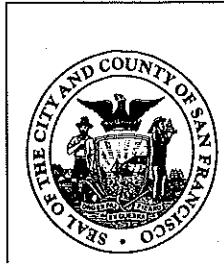


***BIC Regular Meeting
of
May 17, 2017***

Agenda Item 19



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

REGULAR MEETING

Wednesday, February 15, 2017 at 9:30 a.m.

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

Aired Live on SFGTV Channel 78

DRAFT MINUTES

The regular meeting of the Building Inspection Commission was called to order at 9:41 a.m. by President McCarthy.

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

COMMISSION MEMBERS PRESENT:

Angus McCarthy, **President**

Frank Lee, **Commissioner**

Kevin Clinch **Commissioner**

Debra Walker, **Commissioner**

John Konstin, **Commissioner**

Gail Gilman, **Commissioner**

James Warshell, **Commissioner**

Sonya Harris, **Secretary**

D.B.I. REPRESENTATIVES:

Tom Hui, **Director**

Ron Tom, **Assistant Director**

Edward Sweeney, **Deputy Director, Permit Services**

Dan Lowrey, **Deputy Director, Inspection Services**

Taras Madison, **Chief Financial Officer**

Rosemary Bosque, **Chief Housing Inspector**

William Strawn, **Legislative and Public Affairs Manager**

Lily Madjus, **Communications Director, Excused**

CITY ATTORNEY REPRESENTATIVE

John Malamut, **Deputy City Attorney**

Robb Kapla, **Deputy City Attorney**

2. President's Announcements

President McCarthy made the following announcements.

- Good Morning, Ladies and Gentlemen, and Welcome to the February meeting of the Building Inspection Commission.
- Warm Congratulations to Senior Building Inspector Bernie Curran, and to Building Inspectors Michael Chan, William Walsh and Sean Birmingham who responded to the terrible fire at 1199 Stockton Street in Chinatown, and provided extraordinary public service to the victims of this devastating fire. The Inspectors took additional time to provide safe escort services

after the fire to enable the residents to retrieve some of their personal belongings; and Senior Inspector Curran even donated a substantial sum from his own pocket to provide appropriate footwear to enable some of the residents to re-enter the fire and water-damaged building.

- All four Building Inspectors, as well as Director Hui, were singled out by Supervisor Aaron Peskin at the Board of Supervisors' meeting on February 8th – and presented Certificates of Commendation for their outstanding public service. The BIC happily joins the City's chorus to sing their well-deserved praises.
 - A big thanks goes to DBI staff who greeted people and answered questions about DBI's professional services during this past weekend's Annual Chinese New Year's Festival. Plan Reviewers Willie Yau, Jimmy Cheung and Joseph Chan, Building Inspector Jing Jing Lu, Housing Inspection Services' Marissa Lee Chan, Dennis Yee and Jennifer Cheung-Jew, Technical Services' Betty Lee and the Fire Department's Janice Cheung, were at the DBI Booth on both Saturday and Sunday – as was Director Hui. This is the Year of the Fire Rooster, and people born under this Chinese Zodiac sign are famous for being hard-working, observant and very talented – traits we certainly admire in all DBI staffers.
 - Thank you to Building Inspector Jeff Barnes who received a letter from a customer thanking him for his timely arrival at the job site, friendly attitude, and willingness to cooperate.
 - Housing Inspector Dennis Yee also received a thank you letter for helping a family to get heat in their building, which had been having problems over a year. They also said he was courteous, professional, and went above and beyond to help them.
 - Finally, Congratulations to Director Hui on DBI's ongoing expansion of its Seismic Safety Preparation Training academies. Last week Director Hui attended yet another graduation of 50 more seniors in the Western Addition. That brings the total number of graduates over the past two years to nearly 1,100 – and more coming later this month – where seniors, and youths, from Chinatown, the Western Addition, the Bayview, the Sunset and the Richmond are completing these 5-week training courses to ensure they know exactly what to do when the next Big Earthquake strikes San Francisco. This is important preparation work that everyone living in the City needs to do for themselves, and their families. Special thanks to our nonprofit vendors, CYA and Self-Help for the Elderly, and to DBI's Lily Madjus who works closely with the vendors to implement this important program.
 - Just a reminder to all managers, supervisors and staff to send nominations for this year's Quarter One DBI Employee of the Quarter to William Strawn to enable DBI to continue its recognition program of staff who are meeting and exceeding performance expectations. We are accepting nominations now and will announce our Quarter One winner at the April BIC meeting.
3. General Public Comment: The BIC will take public comment on matters within the Commission's jurisdiction that are not part of this agenda.

