



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

REGULAR MEETING

**Wednesday, November 17, 2010 at 9:00 a.m.
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416
Aired Live on SFGTV Channel 78
ADOPTED April 20, 2011**

MINUTES

The regular meeting of the Building Inspection Commission was called to order at 11:08 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	Reuben Hechanova, Vice-President
Kevin Clinch, Commissioner	Warren Mar, Commissioner
Criss Romero, Commissioner, excused	Frank Lee, Commissioner
Debra Walker, Commissioner	
Ann Aherne, Commission Secretary	

D.B.I. REPRESENTATIVES:

Vivian L. Day, **Director, excused**
William Strawn, **Communications Manager**
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 did not have any announcements.

3. Director's Report.

a. Update on DBI's finances.

Deputy Director Pamela Levin said that she was pleased to announce that after four months of revenues and expenditures the Department was looking at a possible surplus of about \$2.4M mainly due to large projects. Ms. Levin said that the Department is still being cautious as there

are about 20 to 25 refunds every month that have to be processed so \$700,000 is still set aside for those. Ms. Levin stated that in terms of expenditures, DBI is 2% over last year because the Department has brought back about 10 positions throughout plan review and inspection services. Ms. Levin explained that a number of tests have not been prepared by DHR and said that this is a City wide problem and that DBI will continue to work with DHR on this issue. Ms. Levin stated that staff is being trained on Code changes and this expense along with the expense for Code Books will show up at a later date.

President Murphy asked if the money that is coming in is from two or three big jobs. Ms. Levin said that she did not have it identified exactly, but said that it would be more than just two or three big jobs. Deputy Director Ed Sweeney said that the fifth floor is very busy and said that the Department is getting a lot of commercial tenant improvement work especially at Mission Bay. Mr. Sweeney said that the residential work tends to be small jobs such as kitchen remodels.

President Murphy asked where the ten people that were rehired were going to be working. Mr. Sweeney said that three were Building Inspectors and of those, two were going to plan check and one was going to code enforcement. Mr. Sweeney stated that the Department expects one Electrical Inspector and two Plumbing Inspectors back in the next couple of weeks, but plumbing might take a little longer because they have to be hired off of a list; the Electrical Inspector can be recalled from one of the laid-off Inspectors so at least 5 of the 10 rehires are Inspectors.

Vice-President Hechanova asked if the Trans Bay Terminal work is generating some of this revenue. Ms. Levin said that that revenue was received last fiscal year for work that is going on right now and said that in another couple of months, DBI should see another infusion of revenue from City projects; all of this revenue is just regular permits for non-projects. .

President Murphy asked if work on the fourth floor had been completed. Mr. Sweeney said that the work was finished three or four months ago and everyone has moved in including Fire and the PUC. Vice-President Hechanova asked if Planning was on the fourth floor. Mr. Sweeney said that Planning has a presence on the fifth floor and still maintains their presence on the first floor. Mr. Sweeney stated that it is now possible for a customer to go to five or six disciplines on the fifth floor.

There was no public comment on this item.

b. Update on proposed legislation.

Mr. Bill Strawn said that there was no active legislation going on right now except for a Water Efficient Irrigation System that is a PUC item that DBI will only have a role in regarding terms of the ultimate submission of the building plan and for the permit. Commissioner Mar asked if that included the gray water standards. Deputy Director Ed Sweeney said that the gray water standards had already been voted on. Mr. Sweeney stated that legislation for FOG, fats, oil and grease, is close to being passed as well.

There was no public comment on this item.

c. Update on Permit Tracking System.

Deputy Director Pamela Levin said that a draft RFP was prepared in October, but is still being reviewed with other internal agencies of the City. Ms. Levin mentioned that the RFP had been sent to the Office of Contractor Administration, the City Attorney, and the Human Rights Commission and to some of the members of the joint coordinating committee. Ms. Levin stated that the joint coordinating committee is the governing committee to make sure that all City regulations are taken into consideration. Ms. Levin said that those include the Department of Technology, the Department of Planning and the Mayor's Office. Ms. Levin stated that there are a number of items that DBI has to go back to the Human Rights Commission to get clarification on and that there are still some issues to discuss with the joint coordinating committee.

Ms. Levin stated that the Department would be meeting with the joint coordinating committee right after the holidays to get all of the outstanding issues incorporated into the draft and then the RFP will have to be circled again through the City Attorney's Office to make sure that nothing has been missed. Ms. Levin said that this should be issued by the end of December. Ms. Levin said that she was trying to make sure that the RFP was very clear and concise in order to meet everyone's needs.

