



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

REGULAR MEETING

Wednesday, December 19, 2012 at 9:30 a.m.

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

Aired Live on SFGTV Channel 78

ADOPTED March 20, 2013

MINUTES

The regular meeting of the Building Inspection Commission was called to order at 10:12 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**

Warren Mar, **Vice-President**

Frank Lee, **Commissioner**

Kevin Clinch, **Commissioner**

James McCray, Jr. **Commissioner**

Myrna Melgar, **Commissioner**

Debra Walker, **Commissioner, left at 11:40 a.m.**

Sonya Harris, **Secretary**

D.B.I. REPRESENTATIVES:

Tom Hui, **Acting Director**

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

Pamela Levin, **Deputy Director, Administrative Services**

Rosemary Bosque, **Chief Housing Inspector**

Tom Fessler, **Building Inspector, Disabled Access Division**

William Strawn, **Communications Manager**

Penny Venable, **IS Project Director**

CITY ATTORNEY REPRESENTATIVE

John Malamut, **Deputy City Attorney**

2. President's Announcements.

President McCarthy wished everyone Happy Holidays and said that his announcements would be brief.

President McCarthy said that Acting Director Tom Hui participated in a media briefing at the site of the Fleishhacker Pool House on December 18th with various other City officials; Acting Director Hui signed an Emergency Order earlier this month when a fire caused sufficient structural damage to make the building an imminent public safety hazard. President McCarthy stated that demolition is currently under way.

President McCarthy announced that the Fire Department and one of the equipment manufacturers have donated new carbon monoxide and smoke detectors, which DBI will give away to the public during the New Year's upcoming community outreach events. President McCarthy said that these were life-saving gifts to be provided to those who need these detection alarm devices and will ensure compliance with State law requiring their installation in both single family homes and, effective January 1, 2013, in multi-unit apartment buildings.

President McCarthy reminded the Commission that the DBI Holiday Staff party, with children and family members would be held the next day, December 20th, after 4:30 p.m. to celebrate the joy and festivity of the season and to thank staff for all their dedication and hard work throughout the year.

There was no public comment on this item.

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

Mr. Henry Karnilowicz of San Francisco Coalition for Responsible Growth (SFCRG) said that he wanted to compliment the leadership of Tom Hui, Ed Sweeney and Tony Grieco for things being so good on the 5th floor. Mr. Karnilowicz said that he wanted to thank everyone and wished everyone Happy Holidays.

Mr. Spenser Gosch said that he has been a Building Inspector with the Department for 22 years and a resident of San Francisco for over 32 years. Mr. Gosch said that he was requesting that persons who have interest in the Department and its malfunction appear at the BIC meetings and announced when the meeting are held. Mr. Gosch made the following points:

- The BIC is not managing or overseeing the Department as required by Prop G
- Willfully refusing to provide oversight of the Department
- Other Department's such as the Office of the City Attorney, Department of Human Resources and Mayor Lee's appointees are helping to keep DBI dysfunctional
- There have been no written directives for over five years
- There are no personnel policies and procedures, no training and rampant racism in Plan Check
- There is favoritism among certain property owners, permit applicants and employees
- Favored employees are given positions where they can do personal tasks with no oversight or consequences
- Other not so favored employees are given menial or poor job tasks, constantly watched over, unjustly disciplined and harassed
- Customers are being fleeced by DBI along with the help of other departments
- There are unauthorized routing procedures to see if more fees can be charged
- Deputy Director over Finance, Pamela Levin is aiding the Mayor and his cronies by spending money on items such as the Q-Matic system so there is little money left over for the Department.

Mr. Gosch was not able to finish his comments as his three minutes were up.

There was no additional public comment.

4. Update and status on CAPSS recommendations.

Patrick Otellini, the Director of Earthquake Safety Implementation Program (ESIP) for the City and County of San Francisco thanked the Commission for inviting him to speak at today's meeting. Mr. Otellini said that the ESIP was dealing with the CAPSS recommendations that were initially submitted by the BIC. Mr. Otellini stated that his office would be introducing legislation early in 2013 for the implementation of the Soft-Story Ordinance, which will include buildings of wood-framed, Type 5 construction, built before 1978, housing five or more residential units with three or more stories. Mr. Otellini reported that of the approximately 4,500 buildings that fall under those requirements between 2,800 - 2,900 will fall under the mandatory retrofit. Mr. Otellini said that when the soft-story task force ended there were many unanswered questions, in particular how owners falling under this ordinance were going to pay for the upgrades. Mr. Otellini stated that he was happy to announce that he had met with private and community based lenders and has come up with some packages with non-profit and profit based lenders so that people subject to this mandatory ordinance will have a means to pay for it and access to financing. Mr. Otellini said that his goal was to have this legislation submitted in a format that will enable the Building Department to implement it smoothly.

