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

REGULAR MEETING
Wednesday, March 15, 2017 at 9:30 a.m.
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416
Aired Live on SFGTV Channel 78
ADOPTED June 21, 2017

MINUTES

The regular meeting of the Building Inspection Commission was called to order at 10:17 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**
Kevin Clinch, **Commissioner, Excused**
John Konstin, **Commissioner**
James Warshell, **Commissioner**
Debra Walker, **Vice-President, Excused**
Gail Gilman, **Commissioner, Excused**
Frank Lee, **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**
Annie Chow, **Assistant Secretary**

CITY ATTORNEY REPRESENTATIVE

John Malamut, **Deputy City Attorney**

2. President's Announcements.

President McCarthy wished everyone a Happy St. Patrick's Day, and made the following announcements:

- Good Morning, Ladies and Gentlemen, and Welcome to the March meeting of the Building Inspection Commission.

- Special Congratulations to Building Inspector Yuang-Tam Chiu, who retired last week after a nearly 30-year public service career with DBI and DPW. Tam was appropriately honored with Proclamations of Appreciation, as well as a dinner in his honor held by his Building Inspector colleagues – Well deserved salutes to one of DBI's finest.

- Special Thanks to Director Hui on DBI's ongoing expansion of its Seismic Safety Preparation Training academies. On February 9 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 more than 1,200. Yet another class graduated on February 24, when 65 Seniors received graduation certificates and Emergency Survival Bags from the Director at the South Sunset Senior Center. This important program focuses on seniors, and youths, from Chinatown, the Western Addition, the Bayview, the Sunset and the Richmond who complete 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.

- Thanks to Housing Inspector Timothy Wu who received a letter of appreciation for helping tenants at Candlestick Heights to get hot water running in their homes again. The tenants appreciated that they called with the complaint, and Inspector Wu responded and came out less than 2 hours after the call.

- 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.

- 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.

Ms. Wilma Parker said that she was an artist who graduated from the Institute of Chicago, and Rhode Island School of Design. She posed the question of how to accommodate artist housing? It is kind of misleading because they are not PDR and it is the same problem in S.F., which most of their buildings died when the Industrial Revolution fell apart. The situation in S.F. is it is hard to find any kind of artist housing, because what comes to mind is the great tragedy of the Ghost Ship.

This was a tragedy that never needed to happen and people have known for a long time how those artists lived, and to her the greatest tragedy ever is, "Rich artistic community". – "Starving artist community" is more like it. The day of the Ghost Ship fire people were talking about getting together and partying with this rich artistic community, but the fact that maybe 10 or 12 artists burned themselves to death by running extension cords and having no staircase, and then they invited their friends in the general public to come join this party, that is when the real art cry happened. If it had not been for the sons and daughters of the general public also being burned alive, she does not think artists would have gotten very much attention. There are plenty of buildings in SF like the Ghost Ship. She made a reference to the shipping industry in Oakland being destroyed. These type of buildings are all over, but when it comes to artists the real joke is "artistic" vs. "autistic". Buildings are usually owned by the widows of the original owners who are elderly, and have no idea what is going on in the buildings. They turn them over to predatory building managers who expect artists who do not have very much money to improve the buildings, but it is impossible. There is so much building going on in the City that homeless housing is easy to imagine with a little bed, a bathroom, a closet yet artistic housing for cultural workers is much harder. Everyone has to do better because a City without a cultural life and the ability to house these artists is like a body without a head – It is not going to last long.

Mr. John Lofton said that he represented Tim Schick, one of the condo owners of 3878 Noriega Street. He mentioned illegal sheds that were placed on the property by Hillary Cherness, the owner of the Devil's Teeth Bakery. This matter that has gone on for nearly four years now, and the garbage sheds were erected behind the building and they are a nuisance – They are dirty, smelly, and attract raccoons and other vermin. The sheds are in violation of the easement and the Department has inspected and issued a Notice of Violation in 2015. The case went through the Abatement Appeals Board process, and the NOV was upheld in November 2015. The condo owners then tried to meet with the bakery to work things out, but nothing happened. There was a request for Rehearing and that was denied in March 2016. It has been nearly a year now and the garbage sheds are still there. They are asking the Commission and the Department to take action and have the sheds removed. There has obviously been a lot invested in this dispute over the years between the Department's Inspectors, the Commissioners, the Condo owners, and the Bakery owner so they would like to see this brought to a conclusion and send a message to the public that the Commission will enforce its Notices of Violation.

