



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

**REGULAR MEETING**

**Wednesday, November 19, 2014 at 9:00 a.m.**

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

**Aired Live on SFGTV Channel 78**

**ADOPTED February 18, 2015**

**MINUTES**

The regular meeting of the Building Inspection Commission was called to order at 9:07 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**

James McCray, Jr. **Commissioner**

Debra Walker, **Commissioner**

Sonya Harris, **Secretary**

Warren Mar, **Vice-President, excused**

Kevin Clinch, **Commissioner**

Myrna Melgar, **Commissioner**

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

Tom Hui, **Director**

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

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

Taras Madison, **Chief Financial Officer**

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

Lily Madjus, **Communications Director**

**CITY ATTORNEY REPRESENTATIVE**

John Malamut, **Deputy City Attorney**

**2. President's Announcements.**

President McCarthy made the following announcements:

- Congratulations and thanks to DBI Director Tom Hui for his clear and informative testimony on Oct. 9th to the Alfred E. Alquist Seismic Safety Commission, the State Commission responsible for seismic safety issues throughout California. The Commission held its first meeting in the City's Board of Supervisors' Chambers, and invited testimony from Director Hui, the Capital Planning Committee, the Mayor's Earthquake Safety Implementation Program, and from the SFPUC – and heard details about multiple San Francisco efforts to improve earthquake safety in our buildings and critical infrastructure,

as well as ongoing planning by City policymakers to ensure resiliency and a speedy recovery to the next major earthquake or other disaster.

- Congratulations to Director Hui, too, for his new article on the mandatory seismic retrofitting program which appeared in the September issue of SF Apartment magazine. Entitled, “Tick, Tock, Retrofit,” the article detailed DBI efforts to bring as many soft story building owners into compliance as possible. Hats off to Robert Chun and his excellent staff for their efforts to reduce the non-compliant numbers to about 107– or a 99 percent compliance achievement.
- A big thank you to two members of the Technical Services staff, Richard Halloran and Kirk Means for their professionalism and responsiveness while working with the Mayor’s Office on Disability on the recently published information Sheet G-19, Permit Processing Guidelines for Play Areas and Play Components. Kudos to both of them!
- Special thanks to the Soft Story Retrofit Team and Lily Madjus for helping to generate excellent media coverage of the Code Enforcement phase which began on Oct. 7th. With the additional coverage, and the wake-up call provided by the Napa Earthquake, our non-compliance numbers have fallen greatly.
- Kudos to numerous DBI staff who served as mentors to this past summer’s Project Pull High School interns. DBI staff receiving special Certificates of Appreciation for their mentoring of our next generation of leaders include:

Joel Cusi  
Carrie Pei  
Alma Canindin  
Ben Man  
Czarina Blackshear  
MehretTsfaye  
AdoraCanotal  
Maria Asuncion  
Catherine Byrd  
Teresita Sulit  
Rick Halloran  
Kevin Ip  
Harold Steger  
Sharae Brown  
Ben Yee  
Andy Yu

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

A member of the public, John, stated that he brought a letter from the concerned neighbors of Noe Valley to the Supervisors Board, and no actions have been taken. John brought copies of a letter and gave it to all of the members of the BIC, and said that he was not going to read it but it concerned the project at 3450 – 21<sup>st</sup> Street. He said that the Commissioners need to place this on the agenda of their next meeting.

- 4. Director's Report.**
  - a. Update on DBI's finances.**

Ms. Taras Madison, Deputy Director of Finance, gave an update on DBI's finances and discussed the following points:

- Presented the October 2014 year-to-date finance report, and there are only four months of data, so she is presenting preliminary estimates.
- Revenue – Projected to be about \$3M under budget, and that is based on the 7% temporary fee reduction as well as what the year to date collections are.
- Revenues also under budget due to the valuation being down by 8%. DBI has more permits this year, but the valuation is slightly lower.
- Expenditures – Looking at the year-to-date DBI is actually under spending because there is a huge amount placed in projects that has not been transferred already.
- If \$30M for project funding is taken out, then it is similar to last year.
- The Department has been hiring more staff, and doing a lot with purchasing emergency supplies.