Secretary Harris called for public comment. There was none.

4. Election of BIC President and Vice-President.

Commissioner Lee made a motion, seconded by Commissioner Gilman, to nominate Commissioner McCarthy as President and Commissioner Walker as Vice-President.

Secretary Harris called for public comment. There was none.

Secretary Harris called for a roll call vote:

President McCarthy	YES	Vice-President Walker	YES
Commissioner Clinch	YES	Commissioner Gilman	YES
Commissioner Lee	YES	Commissioner Warshell	YES
Commissioner Konstin	YES		

The motion carried unanimously.

RESOLUTION NO. BIC 004-17

5. 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.

Commissioners did not have any inquiries.

- 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 Regular meeting would be held on March 15, 2017.

Ms. Harris called for public comment and there was none.

6. Discussion on Accela Permit and Project Tracking System.

Mr. Henry Bartley of the Department of Technology gave an update on the Accela Permit and Project Tracking System, and discussed the following points:

- Activities Completed this period
 1. Major deliverables for the re-engagement preparation have been completed:
 - Shared Organizational Change Management plan and Project Objectives with the Core Team & Steering Committee.
 - Accela completed a detailed Fit-Gap Analysis of DBI’s 2,077 requirements. Fit-Gap Analysis shared with the Core Team and Steering Committee.
 - Proof of Concept findings documented and shared.

2. We have conducted multiple Statement of Work review sessions in the past 4 weeks – the final major activity prior to submitting the contract for CCSF review and approval
- Activities In Progress
 1. Gartner and Accela are editing the final SOW draft to incorporate the feedback from the joint review sessions
 - Activities Beginning in the Next 30 Days
 1. Review final SOW draft and contract with stakeholders
 - Risks
 - Schedule: SOW negotiations are ongoing
 - Deliverables: No Issues
 - Resource Access: No issues
 - Key Upcoming DBI Activities
 - Prepared contract amendment for project re-launch

Secretary Harris called for public comment, and there was none.

7. Discussion and possible action regarding a proposed ordinance (Board of Supervisors File #161353) replacing a provision of the Planning Code with a new provision of the Administrative Code requiring all City buildings that are accessible to the public to install and maintain at least one baby diaper-changing accommodation that is accessible to women and one that is accessible to men, or a single diaper-changing accommodation that is accessible to all genders; amending the Police Code to require businesses that make a baby diaper-changing accommodation available in a restroom accessible to women to also install and maintain a baby diaper-changing accommodation in a restroom accessible to men or accessible to all genders; and amending the Building Code to require that new public-serving establishments, and substantially renovated public-serving establishments, install baby diaper-changing accommodations, in addition to other requirements.

Ms. Dyanna Quizon of Supervisor Katy Tang’s office presented File #161353 and discussed the following items.

Suggested by the Code Advisory Committee:

1. Change all language regarding restrooms from “accessible to” to “available for use by”.
2. Widened the scope of “Public Service Establishments” that the ordinance will apply to for new or substantially-renovated buildings and exempted facilities where entry by minors is prohibited by law.
3. Cite that the signage to be posted must be in compliance with Section 11B-216.2 of the Building Code.
4. Ensure there is clear language that the installation of an accommodation shall comply with City, State, and Federal laws relating to access to persons with disabilities.

