



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

REGULAR MEETING

Wednesday, April 21, 2010 at 9:00 a.m.

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

Aired Live on SFGTV Channel 78

ADOPTED July 21, 2010

MINUTES

The regular meeting of the Building Inspection Commission was called to order at 9:10 a.m. by President Murphy.

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

COMMISSION MEMBERS PRESENT:

Mel Murphy, **President**

Kevin Clinch, **Commissioner**

Criss Romero, **Commissioner**

Debra Walker, **Commissioner**

Ann Aherne, **Commission Secretary**

Reuben Hechanova, **Vice-President**

Warren Mar, **Commissioner**

Frank Lee, **Commissioner**

D.B.I. REPRESENTATIVES:

Vivian L. Day, **Director**

Hanson Tom, **Principal Engineer**

William Strawn, **Communications Manager**

Rosemary Bosque, **Chief Housing Inspector**

Pamela Levin, **Administration & Finance Division Supervisor**

Sonya Harris, **Secretary**

CITY ATTORNEY'S OFFICE REPRESENTATIVE:

John Malamut, **Deputy City Attorney**

2. President's Announcement.

President Murphy had no announcements.

3. Director's Report.

a. Update on DBI's finances.

Deputy Director of Administrative Services, Pam Levin said that she had a short report for the Commission on the state of the Department with actual revenues and projections through March 2010 which would be for nine months. Ms. Levin stated that the Department was still projecting

the ability to increase the discretionary operating fund balance at the end of the fiscal year. Ms. Levin said that in terms of revenues there is still a projection of over budget by year end, but said that the permit revenues are declining. Ms. Levin said that there were no actuals on the apartment and hotel license fees collected on April 10th so the Department is staying with the projections presented earlier. Ms. Levin said that the refunds are staying at \$1M, but said that the Department still continues to get a lot of requests for refunds, some in the hundreds of thousands of dollars as there have been cancellations of some large projects. Ms. Levin stated that in terms of expenditures, the Department is projecting some savings because of the inability to do any hiring at present. Ms. Levin said that there are some savings on professional services and in materials and supplies. Ms. Levin reported that the Department is concerned about an increasing number of retirements by June 30th as the wellness benefit will be going away and said that there is really no way to determine how many people might retire. Ms. Levin stated that some of these payouts would be quite large because the people retiring have been around for a long time.

There was no public comment on this item.

Secretary Aherne announced that the Commission was going to hear item #5 out of order as Engineer Hanson Tom would have to leave the meeting early.

5. Discussion and possible action to adopt Administrative Bulletin (AB-094) regarding the Definition and Design Criteria for Voluntary Seismic Upgrade of Soft-Story, Type V (wood-frame) Buildings.

Principal Engineer Hanson Tom said that he was the Plan Check Manager for DBI and said that this Administrative Bulletin was published in May 2009. Mr. Tom stated that last month revisions were made to the previous Administrative Bulletins to simplify the method of how to improve these soft story buildings and to simplify the process to obtain permits with no fees for the plan checking of this seismic work. Mr. Tom said that the updated bulletin would set criteria for what is considered a soft story under the Mayor's program to make these buildings safer.

President Murphy asked if Mr. Tom could give an example of how an owner could upgrade a six or eight unit building over a garage that would be identified as soft story. Mr. Tom said that first of all it would have to be determined that the building was a wood framed soft story building. Mr. Tom stated that if 50% of the ground floor was being used for a business or assembly with much of the area not having walls, usually just open space that would most likely be a soft story building. Mr. Tom said that another criteria that is used would be if the property was built before May 21, 1973 because after May 1973 there were new seismic standards so the newer buildings would probably not have the danger of being soft story buildings; if there was an engineering analysis that found that a newer building was in the category of soft story the Department would accept that.

Mr. Tom said that there are methods that could be used for soft story and said that the Department would reply on the International Building Code and the American standard of civil engineer publication 41. President Murphy asked if Mr. Tom could explain this in layman's terms. Mr. Tom said that in a soft story there is usually very empty space on the ground floor and said that most engineers would recommend a moment frame in a good location to eliminate

the softness in the building, but would still provide good space for people to use. Mr. Tom said that a second method would be to provide bracing to eliminate the softness and a third method would be to add more sheer walls in between to impact the space used. Mr. Tom stated that there are various ways to do this soft story and said that it would not be very difficult. President Murphy asked if the third method would possibly eliminate some garages, doors for store front windows. Mr. Tom said that in general if someone wants a store front open bracing and a moment frame could be done, but if that area is not used as an enclosure a sheer wall would be more practical.