Commissioner's & Staff Question & Answer Discussion:

- Commissioner Walker asked why was the income less, even though the projects are more? She also asked if staff was looking at smaller projects or if valuations need to be audited.
- Director Tom Hui said that later on he would discuss that major projects are leveling off. The bigger projects are coming in at a steady pace now, but the small projects are coming back, because kitchen remodels and such projects will not generate that much revenue. The fee study may suggest that DBI should cut fees on the bigger projects, but he intends to cut fees on the smaller projects to help the small home owner and it will be detailed in the fee study.
- Commissioner Walker asked if that was being included in the fee study, and Director Hui said yes. Commissioner Walker added if the study looked at the manpower/person power required.
- Director Hui said that the study will show how much the Department spends on the plan review, and how much is spent on inspections.
- Commissioner Walker said that she wants to make sure that is captured in the fee study, because it looks like the Department is under water every month with the 7% fee reduction.
- Commissioner Walker said she wants to follow up on doing an audit of the valuation of permits at a future meeting, because it was discussed at the Joint Meeting.
- Director Hui said that DBI has quality control on the valuation, and has a minimum of 10% verified by the supervisor of different divisions.

- Commissioner McCray said that he noticed in DBI’s “bread and butter areas”, the \$0 - \$500K range, the Department is up to about \$50K so they seem to be holding pretty steady. Also doing well up to \$100K, so if there are any changes around valuation it would probably be affecting those permits and costs.
- Ms. Madison presented the following information on the Fee Study Update:
  - Most of the concentration has been on the larger projects, so there are a variety of things that happen and there is not a pattern, per se.
  - For example, in some valuations DBI will be under-recovering or in some over-recovering.
  - Most of the funding has come from the larger projects in the past few years, and DBI collects a lot of funding from them.
  - One reason the consultant has not been back to the BIC is that DBI is an anomaly from the smaller jurisdictions that he worked with, so his methodology is different and he is not accustomed to looking at \$100M projects.
  - DBI and the Controller’s Office are working closely with the consultant to come up with standards of how the source data is to be measured.
  - It should not be a surprise that Electrical, Plumbing, and Housing Inspection Services are under-recovering.
  - DBI collects a lot of its revenues up front and it is supposed to last over the life of the permit.
- Commissioner McCray asked as the study is being done, would staff be anticipating continual growth in the larger projects? Ms. Madison said the issue is DBI’s valuation table varies so it is hard to say for certain.
- Commissioner Walker said over the past few years building has been phenomenally high after a pause in development, so she wants to make sure the fee study captures that in the valuation going forward and make sure staff estimates for a normal year rather than the past year.
- Ms. Madison said she agreed, and the Department has made that point throughout the negotiations with the consultant and the Controller’s Office. She reiterated that they are doing the fee study now, but by the time the fees go into effect DBI may not be looking at the same type of economy so that has to be taken into consideration.

b. Update on proposed legislation.

Mr. Bill Strawn, Legislative and Public Affairs Manager, gave an update on proposed legislation and addressed the following items:

- **Ordinance No. 130119 – Mandatory Seismic Retrofitting of Soft Story buildings**  
There are currently about 85 owners that are non-compliant out of the 6,700 who were notified, so DBI is at the 99% compliance level on the first element. As Director Hui mentioned that is only the first phase of people submitting the screening forms, and they still need to get the permits and do the work – About 75 permits have been issued.
- **File No. 131148 – Authorization of Dwelling Units Installed Without a Permit.**  
It is now about the 6-month point after the adoption of this legislation, and the Department has only issued 1 permit. There have been about 130 inquiries and some are still under Planning review. The number is expected to increase, but it may take another couple of months. Director Hui said that 6 permits are under DBI review, and 5 can be done soon,

and he said one factor for homeowners is rent control and their taxes may increase. His main concern is safety.