Additional Amendments:

1. Extended compliance timeframe from 6 months to 12 months.
2. Included that the requirements of the ordinance will not violate or impair an existing contract or lease.
3. Clarified the waiver procedure for City public buildings.
4. State “all” genders instead of “both”.
5. Clarified the definition of “Baby Diaper-Changing Accommodation”
6. Amended the definition of “Substantially Renovated” to mean construction of \$50,000 or more *for renovation of one or more toilet rooms.*
7. Include that the ordinance does not require a reduction in the number of toilet facilities required by Title 24 of the California Code of Regulations.

Commissioner Walker made a motion, seconded by Commissioner Lee, to approve File# 161353 a proposed ordinance replacing a provision of the Planning Code with a new provision of the Administrative Code requiring all City buildings that are accessible to the public to install and maintain at least one baby diaper-changing accommodation that is accessible to women and one that is accessible to men, or a single diaper-changing accommodation that is accessible to all genders.

Secretary Harris called for a roll call vote.

President McCarthy	YES	Vice-President Walker	YES
Commissioner Clinch	YES	Commissioner Gilman	YES
Commissioner Lee	YES	Commissioner Warshell	YES
Commissioner Konstin	YES		

The motion carried unanimously.

RESOLUTION NO. BIC 005-17

8. Discussion regarding an Ordinance amending Administrative Code, Chapter 41, to update the Hotel Conversion Ordinance, including: adding or refining definitions of tourist and transit use; comparable unit, conversion, and low-income household; revising procedures for permits to convert residential units; harmonizing fees and penalty provisions with the Building Code; eliminating seasonal short-term rentals for residential hotels that have violated provisions of the Hotel Conversion Ordinance in the previous year; authorizing the Department of Building Inspection to issue administrative subpoenas; adding an operative date; and affirming the Planning Department's determination under the California Environmental Quality Act.

Chief Housing Inspector Rosemary Bosque presented the following points:

- This ordinance was adopted in 1981, and has not had any updates in respect to the reporting, recordkeeping, code enforcement and permits to the units.
- This legislation wanted to achieve pertinent definition for conversions and a requirement for profit hotels.
- Residential hotels aside from the high season in May to September, and renting on a weekly basis to tourist there would be a mechanism to that.
- If hotel owners kept records during temporary occupancy, room rentals for

residential use, and no illegal construction, then the changes in this legislation will not be a problem.

- If illegal conversion or violations occur and appropriate records are not kept, a problem will arise with this amendment.

9. Update on the annual cost of construction increase applied to the Department of Building Inspection's Cost Schedule.

Kirk Means of the Technical Services Division said, Building Code section 1078.2 required the Department to update the cost schedule to reflect current pricing for the year. It would be used to amend evaluation for disabled access.

President McCarthy said there was no handout on the Cost Schedule with a request of the fee increase between 3-4%. He asked if the numbers came from another source, as last time.

Mr. Means said yes.

President McCarthy requested a presentation on the fees at the next meeting, and questioned how they would get the data.

Director Hui said the Department could have this presentation at the next meeting.

10. Discussion and possible action regarding a proposed update to Administrative Bulletin AB-093 Implementation of Green Building Regulations to reflect the requirements of the 2016 San Francisco Green Building Code.

Mr. Barry Hooper with Department of Environment made the following comment:

DOE continued to collaborate with DBI with the city's green building regulations. Regulations for implementing Green Building Code needed updates coincided with the Code Circle and the document presented today. Procedures are in place for many years, the biggest changes are minor updates to reflect the 2016 Codes, and renaming the submittal forms with the Term GS and a number of systems starting with one. Our Energy Code Compliance adjustment was not necessary in this code cycle but hold it as a place holder so the applicants can understand it is no longer applicable.

Kirk Means, Secretary of Code Advisory Committee stated the following:

The CAC deliberated on a proposed update to existing AB-093 Implementation of Green Building Regulations to reflect the current State and local code requirements. CAC forwarded a unanimous recommendation for support of the revised Administrative Bulletin to the Building Inspection Commission for consideration.

