



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

REGULAR MEETING

Wednesday, June 16, 2010 at 9:45 a.m.

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

Aired Live on SFGTV Channel 78

ADOPTED August 18, 2010

MINUTES

The regular meeting of the Building Inspection Commission was called to order at 10:55 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, excused**

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**

Steve Panelli, **Chief Plumbing 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 said that he had no announcements and asked Secretary Aherne to read agenda item #3.

3. Discussion regarding Ordinance amending the Building Code to amend Section 106A.3.2.5 to extend to the entire Hunters Point Shipyard area special permit processing requirements that now apply at Hunters Point Shipyard Parcel A to address potential residual contamination.

Mr. Michael Cohen, Director of the Mayor's Office of Economic Workforce Redevelopment said that he wanted to clarify that the action before the BIC is a hearing only and that no formal action is required. Mr. Cohen stated that in keeping with the City's longstanding efforts to redevelop the Hunters Point Shipyard, back in 2004, Article 31 of the Health Code as adopted and it required that the Department of Public Health review and approve certain plans regarding construction on the shipyard to make sure that the construction activity was consistent with requirements that the EPA and DTSC put on developments on a brown field site like Hunters Point Shipyard. Mr. Cohen said that Article 31 was effectively an extra level of protection and a way for the City's Department of Public Health to get involved to make sure that everything was done according to the process. Mr. Cohen said that when Article 31 was first adopted in 2004, it only applied to what is known as Parcel A, which is the first 88 acres of the shipyard. Mr. Cohen stated that all of the infrastructure work has been completed there as it has been under development for a number of years. Mr. Cohen stated that more land will be transferring from the navy shortly and because the development plans for the rest of the shipyard are nearing completion, it is time to extend Article 31 to the rest of the shipyard. Mr. Cohen said that many City agencies have certified the EIR for this project and DBI's regulations simply need to reflect the expansion of these additional protections to the rest of the shipyard. Mr. Cohen stated that two citizens advisory groups had approved this expansion of Article 31. Mr. Cohen said that within the DBI process a flag would be raised if someone pulls a permit for the shipyard area.

President Murphy called for public comment.

Ahimsa Porter Sumchai, M.D. said that she was the Health & Science Editor of the *San Francisco Bayview Newspaper*, a former physician specialist for the Department of Public Health and the former head of the Agent Orange Registry. Dr. Sumchai stated that she wanted to speak very strongly in opposition to what appears to be a simple extension of Article 31 to the entire shipyard. Dr. Sumchai said that Article 31 was developed for Shipyard Parcel A and although this area had residual contamination, it was determined that it should be released for unrestricted use; the remainder of the shipyard is slated for a dirty transfer. Dr. Sumchai said that this document will not be applicable in areas of environmental characterization and said that the majority of the property that would be moved into ownership of the City is likely to be uncharacterized. Dr. Sumchai said that in the case of property determined for unrestricted use where there is less than 52 yards of disturbance this will not be applicable and said that the likelihood that the remainder of the shipyard will be cleared for unrestricted use is extremely low. Dr. Sumchai stated that Amy Brown, the Inspection Engineer for the Department of Public Health is in a developer funded position and issues of conflict of interest have gone before the California Board of Professional Engineers. Dr. Sumchai said that the BIC has a Commissioner that is running for Supervisor and said that a member of this Commissioner's campaign staff is either a paid lobbyist or an employee of Lennar developers. Dr. Sumchai said that if that is the case, this Commissioner needs to disclose this and refrain from any vote on the issue. Dr. Sumchai said that in 1946 there was weapons testing done at Hunters Point and 610,000 gallons of contaminated fuel oil was burned over the shipyard; this is a potential source of radiation. Dr. Sumchai stated that there are issues with regard to the landfill that she would like to go over at a later date.

Mr. Eric Brooks said that he was speaking on behalf of the San Francisco Green Party and the local grass roots organization, Our City. Mr. Brooks said that he wanted to reiterate what the last