President McCarthy mentioned that the Commission is going to discuss new legislation before just implementing them, and Mr. Strawn said that DBI is trying to be more proactive about that and the Legislative Review Committee Director Hui set up has taken a look and identified four or five pieces of legislation right now, that staff is watching and discussing with Supervisors to make sure that DBI is part of that conversation.

Coming Legislative Items:

- **Supervisor Wiener’s file no. 140954, which amends the Planning Code to permit exemptions from dwelling unit density limits when adding dwelling units to existing buildings undergoing seismic retrofitting.)**

This is one example of legislation that Mr. Strawn and the other Legislative Review Committee members are reviewing. They discussed if this could be done in the existing building envelope, when seismic retrofit is done. This has not been heard in Planning yet, but DBI has agreed, in meeting with the Supervisor, to do a public notification where staff will make people aware that the legislation is about to be introduced.

- **File No. 141118, Building Façade Inspection and Maintenance. Proposed by the Mayor’s Office of Earthquake Safety, this amends the building code to require that facades of buildings with five or more stories be inspected periodically by a qualified engineer or architect, with inspection reports submitted to DBI according to an inspection and reporting schedule.**

DBI staff is trying to find out how many buildings are five or more stories, and Engineers have said that this could be a complicated type of program so it may require additional staffing.

- **Supervisor Tang’s Proposed Mandatory Disabled Access Improvements’ ordinance – While Disability expert Rick Halloran has been participating in a Working Group convened by Supervisor Tang on this topic, Director Hui also met directly with the Supervisor recently to understand the roles envisioned for DBI with this ordinance.**

DBI staff is continuing to work closely with Supervisor Tang to make sure that whatever legislation comes out of that is enforceable, and does not end up putting small businesses at risk given what may be required in a way of investments.

- **Supervisor Chiu’s GoSolar Resolution – The Board of Supervisors passed unanimously on Oct. 28<sup>th</sup> a Resolution that has been signed by the Mayor, which makes GoSolarSF a permanent program.**

The Mayor’s Office is looking at requiring on all new construction, installation of solar panels, and DBI has a couple of staff participating in that working group.

- c. Update on major projects.

Director Hui gave an update on major projects and said that compared to last month they have leveled off, and there was only a 3% increase. There are some upcoming projects like the basketball arena which may start construction next year. Demolition of Candlestick Park will start soon, as well as a project at Treasure Island. The Department is watching out for upcoming projects, but they will not be as substantial as the \$200M or so for the prior ones.

d. Update on code enforcement.

Dan Lowrey, Deputy Director of Inspection Services, gave an update on code enforcement and said that the Building Inspection Division’s performance was the highest month for the year. Some new districts have opened and two new Building Inspectors were hired.

Deputy Director Lowrey presented the following Building Inspection Division Performance Measures for October 1, 2014 to October 31, 2014:



Deputy Director Lowrey presented the following Housing Inspection Services Performance Measures for October 1, 2014 to October 31, 2014:



Deputy Director Lowrey presented the following Code Enforcement Services Performance Measures for October 1, 2014 to October 31, 2014:



Secretary Harris called for public comment and there was none.

The Commissioners proceeded to take several agenda items out of order.