Mr. Otellini said that BIC President McCarthy of the BIC was going to Chair the Earthquake Safety Program with him and said that there are many things that the program will be looking at including the seismic safety program for private schools. Mr. Otellini stated that the Earthquake Safety Program has a 30 year work plan and said that several tasks are already underway and priorities have been set. Mr. Otellini left copies of the 30 year plan for interested Commissioners and offered additional copies from his office for any interested parties. Mr. Otellini asked for any questions from the Commission.

Commissioner Melgar asked if the 30 year plan was on a website. Mr. Otellini said that it was under the City Administration's website right now, but that the Earthquake Safety Implementation Program (ESIP) hoped to have its own website set up early in 2013.

Commissioner Melgar said that after Katrina poor people were affected in a more acute way and asked how ESIP was going to deal with this in utilizing non-profit lending and how facilities would be provided for renters and low income people. Mr. Otellini said that he was overwhelmed by the response of non-profit lenders, such as the Northern California Loan Association, and even for-profit lenders in San Francisco such as banks and credit unions who have come forward and are going to participate in a Financial Summit in January to address these issues. Mr. Otellini stated that the Rent Board has been reaching out to tenants, but said that the main goal of ESIP is to make sure that the 59,000 residents that live in these soft-story buildings are going to be able to shelter in place after a multi seismic event.

Commissioner Walker said that it was mentioned that this legislation would be ready early in 2013 and asked if the program would be mandatory. Mr. Otellini said that an exact date is not yet know as the Board of Supervisors will be introducing this ordinance and right now it is being prepared and reviewed by the City Attorney. Mr. Otellini stated that this is a mandatory retrofit system and will be done in four stages so that people will have time to implement it and because there will be

different engineering issues depending on the properties. Mr. Otellini said that the goal is to have checks and balances so that nefarious owners do not skate by. Mr. Otellini stated that much of this work where there are commercial properties or parking on the first floor could be done without displacing tenants.

Commissioner Walker said that there was discussion about helping the commercial entities that might be displaced. Mr. Otellini said that in talking with the commercial tenants, the types of seismic upgrades can be limited so that the space can be kept open. Mr. Otellini stated that the ideal goal is to not displace any of these businesses as they employ about 7,000 people.

Commissioner Walker said that there is going to be a yearlong evaluation in order to set a four tier priority and asked when the program would hope to be completed. Mr. Otellini said that the work is expected to be done by 2020. Commissioner Walker spoke about the tenant community and Mr. Otellini assured the Commissioners that ESIP have done extensive outreach to the CEOP programs and said that he would be happy to speak to any other players or organizations involved with San Francisco to do any additional outreach. Commissioner Walker thanked Mr. Otellini for presenting this issue as the BIC had been involved in the CAPSS program for many years and said that it was rewarding to see things moving forward.

Commissioner Lee said that he was happy to see that ESIP was reaching out to the private schools as it would probably take some time for the schools to secure the money to begin any retrofits. Commissioner Lee said that Mr. Otellini talked about loans available to property owners and asked if these loans would take into account the cost of displacing tenants and businesses. Mr. Otellini said that this had not been brought to the lenders as a lot of these are going to be equity based loans, but said that it is an important option because that could be a tremendous expense for landlords.

President McCarthy said that the City is extremely lucky that Mr. Otellini took this job because it is going to be a long time challenge and Mr. Otellini is young enough to stay at it. President McCarthy stated that he wanted to thank Laurence Kornfield for his work over the years and said he has a lot of respect for all the work he has done to bring it to this point and to hand it off to Mr. Otellini. President McCarthy said that education is a very important thing because as property owners understand this ordinance going forward they will really understand that it is pay for it now or pay later as this is the price we pay for living in such a wonderful part of the world. President McCarthy also thanked Micha who is working on the program.

Commissioner Walker said that one of the other things that was looked into previously was disclosure because if people know what is going on with a building generally it encourages the owner to fix it up a little bit more. Mr. Otellini said that this was included in the 30 years year work plan, but said that the Real Estate Community does not have a tangible disclosure that explains structural deficiencies. Mr. Otellini said that there are a few dogs in the race as far as developing a rating system that actually works and said that ESIP is meeting with those players to see if something can be developed that could be used universally. Mr. Otellini said that he wanted to say a big thank you to Laurence Kornfield who was a real champion of the CAPSS program and to all the people who worked on CAPSS over 10-plus years. Mr. Otellini said that many of these people are still around as they are very passionate about this.

