



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

**REGULAR MEETING**

**Wednesday, August 18, 2010 at 9:00 a.m.**

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

**Aired Live on SFGTV Channel 78**

**ADOPTED JANUARY 19, 2011**

**MINUTES**

The regular meeting of the Building Inspection Commission was called to order at 9:20 a.m. by Vice-President Hechanova.

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

**COMMISSION MEMBERS PRESENT:**

Mel Murphy, **President**, excused  
Reuben Hechanova, **Vice-President**  
Kevin Clinch, **Commissioner**  
Criss Romero, **Commissioner**, excused  
Debra Walker, **Commissioner**  
Ann Aherne, **Commission Secretary**, excused

Warren Mar, **Commissioner**  
Frank Lee, **Commissioner**

**D.B.I. REPRESENTATIVES:**

Vivian L. Day, **Director**  
Edward Sweeney, **Deputy Director**  
Laurence Kornfield, **Deputy Director**  
William Strawn, **Communications Manager**  
Pamela Levin, **Deputy Director**

Sonya Harris, **Secretary**

**CITY ATTORNEY'S OFFICE REPRESENTATIVE:**

John Malamut, **Deputy City Attorney**

**2. President's Announcement.**

Vice-President Hechanova said that he had no announcements other than to say that items 5 and 6 would be moved forward before the Director's Report and Public Comment.

**5. Report, discussion and possible action to approve Code amendments to the 2010 California Building, Mechanical, Electrical, Plumbing, Residential & Green Building Codes and recommend approval to the Board of Supervisors.**

Deputy Director Laurence Kornfield reported on this item and said that the various 2010 California Codes were once again before the Commission for recommendation to the Board of Supervisors. Mr. Kornfield stated that this happens every three years as the State adopts a new Code and that by law San Francisco is required to use the State Code, but are given authority to amend it based on local conditions, climate, topography and geology. Mr. Kornfield explained that the City only allows six months for DBI to make Code changes so there is a very tight schedule to get the Code approved by January 1, 2011. Mr. Kornfield said that Mr. Ned Fennie, Chairman of the Code Advisory Committee was present to say a few words.

Mr. Kornfield said that the Department was pleased that this year the Code is a consensus document that has undergone tremendous review and said that the basic premise in the Code cycle was to bring forward previous amendments with as few modifications as necessary just to implement some of the Code changes that were made at the State level. Mr. Kornfield said that the most significant issues related to the Code this year have to do with the State's adoption of two new Codes; one is called CalGreen, the State Green Building Code, and the California Residential Code. Mr. Kornfield explained that San Francisco had adopted its own Green Building Ordinance a couple of years ago, but had to integrate the two Code to make sure that the Green Building Code used in San Francisco would be as restrictive or more restrictive than the State Code requirements. Mr. Kornfield said that this took a great amount of time and effort and thanked the Department of the Environment and its consultants for all their help in this effort. Mr. Kornfield said that this Code would make it more difficult and expensive to build certain types of buildings.

Mr. Kornfield stated that the other big change in the Code is the Residential Building Code which is something the State did for the first time by adopting an International Residential Code (IRC). Mr. Kornfield said that this Code was adopted because there are many smaller towns and cities around the State that have sub-division construction, construction on lots that do not require the complexity of San Francisco's Code. Mr. Kornfield explained that the State wanted to come up with a simplified way for builders and designers around the State to build these homes without having all of the special requirements; this would apply to one and two-family dwellings separated by a property line up to at least three feet or separated from any adjoining building by at least six feet on any other parcel. Mr. Kornfield stated that the challenge was to try to figure out how to integrate this new, focused residential code, which is really developed for another use into the California Residential Code. Mr. Kornfield said that once again it had to be determined if there were any more restrictive Codes. Mr. Kornfield said that one change for example is that all new residential buildings must have fire sprinklers in them and this was not in the regular California Code so that provision has to be brought forward. Mr. Kornfield said that all of the elements that were more restrictive were put into the regular San Francisco Building Code with a key that says that it is from the California Residential Code. Mr. Kornfield stated that once the Department does training that this should not have a significant effect on DBI's daily operations.

Mr. Kornfield said that the Department would be reviewing all of the Administrative Bulletins to

make sure that they are all up to date and reference the correct Codes and sections. Mr. Kornfield said that the Department would focus on outreach training for staff, the design community, contractors and the public.