Ms. Levin said that once the RFP is released then the companies have about six weeks to respond and that after two or three weeks after issuance there is a pre-bid meeting so that each company can ask any questions they might have and then the proposals are submitted. Ms. Levin stated that the City then has a process to make sure that the minimum qualifications are met, the written proposals are evaluated and then the short list of companies are brought in to do a demonstration. Ms. Levin said that the Department is trying to work this through as fast as possible, but want to make sure that there are little or no revisions.

President Murphy asked who was representing DBI in these ongoing negotiations. Ms. Levin answered that she was taking the lead for DBI and working with a woman named Isabel from the Planning Department who is acting in their role as their Deputy Director. President Murphy asked if technical experts were needed to make sure that the Department ends up with the right hardware and software. Ms. Levin said that she has technical people involved, but stated that it is a weird situation because none of the people who worked on the RFP can be on the evaluating team and said that she wants to make sure that none of the City's rules are violated.

President Murphy asked how much money has been set aside for this project. Ms. Levin said that between DBI and Planning there has been \$7M set aside and that the Mayor's Office is aware of this for budget purposes. Commissioner Walker asked if both departments were paying for their own part of the project. Ms. Levin said that DBI is paying its portion and Planning is paying for its own. Ms. Levin stated that DBI is going to pay for the enterprise license, but that Planning would pay for any specific planning types of applications.

There was no public comment on this item.

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

Deputy Director Sweeney stated that he had no updates at this time.

There was no public comment on this item.

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

Mr. Harlan Hoffman said that he was present to speak about a permit that may have been issued in error on 3367 - 21st Street, his adjacent neighbor. Mr. Hoffman stated that he had been to DBI, to Public Works and to the Housing Division and said that a permit was issued based on a Notice of Violation. Mr. Hoffman said that this permit was supposed to go to the Housing Division to be reviewed again and to Planning, but did not go to either. Mr. Hoffman said that there are a number of things that are at fault and either slipped through the cracks or said that he wondered if the neighbor simply got preferential treatment. Mr. Hoffman stated that he was asking that the Board do a thorough review of this project and that the issue be put on a future agenda. Mr. Hoffman said that Inspector Karcs and Rosemary Bosque had been very helpful in making some of the determinations, but stated that it did not go through Housing as it should have. Commissioner Walker said that this could be looked into and included on the Director's report at the next meeting. President Murphy asked if Deputy Director Sweeney knew anything about this issue.

Mr. Sweeney said that this property was cited last July when two women who had just purchased the property came to the Deputy Director to ask for some relief in the fines. Mr. Sweeney stated that within the San Francisco Building Code the Director or the Director's designee can revise the fines based on the fact that these people purchased the building in its present condition. Mr. Sweeney said that he helped the two women to fill out the forms and sent them to the fifth floor, but unfortunately it was not reviewed by Planning. Mr. Sweeney said that he believed that the owners were going to legalize the rooms down minus the kitchen which would be removed. Mr. Sweeney stated that this would be sent back to Planning. Mr. Hoffman said that he believed it needed to go back to Housing as well. Commissioner Walker said that the Commission will have a determination from DBI staff; they will review this and update the BIC as no action can be taken at this time.

Mr. Hoffman asked what the status of the permit was at the moment. Deputy Director Sweeney said that with all due respect Mr. Hoffman had come into his office on Friday and said that he thought he gave him excellent service; then Mr. Hoffman was back on Monday and Tuesday and was appearing again today. Mr. Sweeney stated that there is a process that the Department follows and said that this problem is quite common and said that the Department will be looking into Mr. Hoffman's concerns and will do so in a timely fashion. President Murphy said that it sounds like the Department is working on this issue. Commissioner Lee informed Mr. Hoffman that he could track the progress of the permit online.

Vice-President Hechanova asked if there was any construction taking place on the site currently. Secretary Aherne reminded the Commission that this item was not on the agenda and should not be discussed any further.

There was no further public comment.

5. Discussion and possible action to adopt Administrative Bulletin No, AB-035 regarding procedure for assigning and/or changing street numbers (addresses).

Mr. Willy Yau, Manager of the Technical Services Division said that the Administrative Bulletin (AB) in front of the BIC today went through the Code Advisory Committee the previous week and was amended from the original with some grammatical changes and some clarifications on the originally proposed version. Mr. Yau explained the very few changes to the AB, the main issue being the notification to tenants. President Murphy asked if the Department had a process in place to deal with new addresses or changes to an address. Mr. Yau said that the process has been in place, but said that his understanding was that the additional changes to this AB are just for clarification to make the process clearer. President Murphy stated that he was aware of someone that came to DBI recently for an address change and nobody had any idea how to go about doing it so it ended up in the Director' Office. Deputy Director Edward Sweeney said that DBI had one longtime employee who did all of the address changes and she recently retired kind of abruptly; unfortunately there was no one else who knew how to do the addresses so it has been left up to the Director. Mr. Sweeney state that the Director is in the process of training staff on the first floor to take over these duties.