7. Discussion on Accela permit and project tracking system.

Mr. Shawn Bulen, Project Manager on the PPTS Project, discussed the following items:

- Activities Completed this Period
  - We have come to agreement on the Statement of Work.
  - The Statement of Work was shared internally with DBI, and the PPTS Steering Committee provided approval to proceed on 3/10/17.
- Activities In Progress
  - Continue pursuing contract mechanisms to determine earliest possible start date.
- Activities Beginning in the Next 30 Days
  - N/A
- Risks
  - Schedule: Contract Start Date based on purchasing processes.
  - Deliverables: No Issues

- Resource Access: No Issues

- DBI Action Needed to Address Risks
  - None

- Key Upcoming DBI Activities
  - Prepare contract amendment or project re-launch

Secretary Harris called for public comment and there was none.

8. Discussion regarding the Department of Building Inspection's (DBI) procedures, plan review, and policies for tall buildings and performance based applications under Administrative Bulletins 082 and 083.

President McCarthy made the following comments:

"Thank you, Director Hui, and to your staff for joining us this morning. We are pleased to have received your report, "The Department of Building Inspection's Tall Building Review Process," in response to the questions the Commission outlined in our letter dated December 6, 2016.

This report provides a comprehensive look at the complex process that goes into the plan development and review, construction, and inspection for tall buildings, and it demonstrates the many experts – both within DBI, but particularly in reference to the design and engineering professionals and special inspectors, all hired by the project sponsor – required to ensure that tall buildings are constructed to meet the minimum building code standards and are safe for occupancy.

The Commission is appreciative of the work that went into preparing this report and looks forward to continuing to work with DBI to help inform the public around these important safety regulations. I would like to note that today's discussion is intended to review tall buildings generally and that we will not be discussing any one building in particular."

Director Tom Hui made the following comments:

"Thank you President McCarthy for the opportunity to speak this morning and to discuss DBI's regulatory practices and procedures as they relate to tall buildings.

Tall buildings, defined in the San Francisco Building Code since 2008 as being 240 feet or taller, remain extremely rare within the City. Of the more than 200,000 buildings in San Francisco, less than 1 percent represent tall buildings.

However, as the availability of construction materials and capabilities of structural designs continue to advance—a trend that began in the early 2000s—DBI is receiving more proposals for new tall buildings. Consequently, the department has taken positive action to review and improve its regulatory policies and requirements monitoring these complex structures.

In March 2008, Administrative Bulletins 082 and 083 were adopted into the San Francisco

Building Code, making DBI one of the first building departments to codify a definition for tall buildings and set peer review protocols.

Following the publication of Administrative Bulletins 082 and 083, DBI was saluted by the University of California at Berkeley's prestigious Pacific Earthquake Engineering Research (PEER) center in August 2008 for its foresight and leadership in developing these policies. The Administrative Bulletins have been recently amended by DBI, and the department is continuing to review these policies. I have also written and received confirmation from the president of the Structural Engineers Association of Northern California that the organization has accepted my request to review Administrative Bulletins 082 and 083 and is setting a meeting schedule for that purpose."

Assistant Director Ron Tom gave a presentation regarding "The Department of Building Inspection's Tall Building Review Process", and discussed the following points:

- December 6 BIC Letter
- San Francisco Building Code
- Two Types of Structural Designs
- Code-Prescriptive Structural Design
- Performance-Based Structural Design
- Comparison of Structural Designs
- Tall Buildings in San Francisco
- A Collaborative Approach
- With Distinct Roles & Responsibilities
- From Design to Construction
- Peer Review in San Francisco and Other Cities
- Peer Review Process
- Permitting, Inspection, & Occupancy
- Code Required: Special Inspection
- Special Inspection Letter
- Structural Observation Letter
- Outside SFBC: Dewatering
- Record Retention Policy
- Thank You

Commissioner's & Staff Question & Answer Discussion:

There was extensive discussion between Commissioner's and staff and following are some of the comments and questions.

