



BOARD OF EXAMINERS (BOE)

Meeting Agenda

Tuesday, March 11, 2014, 5:30 P.M.
San Francisco Permit Center
1660 Mission Street, 2nd Floor, Room 2001

AGENDA:

POLICY STATEMENT ON PUBLIC COMMENT: Please see attached San Francisco Administrative Code Section 67.

- 1.0 Call to order and roll call
- 2.0 Selection of new Chairperson and new Vice Chairperson
- 3.0 Public comment
- 4.0 Discussion of Board of Examiners' operation procedures, quorum requirement, regulations, purposes and objective (Attachment: 2013 SF Building Code Section 105A.1 Board of Examiners)
- 5.0 Public comment
- 6.0 Adjournment

MEMBERS OF THE BOARD

Mr. Manuel Flores, Chair
Mr. Dick Glumac, Vice Chair
Mr. Robert Fuller, Member
Mr. Bradley Sugarman, Member
Mr. Kevin Mirkovich, Member
Mr. James Reed, Member
Mr. Armin Wolski, Member
Mr. Patrick Buscovich, Member
Mr. Michael Cashion, Member

DEPARTMENT REPRESENTATIVES

Hanson Tom, Board Secretary (415) 558-6157

SF FIRE DEPARTMENT REPRESENTATIVE

Micki Jones, Captain (415) 575-6828

CITY ATTORNEY'S REPRESENTATIVE

John Malamut, Deputy City Attorney (415) 554-4757

2013 SF Building Code

105A.1 Board of Examiners.

105A.1.1 Establishment. There is hereby created a Board of Examiners who are qualified by experience and training to pass upon matters pertaining to building design and construction. The functions of the Board of Examiners shall be:

105A.1.1.1 To determine whether specific new materials, new methods and types of construction comply with the standards of safety established by this code, and to recommend the approval or disapproval of such new materials, new methods and types of construction.

105A.1.1.2 To determine whether variances from the requirements of this code should be approved for specific cases where new materials, new methods and types of construction are not involved, and where the enforcement of compliance therewith would result in unreasonable hardship.

105A.1.1.3 To recommend to the Building Official reasonable interpretations of the provisions of this code.

105A.1.1.4 To hear appeals from any Abatement Order of the Building Official involving construction methods, assemblies or materials or where safety is involved.

A copy of the findings of the Board of Examiners shall be forwarded to the Abatement Appeals Board.

Matters involving compliance with Chapters 16B and 16C and other related structural provisions of this code regulating the strengthening of unreinforced masonry bearing wall buildings shall be heard by the Board of Examiners as provided in Section 105A.1.

105A.1.2 Definition. The term “*standard of safety*,” as used in this section, shall mean the general degree of safety conforming to the provisions of this code as required to safeguard life or limb, health and public welfare.

105A.1.3 Intent. It is the intent of this section that new materials, new methods and types of construction which do not comply with the standards of safety established by this code shall in no event be approved; but that the requirements of this code, other than those involving such standards of safety, may be modified or waived under the circumstances set forth in this section.

105A.1.4 Membership. The Board of Examiners shall consist of 13 members, which shall include one plumbing member and one electrical member, who shall serve only when cases related to plumbing or electrical code issues are being considered, and one high-rise sprinkler member who shall serve only when cases related to high-rise sprinkler issues are being considered, and three seismic improvement members who shall serve only when cases related to Chapter 34B seismic retrofit issues are being considered. All members are to be appointed by the Building Inspection Commission and shall serve at the Building Inspection Commission’s pleasure for a three-year term or until a successor is appointed. The present members shall be continued in office until the expiration of their terms.

In the event a vacancy occurs during the term of office of any member of the Board of Examiners, a new appointment shall be made in a manner similar to that described herein for new members.

The membership shall consist of:

1. A registered structural engineer.
2. A registered mechanical engineer.
3. A registered electrical engineer.
4. A registered fire protection engineer.
5. A licensed general contractor.
6. A licensed architect.
7. A building trades representative.
8. As the plumbing member, a licensed plumbing contractor.

9. As the electrical member, a licensed electrical contractor.

10. As a high-rise sprinkler member, one building owner representative.

11. As a Seismic Improvement member, one tenant also a licensed or registered architect, civil or structural engineer.

12. As a Seismic Improvement member, one property owner also a licensed or registered architect, civil or structural engineer.