President Murphy said that he felt very uncomfortable approving this legislation until a process is in place. Commissioner Walker said that she knew this whole item came about because of some issues about an address change request that was confusing at the very least. Commissioner Walker stated that one of the issues the BIC wanted to address was to make sure that tenants were notified when there is an application to change an address because they could be negatively impacted. Commissioner Walker said that this whole process has revealed that the Department does not have any sort of process that it understands much less the public being able to understand it. Commissioner Walker said that she would tend to agree with President Murphy that the BIC wanted to see not just an Administrative Bulletin, but actual staff assigned to this matter and an explanation of how the public actually connects with this process, not just the applicant, but also the people who might be affected within the property.

Mr. Yau said that at this time, the applicant submits an application to change the address and said that this process has been in place for many years. Mr. Yau stated that the Director is really trying to address the tenant notification issue and said that this document would provide some teeth to putting the process in place. Commissioner Walker said that this is one of those things where there was a process that was clearly not understood by DBI staff, except for maybe one person, and also not understood by the public. Commissioner Walker said that this AB goes a long way toward putting the process on paper, but said that there are some things that are lacking.

President Murphy thanked Mr. Yau for his hard work on this AB and commented that Mr. Sweeney had said that the Department is in the process of training staff to make this an easier and quicker process which is a step in the right direction.

Commissioner Walker asked if the Rent Board was notified about a change of address. Mr. Yau

said that he was not familiar enough with the process to answer the question, but Mr. Sweeney said that the Rent Board was not notified at this time, but the Assessor has access to DBI's address information. Commissioner Walker said that she hoped this would be made easier when DBI gets the new PTS system that is compatible with other departments in the City.

Commissioner Walker said that she was concerned about the process keeping the history of the occupancy of buildings in San Francisco because of rent control.

President Murphy called for public comment.

Mr. Jose Morales showed three shoe boxes to the Commission containing the numbers 574, 572 and 572A. Mr. Morales stated that when he lived in this building it was two units and that he lived in the lower unit, 572A for 43 years. Mr. Morales said that the landlord wanted to use the number 574 to build on the third floor, but said that it was a defacto demolition. Mr. Morales stated that this issue went to the Planning Commission and the Board of Appeals as was cancelled because it did not comply with Proposition M to affect affordable housing; it was cancelled. Mr. Morales asked why number 574 was being used on the lower unit when the court has decided that it cannot be used. Mr. Morales stated that this was not even a permit, but was an application for a permit to do this project and said that there was nothing in place to protect tenants. Mr. Morales said that this is a crime, a fraud and that a felony has been committed because there was no notification to the tenant. Mr. Morales stated that he would be writing a letter to the Commission.

President Murphy said that the Commission was doing its utmost to get a system in place so that this does not happen again.

Commissioner Walker made a motion, seconded by President Murphy that this item be continued until the next meeting. The motion carried unanimously.

RESOLUTION NO. BIC 053-10

6. Discussion and possible action regarding Request for Extension of CAPSS Program.

Deputy Director of Administrative Services Pamela Levin said that she wanted to remind the Commission that this item was discussed at the last meeting to extend the CAPSS contract, time not money, to the end of December. Ms. Levin stated that the action that was taken was to extend it to today's meeting for further discussion. Ms. Levin said that the Department has processed the amendment to the contract to extend it until today and absent any other action on the BIC's part, DBI will not pay anything that has not already been finished as of today. Ms. Levin said that the Contractor had some comments to make.

Mr. Tom Tobin said that he wanted to reiterate that ATC were requesting an extension of the contract until December 31, 2011. Mr. Tobin told the Commission which items had been completed and said that Task 4 was 95% complete and would be reviewed at a December 8th advisory committee for completion by the end of the year. Mr. Tobin said that he appreciated the support received from the Commission.