President Murphy called for public comment.

Mr. Henry Karnilowicz said that he is on the Code Advisory Committee (CAC) and said that the CAC was in unanimous agreement that this Administrative Bulletin should be approved. Mr. Karnilowicz said that he had concerns about the corner store fronts that have steps at the entrance that might have to comply with the ADA requirements. Mr. Karnilowicz said that if the ADA requirements have to be met many of these small businesses might have to close and said that perhaps there could be some sort of exemption.

Commissioner Walker said that she wanted to point out that soon a mandatory program with more teeth will follow this voluntary program. Commissioner Walker said that the CAPSS group that met decided that the best and most successful way of providing a seismic strengthening program is to do a mandatory program. Commissioner Walker said that this is coming forward along with the recommendation to do a bond to provide low and deferred loans for building owners.

President Murphy asked if anyone had come forward for this voluntary retrofit program at this point. Director Vivian Day said that there are people waiting in line for this to get passed; it was effective beginning on Monday, and once this AB is signed and approved by the Board of Supervisors the Department can go ahead with it.

Commissioner Lee said that he wanted to add that anyone taking advantage of this voluntary program will not have to meet the mandatory requirements which may be stricter. Director Day said that that the voluntary program coincides with what most of the mandated program will be; the regulations are almost the exact same and there will be the same level of compliance. President Murphy said that the public speaker mentioned the ADA requirements and asked how those would be handled. Director Day said that it would depend on the level of the retrofit.

Commissioner Walker made a motion, seconded by Commissioner Lee to adopt AB-094. The motion carried unanimously.

RESOLUTION NO. BIC 022-10

Secretary Aherne said that the Commission would now go back to Item #3 b.

b. Update on proposed legislation.

Director Day said that the Department will be reintroducing a piece of legislation that was already passed at the Commission last August that somehow got dropped that was for the Code Enforcement monthly monitoring fee change. Director Day said that it was introduced by the Mayor again this week and will be coming up for approval. Director Day stated that the additional revenue was included in the budget for this half of the year and said that this is on target. Director Day said that the Department is working with the San Francisco PUC on a landscape water conservation ordinance as part of the energy conservation requirements from the PUC to drop water usage from residential households and residential projects.

Director Day reported that May is Building Safety Month throughout the nation as there is an International Council proclamation that this be for the entire month of May instead of just for one week as in the past. Director Day said that because of this building departments throughout the nation are now required to mandate more ordinances regarding energy conservation, water conservation, green building laws and things that were not originally part of building inspection. Director Day said that there would be a Charter change to go along with the other large building departments throughout the nation and instead of calling DBI the Department of Building Inspection it would now be the Department of Building and Safety. Director Day stated that this would encompass the Housing Inspection Division and other divisions that DBI is mandated to have in our Department. Director Day said that the Department was looking at changing the name of the Central Permit Bureau back to the Permit Center as this would enable DBI to bring in other departments that DBI already issues permits for.

Director Day said that this would include DPW and Fire and said that the Department is talking with the Treasure and Tax Collector's Office to bring in the ability to issue business licenses for contractors. Director Day said that DBI was looking at combining forces on contracting with other departments to ensure that DBI gets the lowest prices on IT projects throughout the City, including the Cash Management System that is in the budget for next year. Director Day stated that the Department is working with other departments on the Document Management System that is being proposed in order to try to merge the functions of the departments and to be able to drop costs down for each department.

Director Day said that DBI was looking at consolidating some IT function with HSA at 1650 Mission Street; DBI will be moving out of 1650 Mission and HAS will be taking over the space that the Department currently rents. Director Day stated that HSA has a very large IT staff and are looking at the entire Mission Street corridor for purposes of merging IT functions. Director Day said that there is a plan that would merge help desks, which is the desktop support, if feasible.

Director Day stated that there will be changes to the Codes to bring them up to the 2010 Codes that will be effective January 1st. Director Day called William Strawn, Manager of Communications to read the following proclamation from the Mayor's Office and said that one was also coming from the Board of Supervisors as a way of recognizing that May will be building and safety month.

Mr. Strawn read the following proclamation.