Mr. Kornfield said that there were a few issues in Chapter One that he wanted to mention such as changing the appeal for Unreinforced Masonry to the Board of Examiners. Mr. Kornfield said that there were some changes to the use of the Code Reinforcement Rehabilitation Fund as DBI money had been going to the Mayor's Office of Housing and now DBI is retaining some of that money to do some Code Enforcement work. Mr. Kornfield reported that there are still fees and fee adjustments to be done under a separate time from and a different Ordinance as this has a different review process, cycle and timeline. Mr. Kornfield said that the Director would be bringing those issues forward in the near future. Mr. Kornfield stated that the Housing Code is simply carrying over the previous State Code and said that the Department is simply keeping the updated Code based on the changes in the Safety Code. Mr. Kornfield explained that part of the future plan will be to review the Housing Code to make sure that it is up to date.

Mr. Kornfield said that the next steps for the Department after approval of the Codes are to update the Administrative Bulletins, start on some extensive training and send the Code to the publisher. Mr. Kornfield stated that the Department does not pay the publisher to publish the Code; the Department is given free copies and the publisher makes their money by selling copies to the public. Mr. Kornfield said that the contract is based on the publisher committing to sell to the public at the lowest price. Mr. Kornfield said that the current contract expires by the end of 2011 so after this Code is done a new RFP will be started for the publishing. Vice-President Lee asked if the Code was published online. Mr. Kornfield said that the Code is published on line along with the Administrative Bulletins and that there was a negotiated deal with the states that would allow other agencies to put up the actual state code online so this has been a big help to a lot of people; the Code is now on line for free. Mr. Kornfield said that he wanted to thank Inspector Kirk Means for all the hard work he did on the Codes; Inspector Means took over as Secretary of the Code Advisory Committee after Alan Tokugawa retired and upon the death of Lou Aurea. Mr. Kornfield stated that Kirk had taken over the work of both Alan and Lou and even though the work was new to him has done an extraordinary job. Mr. Kornfield called on Mr. Fennie to say a few words on behalf of the Code Advisory Committee.

Mr. Ned Fennie said that he wanted to let the Commission know that there is a letter in their packet from the Code Advisory Committee asking that the Commission endorse the CAC's approval of the amendments. Mr. Fennie explained the process used by the CAC and said that the Code was broken into sub-committees and that there were representatives of staff, the general public, and other department's such as the Fire Department to hammer out all of the details. Mr. Fennie said that once the committee does its review then the information is moved to the full committee. Mr. Fennie stated that he wanted to recognize a few of the individuals that work through this process. Mr. Fennie thanked Alan Tokugawa and Laurence Kornfield who came up with the process and Kirk Means who has moved the process along. Mr. Fennie said that the Department of the Environment was helpful in reviewing the CalGreen Codes and merging them into the San Francisco Green Codes. Mr. Ned Fennie said that smaller buildings were going to be captured in the CalGreen Codes so this would be coming up in the future.

Commissioner Hechanova asked about gray water systems and if that issue had been discussed during the Code cycle. Mr. Kornfield said that gray water systems had become a very big topic recently and stated that DBI is coordinating with the Department of Public Works, the Health Department and the Fire Department. Mr. Kornfield said that gray water is still under debate and said that the Department will be holding a number of meetings in the future to address how this can be worked into the Plumbing Code.

Commissioner Walker thanked DBI staff and the CAC people who worked on putting out the new Codes and said that she would like to have an agenda item specifically letting everyone know what the new rules are especially for people who want to build green. Mr. Kornfield said that the Department was preparing to have meetings for the public to educate them on the green building changes, but said that it might be more appropriate to have meetings in the various neighborhoods. Mr. Kornfield stated that there should be an information packet that would be sort of an evaluation letting the public know about the impact of fees.

Vice-President Hechanova said that it would be beneficial to have an informational packet, along with seminars to let the public know about the impact of fees in getting things done sooner rather than later and said that it is everyone's responsibility to impact green building as soon as possible.

Mr. Fennie said that he wanted to mention that the CalGreen building requirements are going to become law in January, but said that this is a moving target and six months from now will probably look very different. Mr. Fennie stated that everybody should be encouraged to do what Commissioner Lee suggested as it would be important to gear training toward the very diverse groups in San Francisco, such as homeowners, commercial building owners, architects, builders, etc. Mr. Fennie said that it is very difficult to get the message out to homeowners and suggested that information be posted on the DBI website and handed out in brochures to the public.

