



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

**REGULAR MEETING**

**Wednesday, June 15, 2011 at 9:00 a.m.**

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

**Aired Live on SFGTV Channel 78**

**ADOPTED December 12, 2011**

**MINUTES**

The regular meeting of the Building Inspection Commission was called to order at 9:12 a.m. by President Hechanova.

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

**COMMISSION MEMBERS PRESENT:**

Reuben Hechanova, **President**

Kevin Clinch, **Commissioner**

Criss Romero, **Commissioner, excused**

Debra Walker, **Commissioner, excused**

Ann Aherne, **Commission Secretary, excused**

Warren Mar, **Vice-President**

Mel Murphy, **Commissioner**

Frank Lee, **Commissioner**

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

Vivian Day, **Director**

William Strawn, **Communications Manager**

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

Edward Sweeney, **Deputy Director, Inspection Services**

Hanson Tom, **Acting Deputy Director, Permit Services**

John Hinchion, **Acting Senior Building Inspector of Code Enforcement**

Sonya Harris, **Secretary**

**CITY ATTORNEY REPRESENTATIVE**

John Malamut, **Deputy City Attorney**

**2. President's Announcement.**

President Hechanova thanked Vice-President Mar for doing a great job sitting in his stead at the last Commission meeting. President Hechanova said that he wanted to salute the staff on some upcoming retirements: Patricia Beasley of the Housing Inspection Division will be retiring on June 24, Gerald McDermott of the Electrical Inspection Division will be retiring at the end of the month, and Ann Aherne an anchor for the Building Inspection Commission for quite a few years will also be retiring in July. President Hechanova stated that they have all served the City and more importantly always put their good work through the efforts of the Department, and for that the BIC will always be thankful. President Hechanova said that he also wanted to commend the DBI staff: Dan Lowrey, Chief Building Inspector, Rosemary Bosque, Chief Housing Inspector,

and John Hinchion, Acting Senior Building Inspector of Code Enforcement. President Hechanova stated that they have performed in areas ranging from addressing NOV's to inspections, and when he looks at the numbers it is really commendable so he would again like to thank them for their continued service and good work. President Hechanova said that the effort of the Commission is to maintain and keep moving forward with the balance of the year along with strong support of the staff as well as how the Department will continue to perform and take on the challenges of reduced staff. President Hechanova stated that he hopes the growing load of work that is coming into the City will provide an uptick to the growing economy in San Francisco along with our Department, and hopefully a push to provide additional training and equipment will come into play. President Hechanova said that he is looking forward to the results of the contract negotiations to finalize the Permit Tracking System (PTS) which Deputy Director Pamela Levin has been strongly involved with through this period of time. President Hechanova stated that Chief Plumbing Inspector Steve Panelli helped out with some restaurant owners in Chinatown by helping with the fats, oils, and grease issues and Chief Building Inspector Dan Lowrey along with other DBI staff contributed to the investigation of the most recent fire on June 2<sup>nd</sup>. President Hechanova said that the collaboration of the aforementioned DBI staff and the services they provide along with other department staff to make the city more efficient by also paying attention to the health, safety, and welfare of the community of San Francisco.

### **3. Update on vacant buildings/blight issue.**

Acting Senior Inspector of Code Enforcement, John Hinchion, thanked President Hechanova for his opening remarks and said that he must insist they are only as good as the fine Building Inspection support staff they have. Mr. Hinchion stated that this item was agendaized due to questions from members at the last meeting that were related to the Vacant/Abandoned Building Ordinance. Mr. Hinchion said that this is a new ordinance that was subject to the Building Code as a result of a vote of the Board of Supervisors, and the effective date was September 2009. Mr. Hinchion continued to give a report containing the following information:

- Code Section 103.4 – This ordinance requires annual registration and a registration fee to be paid.
- The Commissioners were given a packet listing 427 active addresses and of those, 291 have paid the registration fee on their buildings. The remaining addresses are in different stages of the Code Enforcement process.
- Over the past two years or so, there were 300 other buildings that were evaluated and the owners responded and provided DBI with industry documents and information, so they were declared as not needed to be on the active list.
- Commissioner Murphy asked what was the annual fee? Mr. Hinchion said \$765 and that involves the registration form, ownership information, and other requirements for the building.
- The fee is the same for single-family homes and multiple units.
- The active addresses on the list do not give an indication of the amount of staff time involved in any of those entries.
- When an address comes to the Department's attention a quick evaluation is done and a letter is sent with all of the criteria involved in registering the building and the owner is given a timeline.