President McCarthy said that Mr. Otellini should be plugged into the Permit Tracking System. Mr. Otellini said that he is a frequent user of the PTS and will definitely be paying attention to that.

There was no public comment on this item.

5. Discussion and possible action regarding a proposed revised Ordinance (File No. 121018) amending the San Francisco Housing Code by: 1) amending Section 206 to add Section 1002 to the list of retroactive provisions; 2) amending Section 505 to require grab bars in hotel common-use water closets and bathing facilities; 3) amending Section 1002 to include as a substandard housing condition the failure to provide a usable telephone jack and telephone wiring as required by the California Civil Code; and 4) making environmental findings, legislative findings, and findings pursuant to California Health and Safety Code Section 17958.5.

Mr. Nick Pagalatos was present on behalf of Supervisor Mar. Mr. Pagalatos said that in 2001 a hearing was held on issues affecting vulnerable seniors living in SRO hotels and the Supervisor's office has been working closely with a group of stake holders, particularly SRO activists. Mr. Pagalatos said that as a result of this hearing a report was produced in 2011 that outlines many of the issues that both seniors and people with disabilities are facing in residential hotels. Mr. Pagalatos stated that the BIC sub-committees have been working through some of the technical challenges that have come out in this report. Mr. Pagalatos thanked Rosemary Bosque of DBI who has been tremendously helpful and Carla Johnson in the Mayor's Office of Disability who has worked with making these recommendations helpful to the SRO tenants, but also implementable and cost effective for owners.

Mr. Pagalatos stated that this is a very straightforward proposition with two recommendations; one that there be working phone jacks in SRO tenant's rooms and second that there are grab bars in the common bathrooms. Mr. Pagalatos said that these are both common sense ideas and should be easily implementable and cost effective for SRO operators. Mr. Pagalatos stated that Ms. Bosque and Ms. Johnson were available to explain some of the technical issues. Mr. Pagalatos said that this legislation would become effective 30 days after its passage, but said that Notices of Violation would not be issued for the first six months so that operators have the time to comply. Mr. Pagalatos said that this is a very straightforward and commonsense piece of legislation and asked for the BIC's support.

Chief Housing Inspector Rosemary Bosque said that in reports from the SRO Collaborative, which is funded by DBI, it came out that the City itself takes recently homeless individuals, individuals who are barely ambulatory, and sends them to SRO's for housing. Ms. Bosque said that there are individuals in these buildings that are aging in place and becoming seniors and said that their most primary complaint that DBI hears regarding these SROs has to do with the common bathrooms. Ms. Bosque stated that DBI would be doing outreach and would do a direct mailing to all of the property owners that would have a copy of the Ordinance and a technical manual that would give them advice on how to install the grab bars in the most efficient and cost-saving manner. Ms. Bosque said that there are many types of bathrooms with different framing so it will be difficult to permanently attach grab bars so that they can take 250 pounds of force. Ms. Bosque said that the other part of this proposal is the phone jack issue which is important for these people as the cheapest cell phone would cost \$40 to \$50 per month and that is not affordable for most of these

people. Ms. Bosque stated that these people need a life line and the best situation would be a land line that would cost between \$10 and \$15 per month. Ms. Bosque said that sometimes a phone jack is present in the room, but the occupant does not know if it works until they have gotten a contract with a vendor for service; if they call into DBI and the phone jack is not working a NOV will be issued upon inspection. Ms. Bosque said that a NOV would not be issued on the grab bars until six months after the legislation is adopted so that the property owners know how to install them properly. Ms. Bosque reported that a technical manual will be sent to the property owners with different types of configurations.

Ms. Carla Johnson of the Mayor's Office on Disability said that this legislation is necessary from a safety perspective to allow people to live and to age gracefully in their housing. Ms. Johnson stated that the MOD is providing their technical assistance to this effort in order to make the implementation as simple and cost effective as possible. Ms. Johnson said that the technical assistance manual will include not only photographs, but also diagrams that accurately match the conditions that are seen in these SROs where the bathrooms are much smaller than what would be built today under a fully accessible unit. Ms. Johnson spoke of some of the different options that would have to be dealt with for the different types of grab bar solutions in order for them to be structurally sound.

Commissioner Mar said that he thought that this legislation was long overdue and fairly straightforward, but said that he did have concerns about the grab bar situation. Commissioner Mar said that his main concern was that the bars would be anchored to something real and would not just be cosmetic. Commissioner Mar said that he would want the bathrooms to be up to Code as well as the grab bars.

Commissioner Walker said that this might actually be a good opportunity to improve conditions more broadly and said that this was a wonderful first step. Commissioner Walker said that there were a lot of other issues that came up out of the outreach meetings including trying to increase habitability of residential hotels. Commissioner Walker asked if there was any flexibility in this proposal and would some bathrooms not be required to have the grab bars.

