



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

REGULAR MEETING

Wednesday, May 19, 2010 at 9:45 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 10:09 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**

Edward Sweeney, **Deputy Director**

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 (10:15 a.m.)**

2. President's Announcement.

President Murphy had no announcements. President Murphy presented Secretary Aherne with a sympathy card from the Commission on the death of her mother. Secretary Aherne thanked the Commission.

Secretary Aherne announced that the Commission would be hearing Item #4 before Item 3 as Mr. Wong has a previous appointment.

- 4. Discussion and possible action to appoint and swear in a member of the Code Advisory Committee. The candidate for the mechanical contractor seat is Robert Wong. Seat to expire August 18, 2010.**

Secretary Aherne stated that this seat was a very difficult one to fill and called for Mr. Wong to come forward. The Commissioners had no questions for Mr. Wong and there was no public comment.

Commissioner Walker made a motion, seconded by Commissioner Lee to appoint Mr. Wong to the Code Advisory Committee. The motion carried unanimously.

RESOLUTION NO. BIC 024-10

President Murphy administered the Oath of Office to Mr. Wong and thanked him for his willingness to serve.

Secretary Aherne announced that the Commission would now hear Item #3.

- 3. Discussion and possible action to appoint and swear in members of the Access Appeals Commission. The candidates for the disability seat are: Denise D’Anne, Walter Park and Susan Suval. The candidates for the public member seat are: Roslyn Baltimore, Todd Mavis and Ron Vernali. Both seats to expire November 1, 2013.**

Secretary Aherne stated that the Sub-Committee met and the two candidates that were being recommended were Walter Park for the disability seat and Ron Vernali for the public member seat.

Commissioner Lee said that at the Sub-Committee meeting only Walter Park was present to be interviewed for the disability seat. Commissioner Lee stated that all of the committee members agreed that Mr. Park was well qualified to serve in this capacity. Commissioner Lee said that the Sub-Committee interviewed all three of the candidates for the public member seat and voted two to one to recommend Mr. Ron Vernali for that seat.

Commissioner Walker said that she had a concern that Mr. Vernali worked in construction and said that the public seat is generally for members of the public who are not involved with construction as there are seats dedicated specifically for the construction industry on the AAC. Commissioner Lee said that the Committee did discuss this issue, but said that since Mr. Vernali is retired this was not a problem. Commissioner Lee stated that Mr. Vernali had other favorable qualities that would serve the AAC well. Secretary Aherne said that in the meeting she addressed the concern of waivers that are sometimes needed for members of these Commissions and said that Mr. Vernali assured the Committee that he did not come into DBI to obtain any permits and was indeed retired.

Commissioner Romero said that he wanted to let the Commission know that Mr. Vernali was not his recommended candidate as he did have concerns about his construction background. Commissioner Romero stated that he was not going to oppose Mr. Vernali’s nomination.

Commissioner Walker said that she felt very strongly about this issue, but said that she did not have any objection to Mr. Vernali personally, only to the fact that she felt that the public seat should be for a member of the public and not someone who was involved in the construction industry. Vice-President Hechanova said that he supported Mr. Vernali because of his wider scale of knowledge and experience and to bring in a newer aspect to the AAC.

Secretary Aherne called for public comment.

Mr. Alec Bash said that he had submitted an email earlier to the Commission regarding Mr. Todd Mavis. Mr. Bash stated that he had concern for ethics and integrity in public service and said that he had worked for both Planning and the Port for some thirty years. Mr. Bash stated that ethics, integrity and due process should be at the forefront for any person representing the City. Mr. Bash said that he could personally speak to the recommendation of Mr. Walter Park as a committed and public advocate. Mr. Bash stated that Mr. Mavis had proceeded in a manner in which he thought that this Commission would not support. Mr. Mavis said that he wanted to make sure that the BIC was aware of Mr. Mavis' disregard for public statutes and said that if anyone had any questions he could provide further documentation on this issue.

Commissioner Walker made a motion, seconded by Commissioner Lee, to appoint Mr. Walter Park to the Access Appeals Commission. The motion carried unanimously.

RESOLUTION NO. BIC 025-10

Commissioner Walker made a motion, seconded by Commissioner Romero to appoint Ms. Roslyn Baltimore to the Access Appeals Commission.