“Whereas, San Francisco's Department of Building Inspection (DBI) takes steps every day to provide sound and ever-evolving engineering, plan reviews, building and housing inspections, as

well as code enforcement actions, to ensure the safety and well-being of its homes and the nearly 200,000 buildings utilized constantly by its citizens; and

Whereas, building safety, fire preventions professionals, architects, engineers, builders and others in the construction industry act as vigilant guardians who employ their impressive skills, expertise and experience year-round to ensure buildings safety; and

Whereas, modern building safety codes are vital in protecting the public during natural disasters, such as earthquakes, wild land fires, floods, hurricanes and tornadoes; and

Whereas, sponsored by the International Code Council, International Code Council Foundation, and BASF, Building Safety Month commemorates a 30-year legacy of leadership and offers an expanded month-long program to educate the public, about the critical role played in our communities by local building code professionals, such as San Francisco's Department of Building Inspection, whose professionals and dedicated staff are essential to our City's safety and well-being; and

Whereas, Building Safety Month is an appropriate time for all San Franciscans to be aware of the importance of building safety efforts constantly under way in our community, and to support initiatives such as green and sustainable building, disaster preparation, new construction technologies, and constant training by building professionals to ensure the application of "best practices" help protect lives and properties through the implementation and enforcement of appropriate building safety codes by local and state agencies; now

Therefore be it resolved, that I, Gavin Newsom, Mayor of the City and County of San Francisco, in do encouraging everyone to support the vital public safety efforts undertaken by the professionals at the Department of Building Inspection and in recognizing these talented and dedicated public employees for their invaluable leadership to improve our City, do hereby proclaim May 2010 as Building Safety Month in San Francisco!"

Director Day said that in conjunction with Building Safety Month the Department was going to be holding a Town Hall meeting on May 14th, from 2:00 p.m. until 5:00 p.m. in the Koret Theater at the public library. Director Day said that homeowners, contractors, commercial property owners and all stakeholders were being invited. Director Day stated that the public could come in and ask questions and staff would be available to explain what DBI does and how the Department can help the public more.

Vice-President Hechanova asked if the Department was ever represented at any of the cultural events in the City such as the Cherry Blossom Festival. Director Day said that the Department takes part in four events such as Cinco de Mayo during the year and that more money has been budgeted for outreach in next year's budget. Director Day stated that this event at the library was being advertized in fourteen neighborhood newspapers and that posters would be at City Hall and other areas of interest notifying the public of the meeting. President Murphy asked about the money that is set aside for this outreach. Director Day said that some of the money goes to pay staff for working on the weekend and there are costs associated with renting a booth or tables from the actual event holder.

President Murphy said that it would be great for anyone wanting to open a small business in San Francisco to be able to come to a One-Stop Shop in order to get the 24 or 30 permits needed to do so. President Murphy asked if DBI had thought about this. Director Day stated that DBI is working with the Small Business Association right now to put together a panel where someone can come in and their project could be discussed at one table. Director Day said that this is something that the Mayor is bringing forward right now and said that DBI has offered to bring all of the parties together as it would involve five or six different plan checkers.

Commissioner Walker asked if changing the name of the Department would require a Charter change. Director Day said that it would require a change to the Charter, but not a vote, as it is not a substantial change and other departments have been renamed.

Commissioner Walker said that she would suggest that for the outreach events throughout the City that the booths should include someone from Planning and someone from the Small Business Association as these fairs and events are the place to really meet the public. Commissioner Walker said that all of the departments could share the cost. Director Day said that she would look into the situation.

Mr. Henry Karnilowicz said that regarding new businesses it is very important to get Planning on board as many times people sign leases for a particular building only to find out that they cannot use that building for the business that they wanted to start. Mr. Karnilowicz stated that the Small Business Association needs to know this and should tell people to go to Planning before they begin the process. Mr. Karnilowicz said that he has been to many of these street fairs and said that the only City agency he sees present is DBI.

c. Update on other activities affecting administration of the Department.