- If no action is taken, then the owner gets a second courtesy letter and after that timeline expires, a Building Inspector goes into the field and if appropriate will issue a Notice of Violation (NOV).
- The next step in the process is the case would be scheduled for a Director's Hearing.
- If all of those actions are taken, then one of the support staff enters the information and updates the list on a regular basis.
- Commissioner Lee asked if these are the NOV's the Department sends out? Mr. Hinchion said yes if the owner has not responded.
- Commissioner Lee asked what is the owner in violation of? Mr. Hinchion said they are in violation of the ordinance.
- Mr. Hinchion said in the legislation there is a whole list of criteria that talks about the requirements for the Building Code: Keeping the building watertight, and numerous other things.
- Commissioner Mar asked if there was any collaboration with other departments such as DPW or DPH where there might be excessive dumping of garbage in some of the abandoned buildings. Mr. Hinchion stated that there needs to be additional referrals to other departments.

Deputy Director Ed Sweeney stated that there were a lot of Board of Supervisors (BOS) inquiries about the vacant building/blight issue, and lately the Department has been getting a lot of complaints regarding the Hunters Point/Bayview area. Mr. Sweeney said that this seems to be more or less the "hot" area and just this week DBI had a BOS inquiry regarding an abandoned church on Waller Street, and over the past month there have been a couple of cases referred to the City Attorney's office. Mr. Sweeney stated that DPW and DBI work together and this has carried over to the blight ordinance, but DPW handles issues such as water, graffiti, garbage on the sidewalk, and vacant lots that are overgrown. Mr. Sweeney said that the biggest confusion is the private buildings in San Francisco, for instance on Waller Street the biggest issue was homeless teenagers sleeping in the building and leaving garbage. Mr. Sweeney stated that when DBI received the complaint, Inspectors went to the site and discovered that they had two Notices of Violation that the Department had written over the last couple of years so the staff followed up on that, and it will be scheduled for a Director's Hearing. Mr. Sweeney said that as Senior Inspector Hinchion mentioned, there are a lot of addresses that have come off of the list and all of these buildings are in some state of distress and DBI is dealing with owners that do not have the financial resources or expertise to deal with them. Mr. Sweeney stated that the Department does its best to work with the owners and give them extra time, but when there are a lot of complaints from neighbors they seem to get more attention.

**Commissioners/Staff Question & Answer Discussion:**

- What is the policy for buildings with a lot of graffiti? That is under the blight ordinance and is under DPW's purview.
- There was an ordinance six months prior to the vacant building ordinance and when it was written, DPW was the lead agency for graffiti blight, and DBI has a supporting role.
- Who is responsible for overgrown vacant lots? It is in the Housing Code so DBI can address it, but the lead agency is usually DPW and the Health Department could get involved if it was deemed to be a health hazard.
- Would the complaint come to DBI first? Yes it would start at the third floor as a routine

complaint, and then it would be routed to the sixth floor to the Building Inspector that is assigned to that particular task.

- Since San Francisco had wet weather this past Spring, there has probably been a lot of growth of weeds on certain lots that could be vulnerable to brush fires.
- There were a lot of grass fires in the Alemany housing projects and some around the Middle Point area in Hunters Point: If that acreage is not taken care of then there could be a fire danger, so the Fire Department is looking at that.
- Most of that area is publicly-owned land so it would not be in DBI's purview but under DPW, Fire Department, and the Health Department.
- What does OA stand for on the list of designations? Order of Abatement
- When there is a Director's Hearing the owners do not always show up, because sometimes they are elderly or could be out of town. Staff sends a letter to where the tax bill is sent and oftentimes they do not pick up their mail.

President Hechanova called for public comment on Item 3.