The Commissioners voted as follows:

President Murphy	No	Commissioner Clinch	No
Vice-President Hechanova	No	Commissioner Lee	No
Commissioner Mar	Yes	Commissioner Romero	Yes
Commissioner Walker	Yes		

The motion failed on a vote of 4 to 3.

Commissioner Lee made a motion, seconded by Vice-President Hechanova, to appoint Mr. Ron Vernali to the Access Appeals Commission.

The Commissioners voted as follows:

President Murphy	Yes	Commissioner Clinch	Yes
Vice-President Hechanova	Yes	Commissioner Lee	Yes
Commissioner Mar	No	Commissioner Romero	Yes
Commissioner Walker	No		

The motion carried on a vote of 5 to 2.

RESOLUTION NO. BIC 026-10

President Murphy administered the Oath of Office to Mr. Walter Park and Mr. Ron Vernali.

5. 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. Ms. Levin said that the Department began this fiscal year with a fund balance of \$533,000 which would be emergency funds that would cover four days of salaries and fringes for DBI. Ms. Levin stated that the Department felt that it was prudent to have at least six months savings for payroll in the fund balance. Ms. Levin explained that there are monies that DBI have set aside for MOU's with other departments that are to be used for long term projects, but stated that these monies could not be used for anything other than their intended long term use. Ms. Levin said that the Department would be ending this fiscal year at \$3.29M which is about twenty-five days of payroll and fringes. Ms. Levin said the Department would need to set aside \$16M in order to have the six months' fund balance to deal with emergencies.

Ms. Levin stated that in terms of revenues right now the charges for services were down and the only reason it looks like the Department is doing okay is because of the money from the intergovernmental agreements. Ms. Levin said that year to date DBI's revenue is \$1.89M less than last fiscal year so there is a decline. Ms. Levin said that the Department is hoping that some of this will be offset when the fee deferral program occurs. Ms. Levin stated that in terms of expenditures the Department continues to save and hold tight; there is a projected savings of \$50,000 in salaries and fringes primarily due to the freezing of requisitions when the labor negotiations began in March. Ms. Levin reported that there is a projected savings in materials and supplies and professional services so the expenditures are holding steady.

Ms. Levin said that the deadline for the Mayor to submit the full budget for the City and County of San Francisco is on June 1st and said that DBI continues to work with the Mayor's Office and the Controller's Office to ensure that DBI's budget is actually reflective of what the Commission wanted it to be.

Commissioner Walker asked if the Department had a projected number for the development impact fee deferral program and if the Controller's Office had estimated what kind of activity might be generated. Ms. Levin said that DBI's administration costs would be less than \$200,000 on an annual basis and said that the Department did not have a good figure for an increase in terms of permitting. Ms. Levin stated that she was not using any projection in next year's budget. Director Day said that there are about 200 projects still in Planning that have yet to be released that are kind of on hold, but due to the developmental impact fee deferral program it is expected that a lot of the project sponsors will put those projects forward. Director Day stated that DBI would not receive too much money from projects that have already been submitted, but any project submitted after July 1 would be additional revenue. Director Day said that the Department would later be able to collect the inspection fees if a project did go forward.

Director Day said that one of the major projects that is looking to go forward is the project on Rincon Hill.

Commissioner Walker said that she would like to see the effects of the fee deferral to see if it is an effective move. Director Day said that this program was passed yesterday by the Board of Supervisors with an effective date of July 1, 2010. Director Day said that the Department is hoping that the ASO amendment that the Department submitted for the additional staff needed to implement this project will be approved by the time it is ready for implementation. Director Day stated that all of the programming behind the scenes is being done so that the Department is ready, but the problem is that the Department does not have the people to actually staff the functions of this unit until the ASO amendment gets approved.

Vice-President Hechanova asked if there would be any encumbrances on the Department if any of the projects are triggered and DBI does not have the allocation to bring in the additional manpower to handle these projects as they come into play. Ms. Levin said that in the event that DBI has to actually add staff the Department would have to go back to the Board to ask for additional staff. Ms. Levin said that as long as the Department can substantiate the revenues the Board is usually willing to approve additional limited duration staff.