7. Discussion and possible action on the Ordinance amending the Health Code, Article 38, to require an enhanced ventilation system for sensitive use projects within the Air Pollutant

Exposure Zone, and establishing document review fees; amending the Building code to correspond to the Health Code changes; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Continued from 10/15/14 Meeting)

The following people spoke regarding Health Code, Article 38:

- Karen Cohn (S.F. Department of Public Health, representing Environmental Health)
- Angus McCarthy (Building Inspection Commission President)
- Dr. David Rich (Reacts Engineering, Berkeley, CA)
- Building Inspection Commissioners (Myrna Melgar, Debra Walker, Frank Lee, James McCray)
- John Corbett (Fire Protection Engineer)
- Jeffrey Maddox (Fire Consultant)
- Paul O’Neill (C.B. Engineers)
- James Zhan ( Department of Building Inspection Supervisor, Mechanical/Energy Review Section)
- Tom Hui (Director of Department of Building Inspection)

There was extensive discussion on this item and following are some of the main points of discussion:

- Effective date of Article 38 is December 7, 2014, and there is a 90-day mandate to consult with DBI, Planning, and Fire.
- Health Department will review Mr. Paul O’Neill’s “Corridor Air Proposal”.
- Some high-rise developers said they lose space when they put in ducting.
- This legislation will be going back to the Board of Supervisors following the review period.
- The Corridor Air System that is being proposed does not let smoke into an area where it should not be.
- Fire Department’s position is that they are concerned about life safety and occupant’s egress.
- Discrepancy in Article 38 – No windows are operable, no egress window, and no alternate escape route. Low-rise and High-rise vs. Energy Code vs. Building Code.
- Egress is an important concern, so that people are able to escape. Smoke inhalation can overcome people if the dampers are not always reliable.
- Corridor Air Proposal (Mr. O’Neil) - After a fire event, once normal power is restored and system re-balances itself after event.
- Corridor Air Proposal (Mr. O’Neil) – High-Rise Exhaust Method- Employ an exhaust riser used to evacuate corridor. It would be off in normal occupancy mode.
- Corridor Air Proposal (Mr. Zhan) – Clearly represents a deviation from the Building Code. Conceptually a sound design, but concern is that smoke can get in corridor.
- DBI will work with Fire Department and PEER Reviewer Dr. Rich for resolution.
- There are a lot of questions about emergency egress and rescue windows. Depending on building construction type – Either they are/are not there.
- There is nothing in Article 38 about windows.
- Article 38 requires outside air or natural ventilation.

Commissioner’s & Staff Question & Answer Discussion:

- Commissioner Melgar asked in case of a power outage or earthquake what happens to the system? Dr. Rich said the dampers fail, but may operate in an open position. The power supply issue is irrelevant.
- Commissioner Walker said dampers are important in a fire, so in case of a power outage they do not need to close. Dr. Rich said dampers could be activated by alarm or smoke.
- Commissioner Lee asked what happens after a failure? Dr. Rich said this was out of his area of expertise.
- Dr. McCray asked about a pressurized hall, and Dr. Rich said it would be implemented as described in Mr. O’Neill’s document. Dr. Rich said that air in the corridor, requires that the corridor be pressurized.
- Commissioner McCray asked what the egress issues would be? Mr. Corbett said if there was a fire in the unit, and failure of fire smoke dampers and if smoke goes into the corridor the egress could potentially be blocked.
- Director Hui said he and Mr. Strawn spoke with Supervisor Cohen, and she said that DBI should study the legislation and come back with findings.
- President McCarthy thanked everyone who spoke for attending the meeting.

*President McCarthy made a motion, seconded by Commissioner Lee, to continue the item to the call of the Chair. The motion carried unanimously.*

Secretary Harris called for a roll call vote.

President McCarthy	YES	Commissioner Lee	YES
Commissioner McCray	YES	Commissioner Melgar	YES
Commissioner Walker	YES	Commissioner Clinch	YES

#### **RESOLUTION NO. BIC 046-14**

#### **5. Discussion on Accela Permit and Project Tracking System.**

Mr. Henry Bartley, Project Manager for DBI, said that the Commissioners were given an updated timeline for the Permit and Project Tracking System (PPTS) and he discussed the following points:

- Every division has gone through User Acceptance Testing (UAT).
- Data Migration – Wave 1 and Wave 2 testing
- Wave 1 – Until all testing is complete this gives a set of concise issues that need to be fixed prior to the launch.
- Wave 2 – Should be completed by early December.
- Work was started to fix and re-test UAT items.
- Fixing UAT items and tasks will determine the go-live date.
- Mr. Bartley spoke with Director Hui to discuss the go-live date, and he will come back on 12/19/14 with a committed date and staff is finalizing the timeline.
- 98 issues came out of UAT – Wave 2 testing
- Resources are committed to doing the work
- Refresher training rooms are set up at DBI, and staff will be training until go-live date
- Business Simulation Pilot – Will be conducted at end of UAT testing. Staff will simulate taking permits through the process to understand how long it will take using ACCELA.



- Few problems with storage of records and the billing system.
- Examples were sent of testing and how to pull a permit on the website.

**Commissioner's & Staff Question & Answer Discussion:**

- Commissioner Walker asked what issues DBI was running into?
- Mr. Bartley said some examples are: 1) Wave 1 – Items regarding scheduling after hours inspections use AM/PM times. 2) Data migration proving to be a more difficult task. 3) PTS data getting into ACCELA by mapping and testing – Staff found a lot of mapping was incorrect, and some records came over without comments. Also, complaints were missing comments, and not associated with the right DBI division.
- Commissioner Walker asked if it was a problem with mapping code or a data field problem? Mr. Bartley said that was the basic explanation, but there is a little more to it.
- Mr. Bartley said that understanding PTS is a discovery process also, because people have retired who knew the old system.
- Vice-President Mar asked if there was a fixed go-live date? Mr. Bartley said there are some dates in mind, but they need to be approved by the Director.
- Vice-President Mar asked if there would be data retesting with the stakeholders and frequent users
- Mr. Bartley said that Lily Madjus was working with Planning group to do training and announcements. (New ACCELA Citizens Access Portal
- Director Hui said that he would let the BIC know the new go-live date.

**6. Discussion of Department of Building Inspection's Enforcement Division Statistics on Complaints and Inspections. (Continued from 10/15/14 Meeting)**

Chief Building Inspector Patrick O'Riordan and Senior Building Inspector Joseph Duffy gave a presentation on DBI's Enforcement Division statistics on complaints and inspections and discussed the following points:

**DBI Stat: Building Inspection Division 9/29/2014**

- Building Inspection Division Complaints
- Total Inspection Services Complaints
  - Housing Inspection Services (HIS)
  - Building Inspection Division (BID)
  - Code Enforcement Services (CES)
  - Plumbing Inspection Division (PID)
  - Electrical Inspection Division (EID)
  - Disabled Access Division (DAD)
- Type of Open Complaints
  - Expired
  - Miscellaneous\*
  - Work Beyond Scope
  - Unsafe Building
  - Work Without Permit

\*Miscellaneous open complaints include: Permit suspension, disabled access issues, etc.

- Total Complaints Filed
- Complaint Volatility
- Complaint Response Time
  - Complaint No Response
  - Complaint Response after 72 hours
  - Complaint Response within 24-72 hours
  - Complaint Response within 24
- Duration of Complaints by Month (Percentage)
- Building Inspection Division District Map
- Duration of Open Complaints by District
  - Over 72 hours
  - 24 to 72 hours
  - 24 hours or Less
- Number of open and closed complaints remaining each month
- Open Complaint Duration
- Last Actions on Open Complaints
  - Case Update
  - Case Continued
  - No Entry
  - First NOV Sent
  - Unable to Enter
  - Inspection of Premises Made
  - Permit Research
  - Telephone Calls
  - Appointment Letter Sent
  - Referred to Other Division
  - Other
- BID Issued NOVs
  - Complaints with 2<sup>nd</sup> Notice of Violation Sent
  - Complaints with 1<sup>st</sup> Notice of Violation Sent
- Complaints Jan-Oct 2014
- Total Complaints Filed Jan-Oct 2014
- DBI Stat Wrap Up
- Questions and Comments
- Appendix
- Complaints by Duration (January 2014-August 2014)

**8. Discussion and possible action regarding proposed changes to Administrative Bulletin AB-107 – Application of Engineering Criteria of San Francisco Building Code Chapter 34B.**

Mr. Micah Hilt stated that he was a Planner working with the Earthquake Safety Implementation Program (ESIP). He presented agenda items 8 and 9 together.