13. As a Seismic Improvement member, one registered structural engineer specializing in seismic improvement.

The terms “registered” and “licensed” shall be understood to mean by the State of California. The Building Inspection Commission shall make such appointments after giving careful consideration to nominations made by technical associations and general contractor organizations including the Consulting Engineers Association of California, the Structural Engineers Association of Northern California, the San Francisco District of the Associated General Contractors of California, the Plumbing and Mechanical Cooling Contractors of San Francisco, the San Francisco Electrical Contractors Association, the San Francisco Chapter of the American Institute of Architects, and the San Francisco Building Trades Council. Each member of the Board of Examiners shall receive compensation of \$125 per meeting attended.

The following shall constitute *ex officio* members of the Board of Examiners, without vote and without compensation: The Building Official, who shall act as Secretary of the Board of Examiners, and the Fire Marshal.

In the event a member cannot attend meetings of the Board of Examiners for a period of three or more consecutive meetings due to illness, work away from San Francisco, or any other valid reason, the Building Inspection Commission may appoint an alternate member representing the same profession or trade as the absent member and meeting the same registration or licensing requirements as the absent member. The appointment of such alternate need not require solicitation of nominees from the respective organizations. The alternate shall serve on the Board of Examiners until the return of the absent member or until the expiration of the absent member’s term, whichever comes first. The compensation indicated in section 4 above shall be paid the alternate member for each meetings attended. The alternate member shall, during the time of service on the Board of Examiners, have all the rights, duties, and privileges of a duly appointed member of the Board of Examiners.

105A.1.5 Board of Examiners's authority with respect to applications for approval of materials, methods and types of construction. Where application has been made to the Building Official to approve new materials, new methods and types of construction which the applicant believes meet the standards of safety set by this code, and where the approval of such application has been denied by the Building Official, the Board of Examiners shall have authority, at the request of the applicant, to determine whether such materials, methods and types of construction comply therewith.

105A.1.5.1 The Board of Examiners shall adopt rules and specifications for examining and testing proposed materials and methods of construction. A copy of such rules and specifications shall be furnished to the applicant.

105A.1.5.2 The applicant shall cause to be made, at the applicant's expense, all reasonable tests and examinations required by the Board of Examiners to substantiate the applicant's claims that any proposed new materials, new methods and types of construction comply with the standards of safety established by this code.

105A.1.5.3 The Board of Examiners shall have power to call upon such experts as it deems necessary to consider and report upon the technical matters concerning such application. The engagement of the services of such experts shall be with the consent of and at the expense of the applicant, and the Board of Examiners shall have power to require security for the payment of such expense. Such expense shall be in addition to the required filing fees as set forth in Section 110A, Table 1A-K – Penalties, Hearings, Code Enforcement Assessments. Any official or employee of the City and County of San Francisco called upon by the Board of Examiners shall serve without compensation beyond their normal salary.

105A.1.5.4 The Board of Examiners shall certify the results of examinations and tests, together with its recommendation on the application, to the Building Official. If the Board of Examiners recommends approval, the Building Official shall thereupon approve the materials or methods of construction. The Board of Examiners shall have power to attach such conditions to its recommendations as it deems necessary in the interest of public safety, and the Building Official's approval shall be granted subject to such conditions.

105A.1.6 Board of Examiners' authority with respect to applications for variances from code requirements. Where new materials, new methods and types of construction are not involved, the Board of Examiners shall have authority to consider the application for a permit, the approval of which would require a variance from the provisions of this code.

If the Board of Examiners finds that such variance will not result in a condition less safe and less desirable from the viewpoint of public welfare than would result from the enforcement of compliance with such provisions, it shall recommend to the Building Official the approval of such permit. Upon receipt of such recommendation, the Building Official shall approve such permit. The Board of Examiners may attach to such recommendations any conditions which public safety and welfare may require, and the Building Official in approving such permit shall incorporate such conditions therein.

105A.1.7 Application for consideration by Board of Examiners. All applications to the Board of Examiners shall be made in writing and shall be filed with the Secretary of the Board of Examiners. The Board of Examiners shall act upon each application without unreasonable or unnecessary delay. See Section 110A, Table 1A-K – Penalties, Hearings, Code Enforcement Assessments – for applicable fee.