Director Day said that the program must be reported for review before the Board of Supervisors and said that the Department could provide either a quarterly or six-month report to the Commission showing exactly how much revenue is being collected and in what division of the Department. President Murphy said that with all of the projects coming out of Planning he thought that the Department is better prepared and much more streamlined than it was a year ago, but said that more staff is going to be needed to handle the work load. President Murphy stated that he was very impressed with the way things have changed on the fifth floor and how things have improved under Director Day's leadership. Commissioner Walker said that the Department had increased many fees, but were still not at a full cost recovery and said that she had concerns about that. Director Day said that previously it was decided not to increase some of the costs because of the economy and said that the economy has not really picked up. Director Day stated that the Department is still managing to cover the costs for many extra services that are required. Commissioner Walker said that as things progress, she thought it would be good for DBI to actually do a cost recovery analysis again and made some recommendations. Director Day said that the Department will be looking at all fees again as this is a three-year cycle.

President Murphy asked if the Department was making any money on the abandoned building ordinance. Deputy Director Edward Sweeney, Inspection Services, said that 350 abandoned buildings have been notified and of those 151 have been registered by the owners and the fee of \$765 has been paid. Mr. Sweeney said that DBI is going after the other 150 people that have not registered by issuing 10 Notice of Violations (NOVs) each week. Mr. Sweeney said that people are still coming in and said that there is some resistance because a lot of the buildings have been vacant for a long time or some are in decent shape. Mr. Sweeney stated that \$765 is a large sum of money at this time, but said that the Department is trying to work with owners to get compliance. Ms. Levin said that the revenue from the vacant building ordinance is included in DBI's projections.

b. Update on proposed legislation.

Director Day said that the Department received and referred to the Commission proposed legislation from the Mayor's Office on Disability (MOD) that would require DBI to add a line to the Code that would require the Department to send notification of all Access Appeals Commission hearings to the MOD. Director Day stated that there was some resistance to this both from the Access Appeals Commission (AAC) members and from DBI staff due to the fact that not all AAC appeals are governed by the MOD. Director Day said that MOD does not plan check all private accommodations, but said that the legislation will be sent to the Code Advisory Committee (CAC) and the AAC for comment back to the BIC for a referral.

Director Day said that the development impact fee deferral program was approved yesterday and will be effective July 1. Director Day stated that staff is working with the CAC on all of the proposed changes to the 2010 California Code and said that various committees will be reviewing those and coming back to the Commission with proposed amendments to the San Francisco Building Code for implementation on January 1, 2011.

Commissioner Walker said that a piece of legislation was winding its way through the Board of Supervisors as an outshoot of the CAPSS program that will hopefully result in a bond measure to help strengthen some of the soft story wood frame buildings. Director Day said that this would be a ballot measure. Commissioner Walker stated that the good work that has been done by the Department and CAPSS around seismic safety and preparing for an earthquake is starting to actually be implemented. Director Day said that as part of that the Department had a Town Hall meeting last Friday and about 40 people from the community attending with most of the discussion being around the seismic aspects of how to strengthen buildings. Director Day stated that DBI is going to start having Department meetings beginning in the Fall where meeting rooms will be open to the public, similar to the brown bag lunches, but will be held in the afternoon so the public can come in and discuss topics that are of interest to them. Director Day said that this would be part of the Department's Outreach Program. Director Day said that she had nothing else regarding upcoming legislation except to say that the Code changes would be coming before the Commission in the next couple of months.

There was no public comment.

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

Director Day reported that the Department is continuing to remodel the fourth floor and has actually revised the plan and eliminated a lot of the previously proposed construction so the fourth floor might open up before originally scheduled. Director Day said that the furniture had been ordered and the Department is proposing to move out of 1650 Mission Street by July 1st.