Regarding item 9, AB-004, they updated priority processing guidelines to include mandatory seismic retrofits where previously they only called out voluntary retrofits, because there was only the AB-094 program until the mandatory program passed recently. A section was added to allow

private schools, in response to their evaluations to decide to undergo a voluntary seismic upgrade to also be considered under the priority processing guidelines. They received a full recommendation from the CAC.

Regarding item 8, AB-107, Engineering criteria for the mandatory soft story program. During the process of seeing some permits and having discussions with engineers there were a few items that they wanted to provide clarification on. Mr. Hilt said that he was not a Structural Engineer, so he was not quite sure what the items were.

Commissioner Clinch who serves on the Structural Engineer seat of the BIC, said that he looked through the recommendations on the Administrative Bulletin and they were very well written. They were practical which is key in these retrofits, and they were very economical, useful, and effective.

Commissioner Walker asked for further clarification. Commissioner Clinch said they basically identified different types of frame systems using steel to resist lateral loads, and they acknowledged the fact that you do not have to comply with some of the ductility requirements. A lot of times the moment frames are put in as supplements to the gravity systems and gravity loads, so they have to comply with the ductility requirements of a typical frame so it is very practical.

Mr. Hilt said that he conducted an analysis of the preliminary returns from the soft story program for the Board of Supervisors and he will forward it to the BIC.

Secretary Harris called for public comment on items 8 and 9, and there was none.

*Commissioner Walker made a motion, seconded by Commissioner Melgar, to approve item 8 (AB-107) and item 9 (AB-004). The motion carried unanimously.*

Secretary Harris called for a roll call vote:

President McCarthy	YES	Commissioner Lee	YES
Commissioner McCray	YES	Commissioner Melgar	YES
Commissioner Walker	YES	Commissioner Clinch	YES

#### **RESOLUTION NO. BIC 047-14**

9. Discussion and possible action regarding a proposed revision to existing Administrative Bulletin AB-004, Priority Permit Processing Guidelines to include voluntary or mandatory seismic upgrades to private schools to improve performance in an earthquake.

10. Discussion on the issuance of night noise permits in the Rincon Hill residential area, including any DBI policy changes.

Chief Building Inspector Patrick O’Riordan and Senior Building Inspector Joseph Duffy gave a presentation on the issuance of night noise permits in the Rincon Hill residential area, including any DBI policy changes. There was extensive discussion on this item and following are some of the points that were addressed:

- Director Hui said that there was a draft of the Night Noise Permits in the Commissioner's packages.
- Director Hui said generally policies and procedures are for the whole City, but Rincon Hill wanted more outreach in their area.
- Senior Inspector Joseph Duffy handles inspections.
- Chief Building Inspector Patrick O'Riordan and Deputy Director Dan Lowrey are instrumental with the Night Noise Permits also.
- President McCarthy said that he respects there is a policy in place, but what bothered him at the Land use hearing was that maybe they were not always implemented.
- Problem with not being able to issue large permits and staff is working hard with noise issues.
- Mr. O'Riordan said there is a balance and a lot of new residential buildings are being built Downtown. Some work has to be done at night.
  - There are large, concrete foundation pours and they are trying to work around commutes,
  - Concrete has to be placed in a limited amount of time and cannot sit in traffic.
  - Large loads are coming into the City
  - Municipal Transit Authority (MTA) has restrictions on large trucks that come in at 1 a.m. and have to leave by 5 a.m.
  - Steel beams are delivered. Cranes can be used to put up signs at Union Square, and can affect MUNI line, so the work happens at night.
  - There are strict guidelines for issuing Night Noise Permits.
  - Staff and contractors try to limit the impact on residents around construction sites.
  - Joe Duffy and Mr. O'Riordan have developers come in and ask for Night Noise permits, but there are strict requirements.
  - They are trying to get people to change the loud, shrill back up alarms to a Broadband quieter option.
  - They usually do not allow a 3 a.m. start time, and tell developers to start at 5:30 a.m.
  - Joe Duffy is part of the Noise Work Group and Supervisor Yee's office created the group with Department of Public Works (DPW)
- Mr. Duffy said that DBI was hit with a lot more complaints because of the construction boom, and all of the cranes that are downtown.
  - He met with developers at Millenium Tower
  - Developers need to go to monthly meetings
  - The public will see how Night Noise permits are issued, phone number, etc.
  - Issues of family and children not getting sleep are a concern, and the Department does not want that either.
  - Staff does not give out Night Noise permits easily to let developers build quickly.
  - The Code allows the start time to be 7 am – 8 pm, so DBI is forced to give Night Noise permits.
  - Staff is trying to work with people to suggest alternatives.

**Commissioner's & Staff Question & Answer Discussion:**

- Commissioner Melgar mentioned that she was in a situation before where she was awakened by a construction crew. Proper notification was not none, so everyone was screaming at the crew at 4:00 a.m.

- Mr. O’Riordan said that they are all about community outreach, so they have encouraged bigger contractors to generate a web page. The work is often justified, but people need to have proper notice. Also good to notify Home Owners Association, Newsletters, Email blasts, etc.
- Commissioner Lee said that at the Department of Public Works they get vague complaints that a contractor moved their equipment at 5:00 a.m. He asked if there are any activities that do not require a Night Noise permit?
- Mr. O’Riordan said if it is 5 decibels or less, then they think about equipment, dropping dumpsters, etc. DBI looks at whether or not buildings are on property line.
- Mr. O’Riordan said at construction sites people blame each other for the noise, and some sites have CCTV cameras.
- Director Hui mentioned that neighbors should be notified at a minimum of two weeks ahead of time. Some general contractors do a good job, but some of the sub-contractors do not.
- Mr. Duffy mentioned the working group that he is involved in, which consists of DBI and Planning. A good example was the Mission Bay project that did their outreach ahead of time.
- DPW has Inspectors out at night, and 311 gets calls on this.
- Mr. Duffy said that a lot of good things are being done, but the public does not know about them.
- Mr. Strawn said there were previously only 5 complaints previously from 311, and none of them were in Rincon Hill.
- Mr. Strawn said developers have done good work since they have attended the meetings. Everyone wants to see housing built. On the DBI website the public can see when Night Noise permits are issued in the City, and also a map of where the work is going on.

**11. Discussion regarding ordinance (Clerk of the Board of Supervisors File #140381) Regulation of Short-Term Residential Rentals and Establishing Fee - Ordinance amending the Administrative Code to provide an exception for permanent residents to the prohibition on short-term residential rentals under certain conditions; to create procedures, including a registry administered by the Planning Department, for tracking short-term residential rentals and compliance; to establish an application fee for the registry; amending the Planning Code to clarify that short-term residential rentals shall not change a unit’s type as residential.**

Deputy City Attorney John Malamut said that there is a pending lawsuit on this legislation. The Commission is free to discuss it, but should shy away from legal analysis.

There was extensive discussion on this item and following are some of the main points of discussion:

- Commissioner Walker said the short term rental item deals with people being allowed to rent rooms in homes for short term rentals.
  - DBI staff might be notified of possible violations
  - Joint meeting with Planning and trying to help them to enforce legislation.
  - Issue of how DBI is involved in deterring health and safety issues, and direct complaints to Planning.
  - Important to make sure that department has a process in place.