- Commissioner Lee asked what is the role and relationship of Special Inspections between the Project Engineer and the Department of Building Inspection? How would one find out if there are problems?
- Mr. Tom said that it is a collaborative effort. Communication happens, and if there is a problem that is cited by Special Inspections then a report goes to the contractor and Inspector of record. For example, if the contractor missed rebar or the cable was not the correct height DBI goes out periodically and Special Inspections tells the DBI Inspector of

any issues. DBI Inspector could write a Correction Notice or issue a Notice of Violation (NOV) or stop the job if needed.

- Commissioner Lee asked what happens if for example, the foundation is 6 inches over the line but nobody reports it to DBI? If the building was already 10 stories in the air, how does DBI fix it?
- Mr. Tom said the answer depends on the stage that it is brought to DBI's attention. If it encroached on the public way, then the job would be stopped. He does not think this would happen before the super-structure is built. The "game changer" would be in terms of construction sequence, since it could compound the problem if it goes on.
- Director Hui said he had 11 years of outside experience designing small buildings, and as an engineer when he did a project then he insured that project. A surveyor would give information regarding going over the public right of way. The architect or engineer would not take this lightly if it encroached into the public way. There are checks and balances and DBI Inspectors work collaboratively with the project engineer and others.
- Commissioner Lee asked if Los Angeles requires dewatering? Mr. Tom said no, dewatering is the responsibility of the construction team and the owner of the building.
- Commissioner Warshell said that he was a layman regarding construction, and he respected the comment that this report was not on a particular building. DBI does not randomly inspect without cause: Building may get to completion and is structurally sound and gets issued a Certificate of Final Completion (CFC). If elements of a building are not performing as expected, when this occurs DBI is in the mode of being complaint driven if citizens call in complaint. Should there be a trigger for follow-up/perpetual monitoring?
- Mr. Tom said certain processes are in place subsequent to the issuance of the CFC. DBI's current policy is complaint driven. DBI does not do regular inspections of buildings. The Housing Inspection Services group inspects buildings every 5 years. Fire Department also inspects annually to make sure safety systems are in order. Structural changes are static/incremental, so changes do not happen often. There are over 200K buildings in S.F. Complaints are responded to immediately. This is current protocol, and DBI would have to vet a whole new process to change it.
- Mr. Tom said that the owner and team of design professionals have a legal obligation to make sure buildings are safe. If problems arise years later, then there may be litigation.
- President McCarthy said that he is the Commissioner in the Builders seat, so he wanted the general public to see that policies have been put in place. He proceeded to go over various points in the Power Point presentation, and asked questions about the slides and received confirmation from Mr. Tom that the statements he made were correct. Some of the items President McCarthy discussed were:
    - Role of the design professional, specifically Geotechnical Engineer.
    - Special Inspections process, including piles, concrete columns, steel frame buildings, etc.
    - CFC is the most important document.
    - PEER Review process and panel roles. Currently there is a third party PEER Review panel, and DBI relies on their expertise.
    - Clarified the definition of life safety systems.
    - Made several references comparing Los Angeles with San Francisco, and explained there are similar processes.
    - Administrative Bulletins (ABs) are actual Code Amendments, and go through the vetting process through the Code Advisory Committee, the Building Inspection

Commission, and the Board of Supervisors.

- Assistant Director Tom said that the new change in the process is that DBI has to do the PEER Review panel, and there has been a change in the Record Retention policy so that DBI will now keep all letters from the PEER Review. Also, mentioned the digitizing of records.
- Director Hui said that the owner needs to pay for the PEER Review process, but DBI will be appointing the experts.
- President McCarthy said that he would like a comprehensive report on all of the future changes.