Vice-President Hechanova asked if there would be a formal notice to the public for the opening. Director Day said that the notice would probably be done mid July. President Murphy asked what divisions were moving to the fourth floor. Director Day said that DBI's Records operation would be moving from 1650 Mission Street to one side of the fourth floor; the other side would be for some of the Plan Checkers that are scattered throughout the building. Director Day stated

that those Plan Checkers are from DPW, PUC and the Fire Department; those Plan Checkers would be working on the fourth floor and would allow for the DBI Building and Mechanical Plan Checkers to have more room on the fifth floor. Director Day said that all of these other departments have a presence on the fifth floor for over the counter plan checking. Director Day stated that there would be more consolidation of operations once the computer systems and the permit tracking system are completed.

There was no public comment.

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

Mr. Jose Morales said that he continues to come to the BIC meetings because justice delayed is justice denied. Mr. Morales stated that he had been coming to Commission for over a year and so far there is no end of the pain and suffering that he has been caused by the Department of Building Inspection. Mr. Morales said that DBI and the BIC have a lack of transparency in their decision making. Mr. Morales said that DBI does not follow its own rules related to requests for public hearings and there is no accountability and no appeals process following the rules on public hearings. Mr. Morales stated that the left hand does not care what the right hand is doing. Mr. Morales mentioned the house numbers on San Jose Avenue and asked for proof of the dates when those numbers were changed.

Commissioner Walker said that the BIC has heard from Mr. Morales regarding his issue of an address change and what the legal addresses were. Commissioner Walker asked that if at a subsequent meeting the Commission could discuss what the notification requirements are when an address change comes into the Department. President Murphy said that there was a presentation regarding address procedures and said that some changes were made. Director Day stated that the Department made changes to notify the Rent Board, but DBI is not required to notify tenants. Commissioner Walker said that this was something that DBI should look at as an option. Director Day said that tenants would not have any right to address a change of address under federal law and if San Francisco wanted to make this more restrictive there would have to be an ordinance change. Commissioner Walker stated that the BIC has been hearing about this issue and said she thought that there is a problem if tenants do not get notified when something is happening that affects the space they live in. Commissioner Walker asked that this be an agenda item for a future meeting to hear from the building owners as well as the tenant community.

Mr. Michael Lyon said that he was on the Board of the Gray Panthers and the Senior Action Network said that many people in San Francisco are aware of Jose's case and see it as a symbol of a lot of people who get caught up in some bureaucratic thing and are losing their housing. Mr. Lyon stated that he thought it was the BIC's duty to give this matter a complete hearing and let it come out in the open because this has become a big issue and is only going to get worse as the economy continues to go down.

There was no further public comment.

7. Update on the Request for Proposal (RFP) process for the Project Permit Tracking

System (PPTS).

Director Day said that in November and December of last year the Department was in the middle of negotiations for the Permit Tracking System when it was discovered that there were some deficiencies in some of the processes, both by DBI and by other City departments; as a result the Department was mandated to rebid the contract. Director Day said that in the meantime there have been some changes in the Department with the consolidation of IT departments that would affect the requirements used for the Permit Tracking System. Director Day said that DBI is in the process of rewriting the RFP to exclude the purchase of hardware and the RFP would only be for the software, the implementation of that software and the maintenance. Director Day said that this process should be complete by the end of June. Director Day stated that all of the City departments are now on the same page. President Murphy said that originally \$10M was set aside for this project and asked how much money did the Department have left. Director Day said there was \$6M in DBI's funds for the Permit Tracking System right now and said that Planning also has an allocation from the general funds for their share of this project. President Murphy said that he was very concerned about this issue as when he first got on the Commission six years ago he remembers a public speaker who spoke pretty much at every BIC meeting; this individual said that the Department started talking about this when he was 62 and said that he was then 74. President Murphy stated that the BIC has been talking about this for the six years that he has been on the Commission.

Director Day said that the Department has come a long way in getting other departments to talk to one another especially DBI and Planning. Director Day stated that a lot of this work goes on behind the scenes and said that DBI has been working with the IT people to convert the databases into the proper format. Director Day said that DBI did do a major upturn in 2004 and converted all processes into what was called the legacy system, but at that time DBI did not confer with other departments, but is now working with several departments to have a citywide system rather than just a DBI system. Director Day said that this is taking a little bit longer, but said that the end product will be much better than what exists now.