Ms. Johnson gave the measurements that a water closet would have to be in order to install regular grab bars and said that there was some flexibility allowed because of the number of water closets that were smaller, so the flexibility is there so that each water closet could at least have the most grab bar they could fit given the constraints of an existing space; each floor plan has to be analyzed independently, but there will be repeating floor plans based on how the units are designed.

The Commission discussed permit fees and inspection fees that might make it difficult for some owners to be able to comply. Chief Housing Inspector Bosque said that a fee schedule would have to be worked out. President McCarthy said that people who are willing to do the work, but cannot do so within the six months should be given more time. Ms. Bosque said that as long as an owner was trying to comply the Department would work with them and not issue a NOV as long as they were making a good faith effort.

President McCarthy called for public comment.

Mr. Josh Vining with the Mission Street SRO Collaborative said that these seem like very commonsense issues, but it does become more complicated as the details are discussed. Mr. Vining said that the Collaborative conducted a survey in 2011 and received feedback from 151 seniors or people with disabilities who lived in SROs City-wide and 68% of them were tenants who lived in non-profit SROs, which are more likely to have these grab bars already installed than their private counterparts, but even with that less than 40% of tenants indicated that they currently have grab bars. Mr. Vining stated that tenants are afraid of slipping and falling in the shower and having a hard time getting off the toilets which in many cases are in strange positions close to the wall. Mr. Vining said that he understood that there is a cost associated with this, but said it is a very small cost in comparison to the increased safety the tenants will have in the bathrooms and in their homes. Mr. Vining said that with the population of people who live in SROs, people are aging in place and if they have been there for any length of time might not be as mobile as when they first moved in; their options for moving are very limited. Mr. Vining stated that the phone jacks are really important to take into consideration as there is very limited mail delivery in these buildings and a low-cost telephone would be a key life line for communication for tenants who are often isolated.

Mr. Antonio Madovez said that he has been a resident of San Francisco since 2007 and was present to voice his support of this ordinance. Mr. Madovez said that he has a phone jack in his bedroom even though he lives in one of the crappiest hotels in San Francisco. Mr. Madovez stated that the cost of installation of grab bars and toilets is probably lower than the permit itself and would have a huge impact on the safety for many seniors and people with disabilities. Mr. Madovez said that there should be an amendment to Prop N “Care Not Cash” to have more accountability for case management and property management.

Mr. Michael Harrington of the SRO Collaborative Mission District said that he was present to support this legislation for the installation of grab bars and phone jacks for those living in SROs. Mr. Harrington stated that in his building a woman has had to go to the hospital twice from falling due to lack of grab bars. Mr. Harrington said that he was disabled himself and said that another major concern of his would be to see working elevators in every building that has more than one floor. Mr. Harrington said that you cannot put a price on someone’s safety and health for grab bars, which will be very inexpensive.

Mr. Dan Jordan said that he is a peer councilor with the SRO Collaborative and said that the first persons the tenants complain to are the peer councilors. Mr. Jordan said that he hears many complaints about the hotel bathrooms being unsafe to use and said that his landlord has refused to install grab bars and says that he will not unless it becomes mandatory. Mr. Jordan stated that a lot of money could be saved by these hotels, the City and other services such as Medicare and MediCal if these grab bars were installed as there would be fewer people going to hospitals. Mr. Jordan said that there are only 5 or 6 telephones in his building as the owner will not install phone jacks and the lower income people living there cannot afford them; they are on a fixed income. Mr. Jordan said that he was pleading with the Commission to please get this legislation passed so that people can be safe.

Mr. Steven Tennis said that he works with a Central City SRO Collaborative as a preparedness organizer. Mr. Tennis said that he was going to speak about personal stories, but said that he changed his mind because he is most concerned about Code Enforcement. Mr. Tennis said that he

has lived in SROs for over 22 years and said that he could go back in time and say that there has been absolutely no change in the living conditions in SROs in those 22 years. Mr. Tennis stated that there are not enough people to go out and check the SROs so work gets delayed because there are not enough inspectors to write up the Code Violations. Mr. Tennis said that he was not concerned about the non-profits, but was concerned about the privately owned SROs; these are the owners who charge \$300 - \$400 a week for living conditions that a dog would not live in. Mr. Tennis stated that the Commissioners should not just look at photos of these SROs, but should actually go to one or two and see exactly what the conditions are.

Mr. Spencer Gosch said that he was present to speak as a member of the public. Mr. Gosch said that if the Department was going to have liability for any plan for these grab bars they should be carefully vetted by a team of engineers that have a high safety factor in structural design and that durability and sanitation be addressed. Mr. Gosch stated that normally the routine is that an outside engineer designs it and DBI's engineers approve it, but liability is on the outside engineer.