Director Day reported that the remodeling on the fourth floor has started again. Director Day stated that the Planning Department had their computer equipment on the fourth floor and there was an issue where DBI could not provide the needed air conditioning to Planning's server room and could not shut off the air conditioning to start remodeling. Director Day said that the problem has been solved and the move should take place before July 1st. Director Day said that DBI will be moving records back to 1660 Mission Street and will be relocating the Fire Department from their current location on the second floor along with plan checking to the fourth floor. Director Day said that this will require the relocation of DPW and PUC which will allow for more room on the first floor where there is some much needed remodeling to be done. Ms. Day stated that the Department will be establishing the help desk as required under the BPR. Ms. Day said that there is construction on all floors to install the TV monitors and electronic equipment that is needed for the Q Matic and for emergency preparedness. Director Day stated that DBI is installing satellite television in order to be completely independent of cable television in case of a disaster; The Finance and Administration Department will be moving to the sixth floor. Director Day said that the only DBI staff that will be at 1650 Mission after July 1st will be the MIS Department because of the extensive cabling and backup systems that are there; that building is under 24 hour security and it would be too costly to provide that security at 1660 Mission.

Director Day reported that the Department will be doing some minor staff reorganization as there are three employees that have announced their retirement, a permit clerk, a plan checker and a plumbing inspector.

President Murphy asked if there is still a shortage of clerks on the fifth floor. Director Day said that nothing could be done about the clerks' situation until the union negotiations are complete as the proposed layoffs will probably affect the Department through bumping once all of the contracts are completed. Director Day stated that the Department did bring back electrical inspectors and a plumbing inspector. President Murphy said that the biggest complaint he hears from the public is that there are not enough clerks to collect fees and that people sometimes wait for two hours just to pay for a permit. Director Day said that the Department is separating the functions of the clerks again so that submittals will be on the first floor and the fifth floor will be solely for over-the-counter processing. Director Day stated that this would probably be happening next month.

Commissioner Walker asked about the coordination of the fee deferral legislation. Director Day said that it was part of a fee deferral package that was heard twice by the subcommittee and will be heard again on May 3rd by the subcommittee for submittal to the Board of Supervisors. Director Day stated that she did not see that implementation taking place until much after July 1st. Director Day said that originally the Department had submitted a supplemental for this work, but now it will just be a part of the regular budget.

Commissioner Romero said that regarding the comments about clerks not being at the table this is something that is being seen across City and State jurisdictions where there are furloughs and layoffs. Commissioner Romero said that this is not a good thing, but said that it would be a bad thing if people were laid off and no one noticed. Commissioner Romero stated that there have been some 500 clerks that were laid off and that is bound to cause some slowdowns. Commissioner Romero said that San Francisco had been very fortunate in past years, but said that the slowdown is now hitting San Francisco the way it has hit the rest of the country. President Murphy said that he understood this, but said that he still finds it hard to understand that there is no one to collect the money when this Department is strapped for money. Commissioner Romero said that he would agree, but said that this is what happens when there are layoffs. President Murphy said that it is very important for the customer not to have to wait for two hours to pay their money.

President Murphy said that he wanted to acknowledge the presence of Robin Levitt, a former Commissioner, and said that Mr. Levitt was a pleasure to work with.

4. 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.

6. Report on DBI's Housing Division's method of tracking number of housing inspections done per Inspector/per day.

Chief Housing Inspector Rosemary Bosque came forward to report on this item. Ms. Bosque said that the method that the Housing Inspection Division uses to track the number of inspections accomplished by Housing Inspectors each day is directly related to the Department wide complaint tracking system. Ms. Bosque showed the Commissioners the different screens pertaining to the complaint tracking system and demonstrated how the information is collected and input into the system. Ms. Bosque stated that if an Inspector goes out to a property and does gain entry then no inspection is counted, however, the Housing Division does routine inspections where the property owner is notified in advance as to the date and time of the inspection. Ms. Bosque said that in the case of the routine inspections the property owner can call the Department to reschedule an appointment if it is not convenient; therefore, if the Department is not notified of a problem with the scheduling the Inspector will wait for fifteen minutes and the property owner will be charged for an inspection. Ms. Bosque said that from the information gathered in the complaint tracking system the Department keeps track of each Inspector and how many inspections they have done per day. Ms. Bosque provided documentation regarding:

- The complaint Tracking System Screens with details
- The Housing Inspection Codes
- The Housing Inspection Daily Activity Report
- The Housing Inspection Average Daily Inspections Report for March 1, 2010 thru March 31, 2010
- The San Francisco Housing Code Enforcement Overview
- The Routine Inspections for Assigned Districts and Time Assignments for Seniors and Housing Inspectors, showing the District, Inspector Name, Inspector's Time and the Inspections per day
- The Organizational Chart for the Housing Inspection Services
- Report of activity for the Month of March 2010

Ms. Bosque said that it is difficult to compare Housing Inspectors to the Building Inspectors as the complaint or routine inspections often involve multiple rooms or multiple violations. Ms. Bosque stated that not all inspections are equal and said that there is a great amount of detail that must be entered into the computer system and sometimes there is a great amount of follow-up with a case. Ms. Bosque said that the Housing Inspection Division works with the City Attorney's Office, in particular Deputy City Attorney Alex Tse, to bring these cases to litigation; the cases only go for litigation after a very lengthy process of NOVs, Director's Hearings, etc. so cases involve a lot of case management by the Inspectors, their Seniors and the Chief.

