the Commission would see a shorter cycle from beginning to end.

President McCarthy said that this conversation is going to continue on a regular basis and thanked Mr. Lowrey for the report.

There was no public comment on the Director's report.

13. 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.

Commissioner McCray asked if there was going to be any celebration of Ms. Levin's leaving the Department and if the Commissioners would be invited. Ms. Gayle Revels said that an e-mail would be sent out today with the details for a celebration.

- 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 September 18th however there are two special meetings to be held on September 5th at 9:00a.m., and on September 10th beginning at 1:00 p.m. President McCarthy said that he would let the Commissioners know about locations at a later date.

14. Review and approval of the minutes of the Regular Meeting of May 15, 2013.

Vice-President Mar made a motion, seconded by Commissioner Clinch, that the minutes be approved. The motion carried unanimously.

RESOLUTION NO. BIC 037-13

15. Review and approval of the minutes of the Regular Meeting of June 19, 2013.

This item was continued to the next meeting.

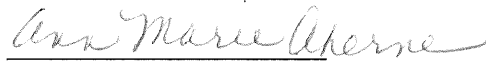
16. Adjournment.

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

RESOLUTION NO. BIC 038-13

The meeting was adjourned at 1:35 p.m.

Respectfully submitted,



**Ann Aherne
Commission Secretary (Retired)**

| SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS | |
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| Item #9 – Grand Jury Report response was continued until the September 5 th meeting. – Commissioner Walker | Pages 4-9 |

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| Item #25 - Approval of minutes of the June 19 th meeting continued. | Page 18 |
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