- President McCarthy said that he wanted Inspector's training to have them on top of the "cutting edge". Director Hui responded that training is a top priority for him and the staff, so annually Inspectors and Plan Checkers go to California Building Official (CALBO) training, which makes sure that the staff are technically up to date.
- Commissioner Warshell mentioned that he did not see information of whether or not the area near the Trans Bay hub was re-zoned or not. Mr. Tom said the Planning Department does the overview of major planning, and they see the "big picture".
- Mr. Tom mentioned giving the BIC a quarterly report regarding tall buildings and any changes that have occurred. President McCarthy said the next report should be in June.
- Deputy City Attorney John Malamut clarified a point regarding the Administrative Bulletins (ABs). They are regulations that DBI puts together and are reviewed by the CAC and BIC, but they do not go to the BOS yet they are published with the S.F. Building Code.

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

10. Discussion and possible action regarding a proposed ordinance to require the installation of Electric Vehicle Charging Station infrastructure in San Francisco.

Mr. Kirk Means of DBI's Technical Services Division said that the Code Advisory Committee approved the Electric Vehicle Charging legislation.

Mr. Barry Hooper of the Department of the Environment said that he was part of an Inter-agency staff working group, which included the Planning Department, Building Inspection Department, Department of Environment, and other sub-divisions. This item went to the CAC several times and was heard before stakeholders and special vendors. Mr. Hooper gave a presentation regarding the Electric Vehicle Charging stations.

Commissioner's & Staff Question & Answer Discussion:

- Commissioner Warshell asked if users would be charged? Mr. Hooper said that all decisions are regulated by the owner, and the ordinance does not regulate cost. A third party owns the charger and an electric vehicle owner has a contract for paying already.
- Commissioner Lee mentioned the supply side of electricity and "putting the guts" in the building. A brand new building is easier, but how will existing buildings be handled? Mr. Hooper said the ordinance has 2 parts: 1. If there is an upgrade to the electrical service, then the ordinance applies fully. 2. If owner is not doing a major electrical panel upgrade, then the ordinance does not require the maximum, but only whatever the load can handle.
- Mr. Hooper said there is a cap of $400 per parking space, and PG&E indicated they are

accommodating for the service.

- Commissioner Warshell mentioned support and subsidy. Federal subsidy has been challenged, so has there been a group evaluation input of the Federal policy changes? Mr. Hooper said that it was fairly speculative at this point, but there was a growing array of sub-compact vehicles. For example, Tessla is bringing the Model-S that is competitive price-wise. S.F. and L.A. have the Model-S.

Secretary Harris called for public comment.

Mr. Joel Koppel said that he is the Director of Sustainable Energy Solutions and is also a Planning Commissioner. Mr. Koppel said that he was wearing his "day job hat". There was a press event at Rockwell on Pine Street and they have multiple electric vehicle charging stations. Some parking spaces were purchased by people with gas cars. Spaces that are EV ready are in high demand, since people are thinking ahead of where things are going. It could take electricians like him longer to install, using PVC after the slab is poured use metallic and cost more. Mentioned fastening going up and down ladder, and said it would be installed over time. Better to install EV stations now, than having to do it later. Mr. Koppel and his group support the language of the ordinance.

Mr. Mike Makone said that he is the developer of Rockwell and spoke on behalf of the development community. He supported the ordinance, and said they were lucky to develop a luxury product which was well received. He worked with the Department of the Environment staff, and was concerned about the broad reach. Difference to upgrade in the future, but he was sensitive to increased cost to people so he tried to work with departments to right size it. There are 4 remaining stalls, 27 have been sold, and 6 are in use. Represents 3% used. Important to build for the future. There is a demand and EV spaces will get sold and used.

Mr. Jason Freed said that he served on the HOA Board. Nothing done to serve EV. Building pre-built and pre-done. Would have been simpler if the developer put it in the building initially. He encouraged the BIC to approve this ordinance. People have issues of how to charge their electric vehicles. This would help future homeowners in the City.

Mr. Alex said that sustainability issues need to be worked on. He purposed looking at appropriate scale for emerging technology. Maybe inability to have EV spaces available. People should think about a scale in order to get highest utilization.