Ms. Bosque stated that some of her Inspectors work in more than one district, sometimes in order to keep track of repeat violators. Ms. Bosque said that because it is so difficult to define the number of inspections the Division had asked for a "wish list" when the BPR was done for the Department.

Commissioner Mar asked if the Notices of Violation are sent out in different languages. Ms. Bosque said that currently they are not and said that that is something the Department has looked at in the past. Commissioner Mar said that he thought that this would be important as a landlord might not understand what is happening if they are not proficient in English. Commissioner Mar asked about repeat offenders. Ms. Bosque said that currently there are two property owners that

are frequently referred to the City Attorney that has been part of the Litigation Committee. Ms. Bosque stated that there is a third that is a large owner of properties in the Bay View that will be sent to the next Litigation Committee meeting. Ms. Bosque said that the other thing that is being done is that when an Inspector goes out on a routine inspection there is a 33 point list of items that should always be maintained; if it looks like the property owner is not maintaining the property, the Inspector will write up the NOV and short list that person for the next routine inspection.

Commissioner Clinch asked if more time was spent on multi-unit buildings or two or three unit buildings. Ms. Bosque said that three-units or more is considered multi-family, but said that the Department is in the smaller apartment buildings more so than the larger because in the larger buildings there is usually building staff to maintain them. Ms. Bosque stated that the Housing Inspectors are dealing more with foreclosures and utility turn offs these days because of the overall economic conditions.

President Murphy asked Ms. Bosque how long it took her to put this report together. Ms. Bosque said that it took her a couple of hours. President Murphy thanked Ms. Bosque for the very detailed presentation.

Commissioner Clinch said that at the last meeting the potential for frivolous complaints was discussed and said that the Commission had asked for a summary of that issue. Ms. Bosque said that she was working on that and hoped to bring it to the next meeting.

President Murphy called for public comment.

Mr. Robin Levitt said that in listening to this discussion and all of the things that the Housing Inspectors have to do with fewer resources it is understandable that there might be fewer employees to collect the checks.

Mr. Jeffery Buckley of the Tenderloin Housing Clinic said that he is concerned about the integrity of the computer system. Mr. Buckley stated that he thought that the meat and potatoes of the Housing Inspection Services is twofold, enforcing the Housing Code and the number of violations issued that are then abated. Mr. Buckley said that he was concerned about the potential increase in the number of complaints and the Housing Inspectors ability to get those abated. Mr. Buckley said that the thought that the 311 system would have a dramatic effect on the number of complaints coming into Housing. Mr. Buckley said that low income tenants and people who have been marginalized by society who do not necessarily believe in the systems that have been created have faith in the Housing Inspection Services system that works for them.

7. 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.**
- 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.**

President Murphy said that on behalf of the Commission he wanted to extend the Commissioner's condolences to Secretary Aherne who lost her mother recently. Secretary Aherne thanked the Commission for their expression of sympathy.

Secretary Aherne announced that the next meeting would be on May 19th.

President Murphy asked when there would be a signed contract on the Permit Tracking System. Director Day said that the Department was working with Planning on the Memorandum of Understanding and said that the RFP should be out to bid at the end of May.

8. Adjournment.

Commissioner Walker made a motion, seconded by, Commissioner Hechanova, to adjourn in memory of Secretary Aherne's mother, Eileen Moriarty. The motion carried unanimously.

RESOLUTION NO. BIC 023-10

The meeting was adjourned at 11:06 a.m.

Respectfully submitted,

Ann Marie Aherne
Commission Secretary

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS	
Commissioner Walker suggested that Planning Department and Small Business Association should join DBI at Community Outreach Events, and share booth costs. Director Day to look into this issue.- Commissioner Walker	Page 6
Report on potential for frivolous complaints.- Commissioner Clinch	Page 9