Vice-President Hechanova called for public comment.

Mr. Jose Morales said that this green code sounds wonderful, but said that it needs to be clear to the public. Mr. Morales said that there should be seminars in the neighborhoods so that the general public will know that this is going to be a fair game and not just a game for the rich.

***Commissioner Walker made a motion, seconded by Commissioner Lee, that the 2010 California Code be approved. The Commissioners voted as follows:***

<b><i>Vice-President Hechanova</i></b>	<b><i>Yes</i></b>
<b><i>Commissioner Clinch</i></b>	<b><i>Yes</i></b>
<b><i>Commissioner Lee</i></b>	<b><i>Yes</i></b>
<b><i>Commissioner Mar</i></b>	<b><i>Yes</i></b>
<b><i>Commissioner Walker</i></b>	<b><i>Yes</i></b>

***The motion carried unanimously.***

**RESOLUTION NO. BIC 040-10**

**6. Discussion and possible action regarding the 2010 Cost Schedule of Building Valuation Data.**

Deputy Director Laurence Kornfield explained that this is an item that comes before the Commission every year. Mr. Kornfield explained that the building valuation is not the valuation used by the Assessor's Office or the real cost of the building, but is a unifying format so that everybody is charged the same amount of fees for the same amount of work, under the premise that DBI is being reimbursed for the services provided. Mr. Kornfield stated the Building Code says that DBI shall use the Marshall Swift building adopted schedule with local modifiers. Mr. Kornfield said that this year nationwide there has been a decline in construction valuation under the Marshall Swift index. Mr. Kornfield stated that he would not recommend a reduction in cost evaluation this year as the Department did not believe it accurately reflects San Francisco as even though there has been a decline in construction the cost has not declined significantly. Mr. Kornfield said that DBI's service costs have not proportionately declined, but have stayed the same or gone up. Mr. Kornfield said that his recommendation is to defer consideration of any adjustment or modification of cost valuation until next year when the Department gets the next cost valuation from Marshall Swift and then consider the trends and the costs. Mr. Kornfield stated that the goal is to match income to the scope of services. Vice-President Hechanova asked how often the report was updated. Mr. Kornfield said that it is updated annually.

Director Day stated that she agreed with Deputy Director Kornfield's suggestion to keep the 2009 Marshall Swift values in effect.

There was no public comment.

Commissioner Clinch made a motion, seconded by Commissioner Lee, that the Commission not adopt the 2010 Marshall Swift valuation schedule, but continue with the 2009 valuation schedule. The Commissioners voted as follows:

<i>Vice-President Hechanova</i>	<i>Yes</i>
<i>Commissioner Clinch</i>	<i>Yes</i>
<i>Commissioner Lee</i>	<i>Yes</i>
<i>Commissioner Mar</i>	<i>Yes</i>
<i>Commissioner Walker</i>	<i>Yes</i>

*The motion carried unanimously.*

**RESOLUTION NO. BIC 041-10**

**3. Director's Report.**  
**a. Update on DBI's finances.**

Director Vivian Day reported that for the month of July the Department is showing an increase of revenues over last year's July figures by about 16%. Director Day said that through the first half of August there is still a percentage increase so DBI is actually over budgeted right now. Director

Day said that the Department has offset the overage in revenue right now with projected refunds, which will be reevaluated at the end of three months to see if that is actually needed; if these funds are not needed then the money would be appropriated to bring back additional staff.

Director Day said that expenditures are showing a decrease from what was projected due to the delay in the budget being adopted by the Board. Director Day stated that, as a result, DBI was not able to hire some positions and said that there were additional retirees that were not expected at the end of June. Director Day said that the Department is in good shape right now with the help of all staff.

**b. Update on proposed legislation.**

Director Day said that the Department was working on updating Administrative Bulletins (AB) to bring them up to date in the way that DBI actually process these policies and procedures and how to process them in a more efficient manner. Director Day said that DBI is working closely with the PUC regarding state mandated legislation regarding the regulation of gray water and on water harvesting in order to reduce water consumption.

Director Day said that the draft of the mandatory soft story legislation will be introduced shortly, as well as proposed legislation on how to write office policies and procedures. Director Day said that the Addressing legislation will be coming back to the BIC and said that it will require owners to have signatures from the tenants in a building to change the address or a statement from the owners that they will notify the tenants as the changes take place.