Ms. Nancy Wuerfel stated that she lives next door to a vacant building that was vacant for 28 months, and it was vacated in November 2008 before the ordinance went into effect and was finally registered in May 2010. Ms. Wuerfel said that the owners returned to the property in March 2011, and she gave some background of the problems she experienced with the implementation of this ordinance. Ms. Wuerfel stated that she experienced all the issues of blight that this ordinance addresses, but the Code was not enforced and repeated attempts to have the law enforced resulted in nothing. Ms. Wuerfel said that Parkside is a good neighborhood and did not normally attract the people that came in, and when the police were summoned to shut the doors and inspect the property there was no posted notice. Ms. Wuerfel said that they could not contact the owner because the sign posting requirement of the ordinance had not been respected, so the current name, address, owner of record, and authorized agent, was not noticeable. Ms. Wuerfel said that there was also a notice of default on the property and the lender's name, telephone number, and address was also to be made available and none of it was. Ms. Wuerfel showed pictures on the overhead and stated that the property was not maintained, the windows were out, skylights were broken, and security was nonexistent. Ms. Wuerfel said that she was concerned about the fact, though there were many reports, the inspectors did not come and see these things nor did they repair or cite them. Ms. Wuerfel stated that she wanted to bring to the BIC's attention the fact that there was a complaint that talked about the building not being approved, windows open, skylight broken, and the rear patio sliding door was unglazed, however a property owner came and said that the property was listed as vacant. Ms. Wuerfel asked how could a door that is missing glass, admitting people, vermin and water not be relevant, and from her point of view she is not sure that this program is being properly implemented. Ms. Wuerfel said that the significance of having a broken window such as this – she is not sure how this can be allowed to be left in the walkway because it clearly fell off the building. Ms. Wuerfel stated that the building is not protected from the rain and there are lots of examples of this and this is just a single family dwelling, so she wants to make sure that the Commission understands this is what this ordinance was meant to protect. Ms. Wuerfel said that a simple home with simple repairs and even a piece of plywood was not affixed, so the inspectors must especially get sign posting and they must look at means of entry to the property and deal with the security. Ms. Wuerfel stated that they could try the lock and if it works then there is a security problem and additional action should be taken. Ms. Wuerfel said that she hopes there would be improvement in how this is

addressed at the inspection level.

Mr. Joe Butler said that he was an architect in the City and part of the problem with a vacant building ordinance is when people come to DBI to file a complaint about a vacant building, whether or not it is registered, open to the weather, whether it is being squatted, there is no formal intake for complaints. Mr. Butler stated that he filled out a form and handed it to someone and it did not go into a system, and there was no computer record – How can that be? Mr. Butler said that three weeks later he came back and nothing happened and there was nothing in the record, but he handed in a complaint. Mr. Butler asked when? What day? Where did it go? and he said that it is not his job once he hands it in, and he has a copy but how does staff know that the copy was something that was handed in? Mr. Butler said that at the bare minimum DBI needs to look at this process from the start: How does a member of the public register a complaint about a vacant building? How does that get into the computer system, and is it by an intake clerk or senior staff? If it is by senior staff, it does not happen and if it is done by an intake clerk then that is part of their job and they would not need to wait for senior staff. Mr. Butler stated that there should be a process that is transparent and every complaint that comes in is treated similarly. Mr. Butler said that the complaint that was made on Larkin Street went through two NOV's, and the building is weather tight and it is not pretty but it is vacant. Mr. Butler stated that 2514-23<sup>rd</sup> Street is in various states of disrepair, illegal construction without a permit, and open to weather. Mr. Butler said that there are two buildings, same city, same department, unequal treatment.

President Hechanova asked if there was a tracking number when he filed the complaint.

Mr. Butler stated no, none are given and there is no process. Mr. Butler said that complaints should be given numbers just as permits are given numbers then customers could ask what happened to complaint number on that particular date. Mr. Butler questioned what happened and said if it is in the system then there should be a record.

#### **4. 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 the SFCRG said that he has a client who just had a building permit issued for changing their roof and some material reconfiguring. Mr. Karnilowicz stated that when he called to find out how much the permit was, he was told it would cost another \$3,000 to get the permit issued, so he said to go to DBI and see if he could get it revalued. Mr. Karnilowicz read an email from the client and he said it went down to \$144K from \$208K, and that was based on DBI numbers per square foot. Mr. Karnilowicz said that the client was renovating two bathrooms and one kitchen, and the staff could not have been nicer and everyone was great. Mr. Karnilowicz stated that the total permits for the project came to about \$700 to \$800, and that is still at least two to three times more than any other city he has ever renovated in such as New York, Minneapolis, Boston, and Los Angeles so he wanted to report this to the BIC. Mr. Karnilowicz said that he was pleased to have David Leung at DBI who will re-evaluate these projects, and this is the second time that this came to his attention.