Mr. John Paxton of ATC said that he was also present to ask that the Commission extend the contract to the end of the year to allow the project to be completed. Mr. Paton said that he had submitted letters of support from SPUR and the San Francisco Chamber of Commerce. Mr. Paxton stated that he and Mary Lou Zoback were co-chairs of the volunteer group that met for 2 ½ years to put the reports together and spoke about four items that he wanted DBI to complete:

- 1) Develop specific guidelines for evaluating buildings. These guide-lines should include specific structural vulnerability criteria as well as evaluation forms. The evaluation should distinguish between buildings that meet the City’s seismic performance objectives from those that do not and would require retrofitting.
- 2) Prepare Standards for Retrofitting for all relevant construction types. CAPSS recommends that all vulnerable buildings which fall below a certain seismic performance threshold be retrofit to acceptable standards. The time table for the mandatory retrofits may be delayed, however, it is hoped that many property owners, upon learning of their buildings’ vulnerability, will choose to undergo voluntary retrofits. There needs to be acceptable standards in place for building owners to conform to.
- 3) Accept the Repair and Retrofit standards recommended in the post-earthquake repair damage Task III report, and task DBI to establish criteria for determining 10 and 20% damage thresholds for all other construction types.
- 4) Assure that the planned upgrade of the DBI software (the new property database) allows the Department to track both the structural vulnerability evaluation results, as well as record specific retrofit details. This recommendation segues into other building inventory and tracking objectives of BIC.

Mr. Paxton said that he was pleading for action as no report ever saved a life or protected property. Mr. Paxton thanked the Commission for its support.

Ms. Heidi Seek said that she served as the Program Director for the Resilient SF Initiative and said that she was excited to be present to speak about the initiative and its relationship to CAPSS. Ms. Seek said that she hoped that there would be an opportunity for her to come and do a presentation about Resilient SF because it is an internationally unique program looking at all of the possible ways that the City and County of San Francisco as a government entity can make sure to do as many projects as possible to be able to recover quickly from a disaster. Ms. Seek stated that SF Resilient is sponsored by the General Services Agency and the Department of Emergency Management under Director Ed Lee, the City Administrator and the Director of DE. Ms. Seek said that it is based on a Harvard Kennedy School acting in time initiative and said that it is a very neat program. Ms. Seek stated that she enjoyed working with the CAPSS group because they have give the data needed to determine and assess the areas that the City and County of San Francisco need to work on; it has given a baseline for earthquake scenarios to build plans on. Ms. Seek urged the Commission to adopt the extension of the CAPSS contract.

Commissioner Walker asked that Ms. Seek be put on a future agenda to present the SF Resilient Program to the Commission.

Commissioner Hechanova asked if there was an affiliation with FEMA. Ms. Seek said that the

Department of Emergency Management has existing response relationships, but said that her group was looking administratively at what could be done to set the City up to make sure that things can be done as fluidly and efficiently as possible with FEMA so that a huge part of the work is in place.

Commissioner Walker thanked ATC, CAPSS, and Ms. Seek for the work that has been done. Commissioner Walker said that this is a vital step that has been taken along with the Commission. Commissioner Walker stated that she was going to support the extension of the CAPSS contract as requested. Commissioner Walker said that it was unfortunate that the opportunity was lost in this last election to actually fund some of the City's most challenging building seismic upgrades. Commissioner Walker said that she hoped this would become a mandatory program for all wood frame buildings which have been identified.

Deputy City Attorney John Malamut said that he had a conversation with the Mayor's Office earlier in the day and said that a program for mandatory retrofit for the wood frame soft story buildings was something that is still under consideration and is in the draft stages right now. Mr. Malamut explained that whatever legislation is proposed would have to go before the Code Advisory Committee and then the entire process would eventually come before the BIC. Mr. Malamut stated that the Department or Commission has the opportunity to initiate legislation themselves so that would be an alternate route.

President Murphy said that he thought that the Department could help with notifying the homeowners and property owners to get them involved.

Commissioner Walker made a motion, seconded by Commissioner Romero, to extend the CAPSS contract until December 31, 2011 for time only, not money. The motion carried unanimously.

RESOLUTION NO. BIC 054-10

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.**

Commissioner Walker asked that there be an agenda item to look at a mandatory program for the seismic upgrades and coordinate with the Mayor's Office to see if there is interest from the Commission to have the Code Advisory Committee take a look at this issue and make suggestions back to the BIC. Commissioner Walker asked that there be an update on the notification of AB-035 on a future agenda.

There was no public comment.

8. Adjournment.

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

RESOLUTION NO. BIC 055-10

The meeting was adjourned at 12:14 p.m.

Respectfully submitted,

Ann Marie Aherne
Commission Secretary

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS	
Update on 3367 - 21 st Street. - Commissioner Walker	Page 4
Continue Item #5 regarding AB-035. - Commissioner Walker	Pages 6 & 8
Presentation by SF Resilient Program. - Commissioner Walker	Page 7
Look into mandatory program for seismic upgrades. - Commissioner Walker	Page 8