Commissioner's & Staff Question & Answer Discussion:

President McCarthy made the following comments:

- 12 years ago he put solar panels in his home along with a car charger space.
- The legislation in front of the BIC has to happen, but he questioned what the unintended consequences are?
- What are the costs for the small builders?
- Would there be a different set of plans?
- Most small developers want to do this service.
- The challenge is if load limit is exceeded. PG&E (Fast chargers) may make someone go over the limit.
- $150K is the cost to install an EV charging unit.

- Would be good to sit down with smaller builders to discuss this issue.
- Difficult to get transformer in.
- He asked if this item could be brought back to the Commission next month after it is discussed with the stakeholders.

Mr. Hooper said that the timing was at the discretion of the Commission.

Mr. Guillermo Rodriguez of the Department of the Environment said that his department has been working with the Mayor's Office and Supervisor Tang's Office. Timing is an issue and he wants to hear the Commission's input and thoughts. The Mayor and the Supervisor want to move forward in April, since it is Earth month. This item would be heard at the Land Use Committee on the 10th or 17th, and voted on 30 days from introduction.

Commissioner Lee said that this item could go to Land use on April 24th.

Commissioner Lee made a motion, seconded by Commissioner Warshell, to continue this item to the next Building Inspection Commission meeting.

Secretary Harris called for a roll call vote.

President McCarthy	YES
Commissioner Konstin	YES
Commissioner Lee	YES
Commissioner Warshell	YES

The motion carried unanimously.

RESOLUTION NO. BIC 014-17

Commissioner Lee made a motion, seconded by Commissioner Konstin, to continue Agenda Items 4, 5, 6a-b, 9, 11, 12, and 13a-d to the next meeting of the Building Inspection Commission. The motion carried unanimously.

Secretary Harris called for public comment and there was none.

RESOLUTION NO. BIC 015-17

4. Discussion and possible action to appoint Commissioners to serve on the Litigation Sub-Committee.

Item continued to the next meeting.

5. Discussion and possible action to appoint Commissioners to serve on the Nominations Sub-Committee.

Item continued to the next meeting.

6. **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.**

Item continued to the next meeting.

   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.**

Item continued to the next meeting.

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

Item continued to the next meeting.

11. **Discussion and possible action regarding a proposed code change to San Francisco Building Code Table 1107D Compliance Schedule to extend the compliance deadlines by 12 months.**

Item continued to the next meeting.

12. **Discussion and possible action regarding Administrative Bulletin AB-107 Seismic Strengthening of Soft Story Wood Frame Buildings adding an exception to Part F Modifications and Interpretations to California Existing Building Code Appendix Chapter A4 Section A403.3 regarding R values and resisting elements.**

Item continued to the next meeting.

13. **Director's Report.**
   a. **Update on DBI's finances.**
   b. **Update on proposed or recently enacted State or local legislation.**
   c. **Update on major projects.**
   d. **Update on Code Enforcement.**

Items 13a –d continued to the next meeting.

14. **Review and approval of the minutes of the Regular Meeting of October 19, 2016.**

Commissioner Lee made a motion, seconded by President McCarthy, to approve the minutes of the Regular Meeting of October 19, 2016. The motion carried unanimously.

RESOLUTION NO. BIC 016-17

15. Review and approval of the minutes of the Regular Meeting of November 16, 2016.

Commissioner Lee made a motion, seconded by President McCarthy, to approve the minutes of the Regular Meeting of November 16, 2016. The motion carried unanimously.

RESOLUTION NO. BIC 017-17

16. Adjournment.

Commissioner Lee made a motion, seconded by President McCarthy, to adjourn the meeting. The motion carried unanimously.

RESOLUTION NO. BIC 018-17

The meeting was adjourned at 12:52 p.m.

Respectfully submitted,

Sonya Harris, BIC Secretary

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS	
Requested a comprehensive staff report on all of the future changes to DBI procedures, plan review, and policies for tall buildings and performance based applications. – McCarthy	Page 7
Mr. Tom said that he would give the BIC a quarterly report regarding tall buildings and any changes that have occurred. President McCarthy said the next report should be in June. – Tom, McCarthy.	Page 7