speaker said and stated that it was outrageous for staff to come forward and call this a brown field site when it is not. Mr. Brooks said that three of the seven Planning Commissioners did not approve the EIR for this site because scores of groups and individuals made comments seriously criticizing the Environmental Impact Report (EIR) for complete inadequacy. Mr. Brooks said that the responses to those comments that staff gave did not satisfy any of those concerns. Mr. Brooks stated that an EPA scientist who goes around the country dealing with areas like this and helping communities defend themselves against this kind of railroading of projects going forward raised serious concerns about public safety and public health. Mr. Brooks said that year's long process public process on this project has been a "cherry-picked" public process as political appointees and politicians appoint advisory committees that rubberstamp things. Mr. Brooks stated that there were egregious health violations and the Air Quality Management District fined the current developer half a million dollars. Mr. Brooks said that he expected similar violations if this EIR is not corrected and made vastly different. Mr. Brooks stated that tone of the main problems with this site is that it is subject to liquefaction which is not being taken into account with regards to the massive level of toxic chemicals in the area. Mr. Brooks urged the Commission to communicate to the Board of Supervisors that this project should be held until an appeal goes forward and the results are determined. Mr. Brooks asked that the Commission hyper scrutinize any applications that come before the BIC because of these concerns.

Mr. Daniel Palay read a letter from the San Francisco Chamber of Commerce:

"Dear President Murphy:

The San Francisco Chamber of Commerce strongly supports the development of the Hunters Point Shipyard and Candlestick Point.

The proposed development of Candlestick Point-Hunters Point Shipyard will create new neighborhoods, improve degraded urban areas and implement a range of environmental protections and improvements. Please Support this effort so that this historic project can move forward.

The proposed development for southeast San Francisco will remove and rehabilitate existing structures and create a mixed-use community with a wide range of residential, retail, office, research and development, civic and community uses, and parks and recreational open space.

The 702 acre project area of underutilized land will revitalize the Bayview-Hunters Point community by providing increased business and employment opportunities; housing options at a range of affordability levels; improved public recreation and open space amenities; an integrated transportation, transit and infrastructure plan; and other economic public benefits, all of which would collectively have no net negative impact on the City's General Fund.

The project is the product of community and regional planning and will provide affordable housing, jobs, parks and open space, and recapture the waterfront on Candlestick Point. The transportation and sustainable development principles applied to this project are consistent with the programs and goals and objectives that we are seeking in new development in San Francisco. Please support today for this important project so it can finally move forward.

Sincerely,
Jim Lazarus
San Francisco Chamber of Commerce”

Mr. Jose Morales said that the Commissioners are supposed to be the most intelligent people here in the City, but said that time and again the Chamber of Commerce is in support of housing but not the housing that is needed for Seniors, the disabled, the low-income and children. Mr. Morales stated that when housing is built it has to be healthy and said that there is no compromise for that. Mr. Morales said that he is still waiting for justice and said that this project has to be stopped before it begins. Mr. Morales said that there is a new generation of baby boomers coming and housing must be provided for them and it should be that 75% of housing developments are affordable, not just the usual 10%. Mr. Morales stated that the City must protect and care for the most needy people, not just the rich.

Commissioner Lee said that he would be willing to put forth a motion to support this project. Secretary Aherne informed Commissioner Lee that no action could be taken as this item was on the agenda for discussion only. Deputy City Attorney John Malamut concurred.

4. Director’s Report
a. Update on DBI’s finances.

Deputy Director Pam Levin gave a short report on the Department’s budget process and said that the Department was expecting to be able to add more money into the fund balance. Ms. Levin stated that she has been working with the budget analyst from the Controller’s Office on the budget and said that it was proposed to cut \$3.5M from the Department’s budget; this would include positions that the Department had wanted to fill, six inspectors, one chief clerk, one senior systems analyst and three principal clerks. Ms. Levin said that it is recommended that the Department cut the position for a manager to supervise the Housing and Code Enforcement divisions and also temporary help for the inspectors and MIS. Ms. Levin said that the conversion project to convert 16 and 35 millimeter tapes that go back to the early 1900’s was being cut and said that this project would save the Department a great deal of time and would make DBI more effective in terms of providing reports. Ms. Levin stated that other projects are being stalled, but said that the Department provided substantial justification for all of the positions and projects and said that she hoped that during the process in the next few weeks that some of these items would be added back into the budget. Ms. Levin said that because many departments are now cutting staff, whereas DBI did this many months ago, it is difficult to get new positions. Ms. Levin said that she would keep the Commission informed.

b. Update on proposed legislation.

Director Vivian Day said that legislation for the Department’s \$52 monitoring fee is going forward and being presented to the Board of Supervisors. Director Day said that this fee would change the way that appeals will be heard in the Department and at the BIC as the appellants will have to pay a monitoring fee monthly instead of waiting two or three years at the end of the process. Director Day said that this is an incentive for people to cure problems rather than go to a Director’s hearing.