Commissioner Gilman motioned to approve on a proposed update to existing AB-093 to reflect the current State and local code requirements. Commissioner Lee seconded it.

Secretary Harris called for a roll call vote:

President McCarthy	YES	Vice-President Walker	YES
Commissioner Clinch	YES	Commissioner Gilman	YES
Commissioner Lee	YES	Commissioner Warshell	YES
Commissioner Konstin	YES		

The motion carried unanimously.

RESOLUTION NO. BIC 006-17

11. Discussion and possible action regarding a proposed ordinance amending the Building Code to establish a process for the Building Inspection Commission’s review of legislation proposed by the Board of Supervisors, in addition to other requirements.

Kirk Means of the Technical Services Division discussed the BIC’s review of legislation proposed by the Board of Supervisors and presented the following items:

- Code Advisory Committee (CAC) has a lot of review time, months ahead of time.
- Legislation from the Board of Supervisors (BOS) is emailed to DBI 30 days before Land Use.
- Referred to CAC to review, then to the BIC for recommendation.
- If referred to DBI, 30 day review, goes to CAC Sub-Committee, then to the full CAC, then to the BIC, then to the BOS.
- Suggestion to offer the BIC more time to review pieces of legislation that comes before them.
- Legislation has to be heard by BIC, but if no decision in 30 days it can still be heard by the BOS.
- DBI wants the BIC to have the ability to request additional time to review legislation.
- This would amend the Building Code, Section 104A.2.11 for Board issued legislation.
- Process the same as Planning Code process, so staff thought the process should be spelled out in the Building Code.
- Mr. Means discussed specific changes that would come about if the ordinance is passed. He mentioned it would affect the Building & Green Building Codes, 90-day period of approval or disapproval. If no action was taken it would be considered disapproval, incentive to get BIC approval.
- If BOS makes substantial changes to the legislation, then it could come back to the BIC for review.

Commissioner’s & Staff Question & Answer Discussion:

- Commissioner Clinch said the front page said “Okay by BIC” and he was uneasy with this. He asked if it would be an additional 90 days or coincide with the other process? Mr. Means said he thought it referred to the total time, and extended it to 90 days.
- Deputy City Attorney John Malamut clarified that two different time clocks would be running, and he explained the following points:
 - BOS rules say legislation involving major policy decision, the Board puts 30-day hold on the legislation. 30-day hold does not happen all the time.

- Legislation proposes to set up an explicit process when the time clock, independent of the 30 days, allows BIC time to review.
- Nothing existed before, but now DBI is attempting to do so for the BIC and follow the Planning Code Process. This would put the process in the Building Code.
- Time frame would be 90 days from when the Clerk of the Board transmits the legislation to DBI.
- Commissioner Walker said regardless of what action the BIC takes it is evidentiary, but it does not stop the process?
- Mr. Malamut said the Charter Rules for the BIC say that the BIC has to hold a hearing, but no rules regarding what happens if the BIC approves/disapproves.
 - Planning Dept. has a little different process.
 - BOS can overrule the BIC or Planning Commission by a majority vote.
 - If the BIC does not vote or no action is taken within 90 days then the legislation would be considered as disapproved.
- Commissioner Lee said this legislation is asking the BOS to wait for a response from the BIC.
- Mr. Malamut said if it is deemed as disapproved the BIC still needs to hold a hearing. He will meet with the Attorney that drafted the legislation. Legislation is usually voted on by the BIC and later changed by the BOS, but this states that it would come back to the BIC for review after the changes. This should not affect the 3-year Code cycle change. This is specifically talking about BOS legislation.
- Commissioner Gilman said that the CAC are all volunteers and spend a lot of time on reviewing legislation. One way to frame it is to say it gives relief to the CAC, and gives the BIC time to be thoughtful. Should have Bill and Lily to do outreach to the BOS.
- Commissioner Walker said they need to spell out a line of communication, instead of just mailing it to the BIC.
- Mr. Malamut said perhaps a section could be added to the legislation, which says the BIC heard the legislation on this date and took this action. Inclusion with the CAC reviewed the legislation on this date and took its action on this date. This would help the BOS understand more clearly.