Mr. Spencer Gosch said that before the clock begins he would like to clarify how much time is allotted for public comment. Assistant Secretary Harris stated that he was allowed three minutes.

Mr. Gosch said three minutes, unlike the two that he was allowed last time. Mr. Gosch said that the Commission gave Director Day a \$50K raise not including any bonuses their order for doing such a good job, unfortunately she exhibited willful neglect to the Department of Building Inspection. Mr. Gosch stated that this has manifested itself in a nearly complete lack of direction in staff as Director, and the magnitude of this bill has now reached a point where the Department is beyond crisis. Mr. Gosch said that without direction the Department has evolved into a state of confusion that is truly monumental, and this monumental confusion creates huge cost for customers and the Department itself. Mr. Gosch stated that he must remind the BIC that this is a public agency in charge of public safety, and public safety is clearly being compromised by allowing Ms. Day to be in her position. Mr. Gosch said that he has inquired about directives before and can only assume there are no directives for staff to be produced in Director Day's defense therefore she is charged with misconduct and should be taken away from her position. Mr. Gosch stated that if the Commission does not dismiss Director Day then it would be a civic obligation failure, and he believes there are additional improprieties that can be exposed. Mr. Gosch said that he must remind the BIC that he informed them of this obvious malfeasance and hopefully they will act immediately on this threat to the health and safety of the people who live and work in San Francisco will unfortunately spread the taint of malfeasance. Mr. Gosch stated that if the Commission is willing to forgo their civic obligations he cannot strongly recommend enough that they consider their legal exposure, and on top of all else he urges the BIC to do the right thing. Mr. Gosch said that he would like to recommend to all Commissioners and City Attorneys represented to seek legal counsel regarding this matter.

Mr. Sandy Biernbak stated that he is a tenant in an SRO and the problems that he has had are extensive: 34 Notices of Violation on the building in a three-year period, and he would like to talk about 3 recently. Mr. Biernbak said that there was no heat for eight days, no electricity for seven days, and no hot water for five days and he has contacted DBI and had to say the inspectors have been there promptly and did their job. Mr. Biernbak stated that the inspectors issued a Notice of Violation and the process stopped and nothing happened. Mr. Biernbak said that he has gone as far as going to Director Day's office after five days without electricity and he raised a stink so Senior staff finally went out there. Mr. Biernbak stated that PG&E could not get out there but once he went to Ms. Day's office they were there within one hour, then they found out there were no permits for the work so the process does not work. Mr. Biernbak said that he met with Deputy Director Sweeney and his senior staff and they told him the only thing they could do is issue a Notice of Violation and they have no way to compel the landlord to make repairs. Mr. Biernbak stated that eventually they go to a Director's Hearing and eventually they would be penalized, but the penalty they have is nothing. Mr. Biernbak said that in these three cases the landlord has not been penalized in any way and if DBI does not have the ability to force the landlord to make the repair then somebody has to do something or there needs to be legislation to do it. Mr. Biernbak stated that these are health and safety issues and he asked the BIC how many days would they like to go without heat during the time when the high temperature was 54 degrees.

## **5. Update on DBI's Notice of Violation (NOV) Procedures, including follow up.**

Deputy Director of Inspection Services, Ed Sweeney, gave a brief overview of complaints that come to DBI and what happens to them. Mr. Sweeney showed a diagram titled "San Francisco Housing Code Enforcement Process Overview" on the Overhead projector, which explained the

process including the Notice of Violation process. Mr. Sweeney's presentation addressed the following points:

- When a complaint comes in, it is put on the standard complaint form, and goes to one of the Senior Building Inspectors or Housing Inspectors that is responsible for prioritizing and ensuring the correct person does the inspection in a timely manner.
- There is systematic enforcement: The routine housing inspections, the boiler program, condo conversion, Sprinkler ordinance, and things of that nature.
- Once an Inspector goes to the site with a complaint that has a number, then they ascertain whether or not the complaint is valid and if it is then it is prioritized.
- If there is no heat then the owner would be given 24 hours to comply. Letters would be sent to the owner, phone calls made to the owner or manager if there is one.
- If the issue is not dealt with satisfactorily, then a second NOV is issued which clears the way for a Director's hearing.
- Director's hearings are every Thursday at 9:00 a.m. in Room 2001. Getting the owner to a Director's hearing takes about one week.
- The Building Code allows DBI to go in and actually do the repairs, but in the past 12 years that has been almost nonexistent since the Department is careful not to do that because it is hard to get reimbursed.
- It is going to probably take DBI a good deal longer than the property owner to go in and do the work. There is nobody on call so DBI would have to go out and find somebody.
- Once an owner is in the code enforcement process and has an Order of Abatement (OA) against their building, they are given a specific amount of time to do the repairs, get a permit if one is required, and then get it signed off.
- If there is no compliance then an Order of Abatement is issued on the property.
- Once there is an Order of Abatement the lender is notified, it will be hard to get a loan, and it will be harder to sell the property, especially these days. NOV can be times 9 for work without a permit or times 2 for work beyond the scope.
- There is no penalty for vacant buildings for the first 30 days if owner complies, but it just depends on the nature of the complaint and the Inspector going out to the property.
- DBI tries to give a reasonable amount of time because people have to obtain permits, coordinate the work, do the work and finish it, and get the necessary sign-offs and coordinate the necessary inspections – It all takes time.
- The assessment of cost and penalties: The assessment of cost now goes from the time of inspection. When an owner is clearing the violation, one of the things they must do is to pay for the permit, penalties, and compensate for DBI's staff time – that is done when the owner has the permit abated.
- If there is no action after the OA then the case can be referred to the City Attorney, and this is done on a regular basis. The Litigation Committee meets bi-monthly and cases are referred to the City Attorney at that time.

Commissioners/Staff Question & Answer Discussion:

- Was there a list of repeat violations? There is continued maintenance and care and the District Inspectors would be aware of that.
- Mr. Sweeney said this particular case has an antiquated boiler system, and when it was brought to his attention, he assigned one of the Plumbing Inspectors that specializes in boilers.

- Plumbing Inspector went to the site and brought back some pictures and issued an NOV. There was a lot of asbestos and owner was told to clear that out. The Inspector identified certain things that had to be updated on the system and the Department expects they will probably get a new system put in.
- Commissioner asked if there was any way to respond to the complaint by having outside contractors go in and fix the problem. The Code allows DBI to do certain repairs under and Emergency Order but not in all cases.
- Most owners take care of their problems, and this particular property owner was a little problematic, but DBI sent the boiler specialist, Plumbing Inspector Tony Amable, out to the site and an NOV was issued on the boiler and the Department is following up on this.
- Is the property owner dragging this out and is there any way to “push” them a little more by threatening them that DBI is going to go in and do the work? That is always a threat, but it is a long process to go out and look for a contractor to do the work, and for things like heat and hot water or anything that is dangerous staff shortens the process as much as possible.
- If DBI gives owner 24 hours and they do not fix the problem then does DBI find a contractor to do the work? There has only been one case when this was done in the past 12 years that Mr. Sweeney has been at DBI, and the Department still has not gotten the money back.
- Is there a list of contractors available that can do that work for the Department? The city has emergency contractors, but they would still have to get access and they would have to mobilize.
- Is there any money in DBI’s fund to do this sort of thing? Yes there is a repair and demolition fund and it was depleted until six months ago, but Director Day put a lot of effort into getting funds available for that.
- Commissioner said maybe it would be a good incentive for owner to get the work done quickly if DBI charges them two to three times the cost. It gives them an incentive to do it on their own and do it quickly instead of waiting for a city contractor.
- Mr. Sweeney said some type of criteria would have to be formed so to say that the Department would do that for everyone is misleading and putting “false hope” out there.
- Commissioner said the previous speaker said the complaint is mostly heat and light and not a big item. Mr. Sweeney said it would be a huge boiler.
- Maybe put on the agenda for another meeting to look into repeat problems that buildings are having with fixing/maintaining heat.
- Commissioner Murphy asked the City Attorney if it was possible to put a lien on the property to get money back for DBI if the Department pays for work to be done? Deputy City Attorney John Malamut said that there is a lien process and unfortunately it is called a judgment lien and they are not paid off until the property is sold so DBI cannot collect the rents. A lot of departments are faced with this situation.
- Mr. Malamut said that there are some state law procedures that limit what kinds of actions can be pursued rather than a judgment lien, but not all violations of local law could be pursued in that way.
- President Hechanova said if this a health and safety issue then at a certain point the owner should have to fix the problem in a timely way, because DBI seems to continue doing the same thing over again but not getting any results.
- Code Enforcement team could be brought in which is one of the groups within the City



Attorney's Office.