Deputy City Attorney John Malamut said that he was going to suggest as part of the Commission's consideration that they address the fee issue that came up; the Commission could possibly delegate to the staff to find an appropriate fee structure. Mr. Malamut said that if this was done now it would potentially avoid having the legislation come back after that is addressed by the Board of Supervisors.

President McCarthy said that this is a good outreach program and said that perhaps the Department could have a certain period of time with no fee to encourage hotels to move forward, but that might be outside of the Commission's jurisdiction. President McCarthy stated that at least DBI should structure a flat fee that does not exceed a certain amount.

Vice-President Mar said that the Department did this for small businesses when the City was trying to encourage owners to change their signage in certain districts, but perhaps this could be City-wide. Vice-President Mar said that it could be good to wave the fee for 30 days after the legislation is passed as an incentive for landlords who want to get it done quickly; he would defer to staff on making what would be a cost effective way to lower it thereafter.

Deputy Director Edward Sweeney said that there would probably be two inspections, one to check that the block, the backing was put in correctly and then the final. After discussion by the Commission and Mr. Nick Pagalatos of Supervisor Mar's office Commissioner Walker said that she would support this legislation.

Commissioner Walker made a motion (as clarified by Deputy City Attorney John Malamut), seconded by President McCarthy, that the Board adopt this legislation and the BIC acknowledges and recommends that a program be developed where there might be some period of time where fees are waived entirely and that beyond that the fees would be worked out in a way that would encourage the hotel users to install the facilities within a certain period of time.

The motion carried unanimously.

RESOLUTION NO. BIC 054-12

6. Discussion and possible action to update current Administrative Bulletin AB-007, *High Top Van Parking Equivalent Facilitation*.

Building Inspector Tom Fessler of the Disabled Access Division said that this item was before the Commission to bring the current Code language and the Administrative Bulletin in line in existing buildings, not new buildings. Mr. Fessler said that the Department would continue using the existing van spacing that is in the buildings for the van parking; it would be equivalent to facilitation for existing buildings the way it is done now. Mr. Fessler said that the present Code does not mention high top vans any longer and a new building would need to have 98” accessible parking.

There were no Commissioner questions and no public comment on this item.

Commissioner Walker was excused at this time. 11:40 a.m.

Commissioner Lee made a motion, seconded by Commissioner Clinch, that AB-007 be approved.

The motion carried unanimously.

RESOLUTION NO. BIC 055-12

7. Discussion on progress of recruitment for executive search firm regarding hiring of a permanent Director for the Department.

Deputy Director Pamela Levin gave a report on this item as Ted Yamasaki of Department of Human Resources was unable to attend today’s meeting. Ms. Levin outlined the criteria used by Mr. Yamasaki, President McCarthy and herself to vet the three vendors selected at the last BIC meeting. Ms. Levin stated that all of the vendors were asked the same questions and said that as a result it was discovered that Ralph Anderson & Associates had not conducted a similar search of a Chief Building Official for Director of a Building Department and therefore were not considered and the search is now short listed to two vendors, Alliance Resources Consulting and Bob Murray & Associates. Mr. Yamasaki spoke to the references provided by these vendors to get their experience, what kind of positions were on the recruitment, whether they were satisfied with the vendor, the level of service, and the amount of money that was charged.

Ms. Levin gave the following information regarding the two vendors that were vetted by Mr. Yamasaki:

Alliance Resources Consulting:

- Did a number of recruitment efforts of Building Agencies for Marin, Contra Costa County, San Mateo and San Jose
- Directors of Human Resources in these areas were satisfied with what had occurred
- Received rates of “outstanding” regarding specific questions about Chief Building Official recruitment

- Vendor is flexible in working with the hiring authority to meet the specific needs including scheduled meetings with subject matter experts, development of recruitment strategy and presentation of the finalists
- Local presence in Palo Alto, but are primarily a Southern California firm
- Cost of search includes a guarantee of a no cost repeat in case the search is terminated
- Proposal cost is the lowest of the finalists
- Will assign the founding member that has been the longest with the organization to the recruitment group
- Comprehensive or a corporate approach to the recruitment including reference checking of the candidates as a part of the preliminary assessment

Bob Murray & Associates:

- Did the last recruitment for the San Francisco Director of Building Inspection
- Knows the Department
- Brings a lot of skills, knowledge and abilities to the forefront and has dealt with stake holder groups in high profile positions
- Can customize the services to meet the budget and service requirements of the hiring agency
- It had been 5 years since the company had done recruitment for a Building Official
- They are a known vendor
- Their level of understanding may be beneficial
- Individual doing the recruitment has experience in law enforcement and has experience with the FBI, and Police kinds of model of doing work
- Will conduct personal interviews with the top 10 to 12 candidates
- Will do a public records request on candidates to determine if additional inquiries of the candidate's background is necessary

Mr. Yamasaki wanted the Commission to know that either vendor could do the job; they could provide the services and could meet the Commission's needs. Ms. Levin said that either vendor would be able to do the job, but it is up to the Commission to make the decision. Ms. Levin stated that Mr. Yamasaki is committed to work with the Commission and the vendor to make sure this has good outcome and that the Commission is satisfied with the choice.