Vice-President Hechanova asked how much time could be saved with making changes to the procedures for the Administrative Bulletins. Director Day said that she hoped to cut the current 90 day process by at least one month, but said that it would depend on the particular AB. Vice-President Hechanova asked about the Administrative Bulletins for gray water harvesting and Director Day stated that the legislation for that issue was being driven by the PUC.

Commissioner Walker asked if the AB regarding addressing would be coming up at the September meeting. Director Day said that she was working on having it ready for the September meeting.

**c. Update on Permit Tracking System.**

Director Day reported that a draft RFP is ready to send to the City Attorney's Office and other City agencies for review and said that a great deal of work and planning has gone into this issue. Director Day said that the RFP should be put out for rebid by the end of the year. Vice-President Hechanova asked how long it would be after acceptance and review of the bids before the award actually happens. Director Day said that it takes approximately one to two months before the Department would go into negotiations with the proposed vendor, so it will be Spring of next year before this is implemented. Vice-President Hechanova asked if this expense would be part of the budget for the current year. Director Day said that no monies from the budget have been used this year as the Department has been covering the staff time out of existing funds; the funds that have been set aside from previous years will be used for hardware, software and licensing.

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

Director Day said that the Department will be revising every single division's office policies and procedures so that there is a manual for the entire Department. Vice-President Hechanova asked that the Commission be given a quarterly update on this issue. Director Day stated that this is a huge undertaking as it has not been done since 1996.

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

**4. 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 it is good to have all of these reports but said that he did not feel that tenants are participating in a democratic process in San Francisco. Mr. Morales stated that he was evicted because of the changing of the housing number on his building. Mr. Morales said that he would encourage the Commission to invite the heads of tenant organizations to a meeting at least once a year so that the Commission could see how tenants are suffering. Mr. Morales said that when he came to San Francisco in 1965 he rented an apartment for \$80 per month, but was now paying \$800 which is supposed to be very low. Mr. Morales said that the landlords have the upper hand because there is no vacancy control and said that tenants are being evicted like cattle in San Francisco. Mr. Morales gave the Commission a copy of the *Tenant Times*.

Mr. Zelco Simone said that he was present regarding 135 El Camino Del Mar. Mr. Simone stated that the property owner in question was supposed to submit updates every three months to the Commission and said that he had not seen any updates. Mr. Simone said that the property owners submitted something to Planning last January and received comments back in February, but said that nothing has been done since that time. Mr. Simone said that no work has been done and asked the Commission to do something about this situation. Vice-President Hechanova asked Director Day to follow-up. Director Day said that there could be an update at the next Abatement Appeals Board hearing.

Jean of 201-207 Vicksburg Street appeared before the Commission to speak about a wooden ladder which is attached to the outside of her building. Jean stated that the ladder had been inspected by a certified contractor and said that during a routine inspection three years ago the ladder passed inspection. Jean said that now she has been issued a Notice of Violation because wooden ladders have been outlawed in San Francisco because of legislation that was approved at the request of former Supervisor McGoldrick. Director Day explained that Jean would have to request a Director's Hearing and then if her issue was not resolved would have to come before the Abatement Appeals Board.

There was no further public comment.

**7. Review and approval of the minutes of the regular meeting of June 16, 2010.**

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

**RESOLUTION NO. BIC 042-10**

**8. a. Commissioner's Questions and Matters.**

Vice-President Hechanova asked about the progress of the Trans Bay Terminal. Director Day said that they broke ground last week and over the weekend the demolitions started on the bus ramps. Director Day said that DBI is currently checking the plans for the buttress and shoring and will be approving them for actual construction as soon as the ground clears.

- 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 meeting will be on the third Wednesday of September.

**9. Adjournment.**

*Commissioner Walker made a motion, seconded by Commissioner Clinch, that the meeting be adjourned. The motion carried unanimously.*

**RESOLUTION NO. BIC 043-10**

The meeting was adjourned at 10:25 a.m.

Respectfully submitted,

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**Ann Marie Aherne**  
**Commission Secretary**

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS		
Report on gray water systems. – Hechanova		Page 3
Agenda item to let the public know what the new rules are according to the new Code, especially for people who want to build green. – Walker		Page 4
Administrative Bulletin regarding addressing. – Walker, Day		Page 6
Administrative Bulletin on the way DBI processes policies and procedures, and how to process them more efficiently. – Day		Page 6
Update on 135 El Camino Del Mar at the next Abatement Appeals Board aring. – Day		Page 7