Commissioner Clinch made a motion to approve the Proposed Ordinance regarding a Process for Building Inspection Commission Review of Proposed legislation, seconded by Commissioner Gilman.

Secretary Harris called for a roll call vote:

President McCarthy	YES	Vice-President Walker	YES
Commissioner Clinch	YES	Commissioner Gilman	YES
Commissioner Lee	YES	Commissioner Warshell	YES
Commissioner Konstin	YES		

The motion carried unanimously.

RESOLUTION NO. BIC 007-17

12. Discussion and possible action regarding a possible San Francisco Building Code amendment to the 2016 California Plumbing Code deleting Section 911 Circuit Venting.

Steve Panelli, Chief Plumbing Inspector, presented the following points:

Circuit venting is a venting system for a combination of waste/venting, it is in Appendix L of the Plumbing Code body since codes were created. This year it got moved into the Plumbing Code and staff would like for it to be “Stricken out”/deleted, and keep it as needed but not in the body.

The CAC forwarded a unanimous recommendation for approval of this proposal as written and attached subject to addition of proper findings as required by the Health and Safety Code, to the Building Inspection Commission for their further action. Attachment for Proposed SFPC code change Section 911 presented.

Vice President Walker made a motion to approve the San Francisco Building Code amendment to the 2016 California Plumbing Code deleting Section 911 Circuit Venting, seconded by Commissioner Warshell.

Secretary Harris called for a roll call vote:

President McCarthy	YES	Vice-President Walker	YES
Commissioner Clinch	YES	Commissioner Gilman	YES
Commissioner Lee	YES	Commissioner Warshell	YES
Commissioner Konstin	YES		

The motion carried unanimously.

RESOLUTION NO. BIC 008-17

13. Discussion and possible action regarding a possible deletion of an existing San Francisco Building Code amendment to the 2016 California Electrical Code Section 411.5 that inadvertently revised the section title from Specific Location Requirements to Locations not permitted.

Kirk Means of the Technical Services Division presented this item and addressed the following points:

- No unintended consequences foreseen
- It is an Administrative Code in nature
- To correct section title
- Code Advisory Committee voted to support subcommittee recommendation to correct

Secretary Harris asked if there was any public comment, and there was none.

Commissioner Lee made a motion to approve the deletion of an existing San Francisco Building Code amendment to the 2016 California Electrical Code Section 411.5, seconded by Vice President Walker.

Secretary Harris called for a roll call vote:

President McCarthy	YES	Vice-President Walker	YES
Commissioner Clinch	YES	Commissioner Gilman	YES
Commissioner Lee	YES	Commissioner Warshell	YES
Commissioner Konstin	YES		

The motion carried unanimously.

RESOLUTION NO. BIC 009-17

14. Discussion and possible action on the proposed budget of the Department of Building Inspection for fiscal years 2017/2018 and 2018/2019.

Taras Madison, Deputy Director of Administration & Finance, made the following points:

- The Department has developed a proposal to increase the Code Enforcement Outreach Program (CEOP) and Single Room Occupancy (SRO) Collaborative.
- Rosemary Bosque, Chief Housing Inspector, is the program manager for both CEOP and SRO Collaborative. With her staff, they looked and found areas where funds were able to shift and extend. See attachment A.
- Attachment B includes the increased funding and is the Department’s final recommended budget.
- \$500,000.00 to be distributed with \$300,000.00 awarded to CEOP vendors, and \$200,000.00 to Collaborative Vendors. Individual awards would be determined per vendor interviews, and CCSF protocols.

Secretary Harris asked if there was any public comment, and there was none.