President McCarthy called for Commissioner's discussion.

Commissioner Lee asked what the cost difference was between the two companies. Ms. Levin said that Bob Murray was \$19,500 and Alliance was \$17,500 and then there are expenses which would probably be in the same ballpark for each company; these would include airfare for candidates, etc.

Commissioner Melgar asked where the companies were based. Ms. Levin stated that Bob Murray was in Roseville and Alliance had an office in Palo Alto.

Commissioner Clinch said that Alliance had a guarantee that if someone were to be terminated they would come back with a no cost search and asked if Bob Murray would offer the same.

President McCarthy said that he understood that the question was asked of Bob Murray, but they did not come back with a response so he would assume that this is not on the table. President McCarthy stated that these were two good firms and that the BIC should just choose one.

Commissioner Melgar said she thought that the single most important thing is that Alliance had conducted recent searches in Marin, San Mateo, Contra Costa and San Jose. Commissioner Melgar stated that having those relationships and having a pool of talent in the area is really important. Commissioner Clinch said that it looked like Bob Murray's placements have largely been in the Central Valley, while Alliance's has been in the Bay Area.

President McCarthy said that the gentleman that is assigned to this from Bob Murray is the same gentleman who was assigned to the last Director.

Vice-President Mar said that both firms could do the work, but said that he wanted to concur with Commissioner Melgar and Commissioner Clinch about recent experience and also their experience in Housing and Inspection areas because that is what they specifically hired for in those other counties that were fairly close. Vice-President Mar stated that he was concerned about the guarantee regarding a guaranteed search at no cost if the individual hired decided to leave within a year. Vice-President Mar said that he wanted to make a motion to go with Alliance.

Deputy City Attorney John Malamut said that this item was not listed on the agenda as an action item so the Commission could not vote on it today. President McCarthy said that he was under the impression that the Commission could vote on this today and apologized to his fellow Commissioners as the buck stops with him. Mr. Malamut said that this could be on the agenda for the next meeting or the Commission could hold a special meeting; the next regular meeting is on January 16th.

Commissioner Melgar said that she would be out of town until January 7th and would imagine that many of the Commissioners would be missing due to the holidays. President McCarthy said that this item would be agendaized for the January 16th meeting in such a way that the Commission could take action.

President McCarthy called for public comment.

Mr. Spencer Gosch said that there has been a delay of 6 months and still there has been no decision on who is going to do the potential selection of a Director. Mr. Gosch said that this bespeaks to some of the problems or the dysfunction of the Department including President McCarthy. Mr. Gosch said that previously the Commission hired a seemingly good person who washed out after a year; he could not take it. Mr. Gosch stated that maybe longevity of the person hired should be considered. Mr. Gosch said that after the Director left, the Department unwisely chose the permit person from Alameda to be the Director for five years and said that he would blame the current management staff that stayed on after the last Director left. Mr. Gosch said that they are responsible for this and the Commission is keeping them in this situation where they are trying to hold the lid on this stew pot of corruption. Mr. Gosch stated that the Commissioners are doing themselves a disservice because the stew pot is going to overflow before a new Director is found.

8. Director's Report.

a. Update on DBI's finances.

Deputy Director Pamela Levin gave the following highlights of the Department's finances:

- There will be approximately \$7.5M at the end of the fiscal year
- Testing for new positions is taking longer so there are some salary savings of about \$2M
- The list for Building Inspectors was adopted yesterday
- Exams that are almost done will meet the January-February timeframe that will allow positions to be hired by the end of June
- Charges for services are still tracking higher than what would be at this point; DBI has gone through 42% of the year, but has received 63% of the charges for service revenue
- There are several projects coming in
- There is a change in the Mayor's Office of Housing in terms of the threshold of the charges for inclusionary housing so the Department might see a large increase
- Apartment and rental fees were due December 10th and DBI will not see those results until January
- The Department will see the large work orders being charged in January for the first six months of the year; the largest one is the City Attorney's Office
- The Department is now on a two year budget
- Revenues are coming in higher than expected so DBI should be able to do some of the projects that have been delayed
- There will be two hearings on the upcoming budget with a special meeting in February to pass the final budget that will be submitted to the Mayor's Office by February 21st

b. Update on proposed legislation.