Director Day said that there will be fee adjustments that were proposed last year for inspectors working at Laguna Honda; that rate will be increased based on the increase in DBI's hourly rate. Director Day stated that in November along with the proposed Code Changes for 2011 the Department will be proposing some minor fee adjustments in some of the schedules that were apparently missed in the original legislation when the fee ordinance was done. Director Day said that DBI is not proposing an increase in hotel and apartment licenses for this year as that will be done with the fee study next year. Director Day asked for any questions. There were no comments.

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

Director Day stated that the Department has been attending several Emergency Management meetings to coordinate with other departments on exactly what would happen in the event of an emergency. Director Day said that DBI is applying for a grant to bring back an Emergency Coordinator to the Department as there is no formal person designated to that position. President Murphy asked if that was a paid position and Director Day said that there would be a grant for this position; it would not be funded by permit fees. Vice-President Hechanova asked where the grant would be coming from. Director Day said that it would be a Federal grant.

5. 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 was present to try to again display his concern about units 572 and 572A San Jose Avenue. Mr. Morales said that this is serious business and said that he is studying and investigating the situation in preparation for a public hearing. Mr. Morales stated that he lived at 572A for 39 years until a greedy landlord came and persecuted him all the time. Mr. Morales stated that he defended himself and went through five courts. Mr. Morales said that the landlord was going to do a demolition of the building, but instead said that he was going to build a brand new unit (574) on the top floor of the building. Mr. Morales said that this would make the building unaffordable as it would be a luxury building. Mr. Morales stated that he fought and fought, but eventually he could not prevail and was evicted by the Ellis Act. Mr. Morales said that this was illegal and said that after today he would be submitting in writing the details of his latest discoveries in this case. Mr. Morales said that he wanted the BIC to comply with the laws, especially the Building Codes and the Administrative Bulletin 035 issued in September 2002. Mr. Morales said that he was waiting for the BIC to give him his due hearing. President Murphy told Mr. Morales that the BIC does not have any jurisdiction over this matter.

6. Update on the Permit Tracking System process and timeline for contract award.

Director Day said that DBI would like to have the combined RFP out to the City oversight agencies by July 15th and reported that DBI is working with Planning and several City departments to have the bid ready by October and have implementation by January 1. President Murphy asked if DBI was carrying the ball on this project since DBI is paying for it. Director Day stated that DBI was spearheading the project.

7. Update on grey water installations.

Chief Plumbing Inspector Steve Panelli said that the State has made some changes in the definitions of simple, complex and washing machine grey water installations since the issue was before the BIC previously. Mr. Panelli said that the State is requiring approval for simple systems, which do not include the installation of washing machine systems with gravity feed to the outside. Mr. Panelli stated that there have not been very many installations since he last reported to the BIC; there were 12 to 14 requests, with six out of those actually being installed. Mr. Panelli said that those installations were done with plans and documentation and were done correctly.

President Murphy said that Vice-President Hechanova had requested this item. Vice-President Hechanova asked if the costs were making this detrimental for those that want to pursue a grey water installation and if those costs cannot be offset by the water savings. Mr. Panelli said that cost is one of the factors, but location is a concern as it is not as simple as most people think it is to install the systems. Mr. Panelli stated that one has to be careful that no water is going onto their neighbor's property. Vice-President Hechanova asked if there were any health issues association with the treatment of grey water for secondary use. Mr. Panelli said that there was no treatment for outside use if water is simply being pumped out to water plants, etc. Mr. Panelli said that there is only a problem with health issues if someone is on a hillside and water could possibly go into a neighbor's basement; this is why permitting is important so that the Department knows where the source of the water is coming from. Vice-President Hechanova asked if there are other jurisdictions that are dealing with grey water installations. Mr. Panelli said that there are many all over California. Vice-President Hechanova asked if there was any educational component of the grey water systems as far as educating the public. Mr. Panelli said that there were many associations providing education to the public and the where, how and when to install the systems, but the Department has only done education for its Inspectors. Vice-President Hechanova thanked Mr. Panelli for his presentation.

8. 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 Lee asked if the Commission could get a report at the next meeting on how the Department handles Notices of Violations and asked if there could be a flow chart that would help the Commission to understand the process. Director Day said that the Department could certainly do that.

There were no further comments.

9. Adjournment.

Vice-President Hechanova made a motion, seconded by Commissioner Lee, that the meeting

be adjourned. The motion carried unanimously.

RESOLUTION NO. BIC 030-10

The meeting was adjourned at 11:52 a.m.

Respectfully submitted,

Ann Marie Aherne
Commission Secretary

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS	
Report on how a flow chart would help the Commission understand the process of how the Department handles Notices of Violation (NOV).	Page 6