- Commissioner Melgar said that she requested the role of Code Enforcement people, and would like to hear from Chief Bosque, Inspector Sanbonmatsu, and CEOP as to how they see their enforcement role.
- President McCarthy said that people are hesitant to discuss this until it has been rescheduled at the Board of Supervisors.
- Director Hui said that he discussed DBI’s role with Chief Bosque and our role is to support the Planning Department. Perhaps more training from HIS staff on life safety issues. Right now Planning does not have a Code Enforcement unit in place.
- Chief Rosemary Bosque mentioned the following points:
  - Proposed legislation is effective next Thursday
  - All code enforcement responsibility is on the Planning Department.
  - She has met with Christine Ha of the Planning Department.
  - Planning does not have dedicated staff to address enforcement, and Ms. Bosque has offered DBI’s help.
- Commissioner Walker asked if the current requirement was to have a legal unit up to Code? Ms. Bosque said that it is not clear at this time, but if Planning sees an illegal unit then they would refer it to DBI. If it falls under Chapter 41-A, then it will still come to DBI.
- Commissioner Walker asked about engaging Code Enforcement Outreach agencies, and Chief Bosque said they have met with CEOP and SRO Collaborative. Basically everyone needs to wait for the Planning Department to see how this will play out.
- Listings do not have addresses on AirBnb and VRBO.
- Commissioner Melgar said that she was not concerned about the change of use, but the thing that worries her is what triggers someone competent in terms of Building Code to certify that the building is safe to rent out.
- Ms. Bosque said DBI ensures safety if everything was built with permit and has a Certificate of Final Completion.

There was further discussion on the item and it was decided that it would be continued.

*Commissioner Walker made a motion, seconded by Commissioner McCray that this item be continued to the call of the Chair.*

Secretary Harris called for public comment.

Mr. Brett Gladstone said that he was a lawyer and he planned to come back at the continued hearing. There was a lot of discussing about illegal units and work. He has ideas but not for today. Perhaps the BIC should invite AirBnb.

Secretary Harris called for a roll call vote:

President McCarthy	YES	Commissioner Lee	YES
Commissioner McCray	YES	Commissioner Melgar	YES
Commissioner Walker	YES	Commissioner Clinch	YES

*The motion carried unanimously.*

**RESOLUTION NO. BIC 048-14**

**12. 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.

Commissioner Walker requested to agendaize the property at 3450- 21<sup>st</sup> Street. There were questions about the valuation of this job, and possibly exceeding the scope of work.

Director Hui said that Deputy Directors Sweeney and Lowrey were working on this.

Commissioner Walker said that she wanted to discuss a specific update of illegal units and outreach.

- 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 would be on December 17, 2014. Commissioner Melgar mentioned that she would not be able to attend the next meeting.

**13. Review and approval of the minutes of the Regular Meeting of August 20, 2014.**

*Commissioner McCray made a motion, seconded by Commissioner Melgar to approve the minutes of the Regular Meeting of August 20, 2014. The motion carried unanimously.*

**RESOLUTION NO. BIC 049-14**

**14. Adjournment.**

*Commissioner Walker made a motion, seconded by President McCarthy, to adjourn the meeting in honor of Mr. Ted Bulloxson who was a tenant advocate. The motion carried unanimously.*

**RESOLUTION NO. BIC 050-14**

The meeting was adjourned at 12:42 p.m.

Respectfully submitted,

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**Sonya Harris**  
**Commission Secretary**

<b>SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS</b>	
Request that the Department do an audit of the valuation of permits. – Walker	Page 3
Agendize the property at 3450- 21 <sup>st</sup> Street. Staff to address questions about the valuation of this job, and possibly exceeding the scope of work. – Walker	Page 15
Discussion and specific update of illegal units and outreach. – Walker	Page 15