Mr. Bill Strawn with Legislative and Public Affairs said that the earlier discussion with Supervisor Mar's Aide, Nick Pagalatos, regarding the grab bars legislation will be heard at Land Use on January 14th and should be approved in January by the full Board. Mr. Strawn said that Supervisor Chu is still working on a legislation regarding an apartment conversion ordinance dealing with shared housing. Mr. Strawn said that the most recent status on that is that the Supervisor's aides have come to DBI and asked for a proposed fee structure because DBI would be responsible to come up with a registration process for those people that own property and wanted to take advantage of this legislation. Mr. Strawn stated that this legislation proposes to let someone rent space for up to 90 days a year and it would also include registration by some of the hosting organizations such as Vacation Rental by Owners. Mr. Strawn said that this legislation was still in the drafting stage.

Mr. Strawn said that he has attended a few meetings concerning the Maher Toxic Ordinance update with people from the Public Health Department and Planning who are working on a redrafted version. Mr. Strawn stated that projects would probably be required to do soil testing City-wide and ground water testing if they were in areas that DPH did not have sufficient data about potential toxicities. Mr. Strawn said that this would affect how quickly DBI could release building permits because those would have to be certified by DPH before the permit could be issued; this should move through the legislature in January or February. Mr. Strawn stated that there was nothing to report State wise as the legislature is in recess until January.

Commissioner Lee asked if the Shared Housing Ordinance will come before the Code Advisory Committee. Mr. Strawn said that it would once the Department actually has the legislation. President McCarthy asked if Mr. Strawn had read the legislation in detail regarding the drilling. Mr. Strawn said that he had read the legislation and that it did not appear to be too onerous at this point, but it does rely on DPH and Planning updating the existing Maher hot spots and should affect DPH and the PUC. Mr. Strawn stated that DPH and the PUC may have infrastructure projects going on in different parts of the City and said that it sounds as though the people behind this legislation are very amenable to having a self-certification process where those two Departments can continue to do the work needed. President McCarthy asked if someone would have to get a conditional use permit. Mr. Strawn answered that he did not know, but would ask about that issue as there should be another version in January which is an amendment to the existing legislation that is referred to as the Maher Toxicity Legislation; it is an ordinance that was started when Bill Maher was still a Commissioner years ago.

c. Update on Permit Tracking System.

Ms. Penny Venable, IS Project Director of DBI said that the first part of her update was about the Accella project and the public portal. Ms. Venable said that DBI has been working closely with the vendor and Planning regarding designing requirements and as the vendor is doing the configuring DBI defines the requirements and then reviews them with staff. Ms. Venable stated that an Accella Citizen Access Committee was being formed and that DBI had already met with the Building and Planning Commissioners and was in the process of nominating the members of that Committee which will have about 16 members. Ms. Venable said that the first meeting is scheduled for January 30th and the plan is for this Committee to do reviews of the system for about 1 to 2 hours a month ending sometime in April; this would be a review rather than a user acceptance test.

Ms. Venable said that another item is Accella automation and said that this is an internal staff product. Ms. Venable stated that she has been working closely with staff to come up with test cases and then in January there will be a kick off meeting where staff will actually start executing those test cases; the next item is data conversion. Ms. Venable said that DBI is working closely with Planning and the vendor on mapping all the data elements from the current PTS to the new PPTS to plan for the loading of the historical data. Ms. Venable explained that there are a lot of different fees in the system so there is a great deal of work to do with the configuration and giving the vendor input to move forward on the fees. Ms. Venable explained that there are scripts being built into the system that specify DBI and Planning requirements and those are being built and reviewed along with the many reports in the system. Ms. Venable said that everyone continues to meet with various team members to define all of the requirements and to document them. Ms. Venable said that there will be a letter to invite the Citizen Access Committee members to the meeting on January 30th and will continue the development stages that were explained for the Accella automation and Accella public portal.

President McCarthy said that DBI had its list for the Committee, but asked if Planning had submitted their final list. Ms. Venable said that Planning are still finalizing their list. President McCarthy emphasized that there should be no more than 16 members on the Committee as it would be hard to gain a consensus otherwise. Commissioner Mar asked that the list of Committee members be made available to all of the Commissioners. President McCarthy said that this was important as a lot of people would be putting their time and effort into this so the BIC wanted to make sure there is a good working group that will include stake holders as well as a Commissioner from DBI and Planning and the consultant. President McCarthy thanked Ms. Venable for her presentation.

d. Update on other technology projects.