President Murphy had concerns that none of the stakeholders or customers had any input into the process of picking a vendor. Director Day said that it has to be City personnel that pick the eventual vendor. Commissioner Walker said that the Department went through an extensive BPR process with stakeholders from all parts of the community who talked about DBI's system and said that when the City gives contracts private enterprises cannot make those decisions. Commissioner Walker said that she would agree that this has been a very long process and said that it probably has been over 20 years rather than 10. Commissioner Walker stated that it is much needed and said that the good news is that the finished product is going to be more extensive, expansive and effective than envisioned earlier because of the other departments buying into the system. Commissioner Walker said that at this point the Department was probably seeing the light at the end of the tunnel, but said that she would agree that this really needs to move ahead.

Director Day said that in the BPR process there was a panel that consisted of the public, architects and the contractors that gave input as to what they wanted to see in a new Permit Tracking System or what the system should be able to do and said that DBI is implementing

those recommendations into the RFP. Director Day stated that she had monthly meetings with these stakeholders and gets constant input for the Permit Tracking System. President Murphy said that he would like to have an update on the PPTS process on the agenda every month

Vice-President Hechanova said that there needs to be an end point or at least a target to achieve what the balance of what needs to happen. Vice-President Hechanova asked when the award of the contract would happen and how long it would take for implementation. Director Day said that she would have that time frame after the RFP process has been completed. Director Day stated that she should have that by the next meeting.

President Murphy called for public comment.

Mr. Luke O'Brien of the San Francisco Coalition for Responsible Growth said that he thought this issue was of immense importance to the whole City. Mr. O'Brien said that he was involved in the BPR process and said that since he got involved there has been no progress. Mr. O'Brien stated that the BIC have done a great job for the last couple of years, but not on this particular item. Mr. O'Brien said that it was disappointing that this is not further along and said that all kinds of excuses could be made, but said that at the end of the day if this was in the private sector all of the Commissioners and those in charge would be fired. Mr. O'Brien said that there has been a great amount of talk about dealing with other departments, but said that he would caution DBI to not try to solve a citywide implementation of this project. Mr. O'Brien said that this is a huge monolithic project to begin with and said if DBI tries to make it compatible with every City department here would be failure because that is taking on too big of a project; it has to be done in stages. Mr. O'Brien stated that, coming from a technical background, he could tell the Department that it could impose conditions with standards that take into account the expandability and compatibility of a software implementation to be able to be manipulated and implemented by any new department that wants to come on board. Mr. O'Brien stated that companies or departments abide by standards and protocols that are universal around the world and said that anybody else who wants to come in should just have to hire an engineer to buy their software according to DBI protocols. Mr. O'Brien said that the other departments would be up and running as if they had been designed over years, but said it would only take days as that is the information technology that exists today. Mr. O'Brien referred to TCPIP protocol used to communicate with computers and said that the Department should do one system and do it right. Mr. O'Brien urged the Department to not complicate this issue and asked that the PPTS project be updated for each BIC meeting.

Mr. Henry Karnilowicz said that he would concur with the previous speaker and said that trying to set up a citywide system is just not practical. Mr. Karnilowicz said that nothing would happen for another 20 years and that the Building Department should just concentrate on getting a proper system set up for DBI. Mr. Karnilowicz said that at the Public Advisory Committee meetings it has been requested that there be a test drive of the system before it is implemented.

8. Review and approval of the minutes of the January 20, 2010 meeting.

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

RESOLUTION NO. BIC 027-10

9. Review and approval of the minutes of the February 2, 2010 meeting.

Commissioner Lee made a motion, seconded by Commissioner Walker, that the minutes be approved. The motion carried unanimously.

RESOLUTION NO. BIC 028-10

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.
- 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.

There were no comments by the Commissioners. Secretary Aherne asked that if any Commissioners had items for the next meeting that they send them to her.

11. Adjournment.

Commissioner Walker made a motion, seconded by, Vice-President Hechanova, to adjourn the meeting. The motion carried unanimously.

RESOLUTION NO. BIC 029-10

The meeting was adjourned at 12:04 p.m.

Respectfully submitted,

Ann Marie Aherne
Commission Secretary

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS	
Report on notification requirements when an address change comes to DBI. Discussion with building owners and tenant community. – Walker	Page 7
Monthly update on the PPTS Process. – Murphy	Page 9