105A.1.8 Procedure. The Board of Examiners shall establish reasonable rules and regulations for its own procedures not inconsistent with the provisions of this code and the Charter of the City and County of San Francisco. The Board of Examiners, by a majority vote, shall choose its officers, which shall consist of the President and Vice-President.

105A.1.9 Meetings. Meetings of the Board of Examiners shall be held at the call of the Secretary of the Board of Examiners and at such times and places as the Board of Examiners may determine. All meetings of the Board of Examiners shall be public meetings.

105A.1.10 Quorum. Four members of the Board of Examiners shall constitute a quorum, and action of the Board of Examiners shall require the affirmative votes of not less than three members. No member of the Board of Examiners shall pass upon any question in which the member, or any corporation in which the member is a shareholder or holds an interest.

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105A.1.11 Decisions by resolution. Every decision and recommendation of the Board of Examiners shall be by resolution filed with the Building Official. A copy shall be mailed to the applicant. A copy shall also be sent to other interested bureaus or departments charged with the enforcement of this code. The Board of Examiners shall arrange for a subscription service to its agenda and decisions, the entire cost of which shall be borne by the subscribers.

105A.1.12 Record of meetings. The Board of Examiners shall maintain a tape recording of each meeting. Upon request, these tape recordings shall be made available for duplication by independent agencies with proper security afforded as determined by the Building Official. All costs of duplication shall be borne by the party requesting duplication.



KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE, TO OBTAIN A COPY OF THE SUNSHINE ORDINANCE, OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT FRANK DARBY, JR. BY MAIL TO INTERIM ADMINISTRATOR, SUNSHINE TASK FORCE CITY HALL, ROOM 244, 1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689. OFFICE (415) 554-7724, FAX (415) 554-7854, E-MAIL: sotf@sfgov.org

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, <http://www.sfgov.org/sunshine/> and at the San Francisco Public Library.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

MISSION STATEMENT

As a policy-making and supervisory body mandated by the City Charter, the seven-member citizen Building Inspection Commission will manage the Department of Building Inspection and the bodies subordinate to the Commission by overseeing the effective, efficient, fair and safe enforcement of the City and County's Building, Housing, Plumbing, Electrical and Mechanical Codes, along with Disability Access Regulations.

ACCESSIBLE MEETING INFORMATION POLICY

The meeting will be held at the Department of Building Inspection, 1660 Mission Street, 2nd Floor. The closest accessible BART stations are the Civic Center Station at 8th (at the United Nations Plaza) and Market Street and 16th at Mission Street.

Accessible MUNI/Metro lines servicing this location are the, J-Church, K-Ingleside, L-Taraval, M-Ocean View, and N-Judah at Van Ness Station; 42 - Downtown, 14 & 14 Limited - Mission, 49 - Van Ness, and F - Market bus lines. For information about MUNI accessible services call (415) 923-6142.

Plan Review Services

1660 Mission Street - San Francisco CA 94103
Office (415) 558-6133 - FAX (415) 558-6436 - www.sfgov.org/dbi
Hanson.Tom@sfgov.org



The meeting room is wheelchair accessible. Accessible curbside parking spaces have been designated on the Mission and Otis Streets. There is accessible parking available within the Department of Building Inspection parking lot. The entrance to this lot is on Otis Street.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available. Assistive Listening devices will be available at the meeting. To request a sign language interpreter, reader, materials in alternative formats, or other accommodations for a disability, please contact **Hanson Tom, Principal Engineer**, at (415) 558-6157. Providing 72 hours notice will help to ensure availability.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call (415) 558-6157 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such persons, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

POLICY STATEMENT OF PUBLIC HEARING OR MEETING

Pursuant to Section 67.7-1(c) of the San Francisco Administrative Code, members of the public who are unable to attend the public meeting or hearing may submit written comments regarding a calendared item to Hanson Tom, Principal Engineer, at 1660 Mission Street, 2nd Floor, San Francisco, CA 94103 or at the place of the scheduled hearing before the proceedings begin. These written comments shall be made a part of the official public record and these comments will be brought to the attention of the Board of Examiners Committee members. [Twenty copies are necessary.]

POLICY STATEMENT OF PUBLIC COMMENT

Pursuant to Section 67.16 of the San Francisco Administrative Code, each member of the public may address the Committee once for up to three minutes on any agenda item.

SAN FRANCISCO LOBBYIST ORDINANCE

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site: sfgov.org/ethics.