Acting Director Hui reported that there were no changes from last month.

e. Update on Q-Matic.

Acting Director Tom Hui said that he had sent a letter to the Commissioners asking that there be a closure to the Q-Matic system. Director Hui said that the Department tried the system a few months ago and it did not work out so a temporary hold was put on the system. Director Hui stated that now after discussion with staff and a committee formed to investigate this process it was decided that the Q-Matic system be permanently scrapped.

Vice-President Mar said that he thought it was good to put closure on the Q-Matic, but said that he would like an update at a future meeting from Deputy Director Sweeney about how the fifth floor is now functions. Vice-President Mar asked for a brief written report about what the process is now to sign in, the lists, the line situation and how the supervising management is keeping tabs on the performance of staff and how the distribution of labor is going.

Commissioner Melgar said that she was glad that DBI was closing the book on Q-Matic as it really was very old technology. Commissioner Melgar said that DBI is in the heart of Silicon Valley and said that there should be a better system for DBI's purposes. Commissioner Melgar asked if DBI was considering any other options rather than Q-Matic.

Acting Director Tom Hui said that he had asked the MIS Manager to look into any existing system in the State, but said that right now there is nothing available, but there may be in the future. Director Hui said that the Department would continue to investigate anything on the market. Commissioner Melgar asked if there was anything that could be done to keep track of people. Director Hui said that it was difficult for DBI as there are multiple functions and multiple stations on different floors, but said that the Department was still looking to see if there was anything better to deal with the multiple floor situation. Commissioner Melgar said that she found it difficult to believe that there is no such thing and said that even though DBI is unique there are other large City departments around the country and the world that deal with multiple functions on multiple floors.

Deputy Director Edward Sweeney said that people from the Los Angeles Building and Safety Department visited DBI about two months ago and were surprised about the ease with which a customer could just walk in; in Los Angeles a customer has to make an appointment to meet with the Building Inspector or the Engineer and then go over to the counter. Deputy Director Sweeney said that the Los Angeles people were also surprised about the size of the jobs that DBI will plan check over the counter. Deputy Director Sweeney said that in Oakland a customer comes in and submits everything and then is contacted when it is ready to be picked up; San Jose is by appointment only, so DBI is unique in that there is a large floor where people get off the elevator, sign a list and are seen in order.

Vice-President Mar said that Commissioner Melgar makes a good point and said that he spoke with Deputy Director Sweeney after Q-Matic was stopped and even putting aside the multiple floor issue said that he would like to get an update about how DBI is handling the fifth floor. Vice-President Mar said that he just wanted to make sure that the system is very transparent from the staff's point of view and the contractors, expeditors and whatever professionals come in and need service from the fifth floor staff.

There was no public comment.

9. Commissioner's Questions and Matters.

- a. Inquiries to Staff. At this time, Commissioners may make inquiries to staff regarding various documents, policies, practices, and procedures, which are of interest to the Commission.**
- b. Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Building Inspection Commission.**

Vice-President Mar said that he did not know if the issue of foreclosures and their affect on tenants and owners was under DBI's jurisdiction, but said that this issue might come up in terms of blight situations. Vice-President Mar asked if DBI was working with the City Attorney's Office or any other City agency because he has heard from community groups that this is a big issue. Vice-President Mar said that it tends to happen more in the poorer areas of the City. Acting Director Tom Hui said that the Department does not have information of the foreclosures. President McCarthy said that perhaps it could be tied into the NOV's that are issued. Deputy Director Edward Sweeney said that the Department does have a list of vacant buildings and on that list often times the bank is listed as the owner so perhaps DBI could take a look at that.

President McCarthy said that he would like to calendar an item on the status of the parking situation for DBI inspectors when they go out to a job. President McCarthy said that on his project when the Inspector came to the job he had a very difficult time finding a parking space and the issue came up. President McCarthy said that he came to understand that in certain circumstances the Inspectors are liable for parking even though the Department has paid for placards. President McCarthy stated that he wanted to have a discussion to know if the Water Department, Planning or other City Departments have the same situation.

There was no public comment.

10. Adjournment.

Commissioner Clinch made a motion, seconded by Vice-President Mar, that the meeting be adjourned. The motion carried unanimously.

RESOLUTION NO. BIC 056-12

The meeting was adjourned at 12:25 p.m.

Respectfully submitted,

Ann Marie Aherne
Commission Secretary - Retired

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS	
Agendize an item to select a firm to conduct the search for a new Director. – President McCarthy	Page 11
Report on the fifth floor and how it functions as related to customers and staff. – Vice-President Mar	Page 14-15
Report on the parking situation for DBI Inspectors when they go to inspect a project. – President McCarthy	Page 15