- What does it take for DBI to get a contractor to do the work, instead of the owner? Mr. Sweeney said first the Department would have to get a contractor and get 3 bids. A lot of coordination would have to be done between Fire, Police, DPT, etc. DBI is in the enforcement business and not the construction business. There could be potential conflict issues if DBI hired any particular private contractor so DBI would have to wait on a city contractor or DPW.
- How would a contractor get in the building to do the work? Access to the building could be a problem since DBI has the right of entry if they have reasonable cause, but the practice is for the owner to allow entry.
- President Hechanova asked if the Director could come up with how much property is lienied on an annual basis, and what is the cumulative cost out of pocket.

Mr. Sandy Biernbak thanked the Commission for the discussion and said that the primary function of government is the health and safety of the citizenry. Mr. Biernbak stated that there was a Notice of Violation that was given within 24 hours, but he is talking about eight days without heat, five days without hot water, and seven days without any electricity – no lights, no refrigeration, no nothing. Mr. Biernbak said that he understands that there is a cost factor but the cost factor to someone's life and safety is DBI's primary responsibility and of the responsibility of the City of San Francisco to protect its citizenry. Mr. Biernbak said that there has to be a prioritization of the process, but somewhere along the line eight days without electricity is a problem. Mr. Biernbak stated that the Inspector made a telephone call to the landlord, but how long does it take before something is done by the City? Is it not an enforcement agency – the reporting and Notice of Violation goes nowhere.

Ms. Nancy Wuerfel thanked the BIC for the discussion on complaints and said that last month she attended the meeting to express her frustration over the lack of a timely response to investigate her report of permitted and unpermitted work next door and calling jack hammering the concrete foundation and excavation of the dirt. Ms. Wuerfel said that an NOV was issued on four rear stairs that were being built, and there was no NOV for the basement with electrical and plumbing lines dangling in the air without any support, and these safety issues remain today. Ms. Wuerfel stated that her experience has been dismal with few items with permitted work, and two and a half years ago she reported the illegal horizontal addition of the house next door and provided a dated photograph of it under construction in 1984. Ms. Wuerfel said that there was no permit found for the structure and it has never been inspected: As of today there is still no NOV for the work and she has a photograph of it being built and no permit has been found for it. Ms. Wuerfel stated that the amount of investigation was consistent of leaving a message "While You Were Out" notice which was on the house while the house was a registered vacant building. Ms. Wuerfel said that there was no other follow up and that was one year ago, actually over two years ago she complained about a kitchen remodel and it was down to the studs. Ms. Wuerfel stated that she reported it to an Inspector who was at the property standing with her and looking at the invisible external plumbing and mechanical vents. Ms. Wuerfel said that these vents and windows had been boarded up and very clear work, so the case was opened and closed without any investigation and the complaint was resolved with the case closed, pending further notice. Ms. Wuerfel stated that the violations were so obvious that an NOV should have been issued on the spot, and she renewed these complaints this year in writing and has not received a reply nor has there been any follow up to what happened. Ms. Wuerfel said if the Department wants the public

to trust that they are being protected then they must properly and timely investigate their complaints, and that includes getting out of the car and looking around and not just leaving a notice of “Please Call” on the vacant building when there is no permit. Ms. Wuerfel stated that she was going to leave the BIC some backup information of the things she presented.