Commissioner Gilman made a motion to approve the increased budget of the Code Enforcement Outreach Program and SRO Collaborative in the Department of Building Inspection for fiscal years 2017/2018 and 2018/2019, seconded by Vice President Walker.

Secretary Harris called for a roll call vote:

President McCarthy	YES	Vice-President Walker	YES
Commissioner Clinch	YES	Commissioner Gilman	YES
Commissioner Lee	YES	Commissioner Warshell	YES
Commissioner Konstin	YES		

The motion carried unanimously.

RESOLUTION NO. BIC 010-17

15. Director’s Report.

- a. Update on DBI’s finances.

Ms. Taras Madison, Deputy Director of Finance, gave the following Financial Report YTD January 2017:

- Revenues are better than projected with a surplus of \$7.4M, but lower than last year because 2015/16 was a banner year. We are projected to collect more revenues than expenditures.
- Expenditures continued to exceed, increased to \$1M more primarily due to hiring.

President McCarthy asked Ms. Madison if Building coordinated the volume of business with Planning to make these equations?

Ms. Madison said Director Hui talked to the Planning Department, and paid filing fees are projected easily but Issuance fees vary depending on when the customer needs to return. DBI used a trend of what they saw at present.

- b. Update on proposed or recently enacted State or local legislation.

Mr. Bill Strawn, Legislative and Public Affairs Manager, gave an update on proposed or recently enacted State or local legislation and discussed the following items:

- **File No. 161353** – Supervisor Tang's ordinance replacing a provision of the Planning Code with a new provision of the Administrative Code requiring all City buildings that are accessible to the public to install and maintain at least one baby diaper-changing accommodation that is accessible to women and one that is accessible to men, or a single diaper-changing accommodation that is accessible to all genders.
- **File No. 170031**- Supervisor Peskin's proposed amendments of the Administrative Code to increase the number of permanent records DBI currently retains.
- **File No. 170125** -Supervisor Peskin's proposed Planning Code amendments to bring conformity with newly enacted State law mandates, including more flexibility for buildings undergoing either mandatory or voluntary seismic retrofitting.
- **File No. 170138** – Supervisor Tang's ordinance to implement the Small Business Acceleration Program, essentially making restaurant permits easier to obtain.

- c. Update on major projects.

Director Tom Hui gave an update on major projects, and stated that there was a decrease of 3.11% in major projects.

- d. Update on Code Enforcement.

Dan Lowrey, Deputy Director of Inspection Services, gave an update on code enforcement and presented the following statistics.

Deputy Director Lowrey presented the following Building Inspection Division Performance Measures for January 1, 2017 to January 31, 2017.

Deputy Director Lowrey presented the following Housing Inspection Services Performance Measures for January 1, 2017 to January 31, 2017:

Deputy Director Lowrey presented the following Code Enforcement Services Performance Measures for January 1, 2017 to January 31, 2017:

Secretary Harris called for public comment, and there was none.

16. Review and approval of the minutes of the Regular Meeting of August 17, 2016.

Vice President Walker made a motion, seconded by Commissioner Lee, to approve the August 17, 2016 minutes.

The motion carried unanimously.

RESOLUTION NO. BIC 011-17

17. Review and approval of the minutes of the Regular Meeting of September 21, 2016.

Vice President Walker made a motion, seconded by Commissioner Gilman, to approve the September 21, 2016 minutes.

The motion carried unanimously.

RESOLUTION NO. BIC 012-17

18. Adjournment.

Commissioner Gilman made a motion, seconded by Commissioner Walker, to adjourn the meeting. The motion carried unanimously.

RESOLUTION NO. BIC 013-17

The meeting was adjourned at 11:28 a.m.

Respectfully submitted,



Annie Chow, Assistant BIC Secretary



Sonya Harris, BIC Secretary

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS	
Requested the final version of the Ordinance amending Administrative Code, Chapter 41. - Walker	Page 5
Requested a document or presentation on the requested fee increase of that would raise fees 3-4 %. – McCarthy	Page 6