Mr. Joseph Butler said that it is one thing to have nine times the permit fees and go to the Board of Appeals and have them kick it back, but everyone who gets a Notice of Violation turns into a lamb at the Board of Appeals when it is time to argue penalties. Mr. Butler stated that a little cooperation might make enforcement a little easier to incentivize, and he cannot believe as an architect that he can go to a job site repeatedly and see violations as plain as the nose on his face. Mr. Butler said that the Department does a great job, but there are all sorts of code enforcement, and a big staff and Director’s hearings. Mr. Butler stated that he has been to several and has seen how the process works, but at this address there is a code of silence that cannot be heard and this property has this protection around it that he cannot explain. Mr. Butler said that he is an architect and he practices in the city and if his job site looked like that house then he would be fired. Mr. Butler stated that there is work going on at that house without permits, and that has been for several years so this department has utterly failed Ms. Wuerfel. Mr. Butler said that Ms. Wuerfel has spent tens of thousands of dollars trying to get the Department to do its job. Mr. Butler asked how she got compensated and why were there so many complaints – If there is a horizontal addition in the back that has never been permitted the first thing to have is the NOV and work that would make the scope legal. Mr. Butler stated that this means it has to get to Planning because it needs 311 notice, and somehow these applications all come in as over-the-counter and none of them acknowledge the illegal horizontal addition, none are expected to, they all get taken in through intake and computer holds are dropped so that permits can be issued over-the-counter and the next day they are put back on so there is something going on. Mr. Butler said that someone should find out what and make sure this is not something that gets repeated or becomes the norm for how the Department works without a rudder, and there are no directives telling them what and how to do things so it has to come from somewhere – a policy board.

Mr. Henry Karnilowicz stated that he deals with NOV’s a lot and it is hard to send someone out for a job to see what is going on, and the BIC is hearing one side of the story and not both sides. Mr. Karnilowicz said that he does not know this case, but he thinks the BIC should look at both sides of the story and see what is going on. Mr. Karnilowicz stated that he has been a regular customer since 1975 and worked a lot on these cases and they are tough, but he has had to go through all sorts of issues to take care of things. Mr. Karnilowicz said that he just does not know what is going on with the previous speakers, but he will say from his experience that DBI staff has been doing the best they can considering the calls that come through with complaints and many of them are not even legitimate, just neighbor against neighbor.

## **6. Update on plumbing plan check relating to Gray Water Systems.**

Director Vivian Day stated that Steve Panelli, Chief Plumbing Inspector, was unable to attend today but he wanted to let the Commission know that staff is dealing with over-the-counter plan check for some of the wider systems that are currently being used and the Department is managing to do them, due to the simplicity of the systems that are being proposed. Director Day said that if the systems become more complex then DBI would look at charging a plan checking

fee, but at the current time the Department is issuing minimum permits for the gray water systems to encourage people to actually install the systems.

President Hechanova asked if there was a checklist where preliminary reviews could be checked off and when customers come back later on if they want to pursue the next stage of actually installing the system.

Director Day said that what Chief Panelli is doing right now is giving a list of comments on customer's plans so they can come back and correct it when it is ready to issue. Director Day stated that if they decide to install the system, in some cases they cannot be installed due to the nature of the property, but in most cases he will make suggestions and give them notices.

President Hechanova stated that the Department conducts pro-bono front end by extending professional courtesy sets that later on, if they want to take it to the next level that they can act upon it as opposed to just trying to find out how and what they are going to do.

Director Day stated yes that was correct and she said that the PUC is asking for another station to be installed so they can inform the public of their programs, and that will be beneficial to the Department.

President Hechanova asked if that would be on a designated date as opposed to a full week. Director Day said that they are asking for a permanent station Monday through Friday, and that is a great help to the Department right now. Director Day stated that the PUC is paying for their staff and there are two personnel on site right now and they are asking to be able to add a third so they can expand their programs and expand the explanation counters.

Vice-President Mar said that he thinks this is a good movement in terms of letting the residents who want to put in a gray water system know what they are confronting. Commissioner Mar stated that he was wondering if there could be something where there are questions about what moves from a simple system to a more complicated one so that the homeowners and contractors will know this is what they are up against and they know they have to come back and deal with a more costly system.

Director Day stated that DBI has a gray water installation manual that will be published but it is in draft form right now, and it describes the various systems.

President Hechanova called for public comment on Item 7. There was no public comment.

**7. Discussion and possible action regarding a proposed new Administrative Bulletin AB-078 Criteria for Waiving Special Inspection Requirements for Signs and Awnings.**

Mr. Hanson Tom, Acting Deputy Director of Permit Services, stated that this bulletin was written in 2003 and at the time the awning and sign craft unions president came to DBI complaining about special inspection requirements for very small awnings. Mr. Tom said that the job could cost up to \$1,000, and the cost is prohibited to get the job and close it. Mr. Tom stated that the purpose at the time was to just make sure that DBI looked at the reality, and to promote taking out permits for the awning and craft metal industry. Mr. Tom said that this bulletin has been set aside

since 2003 and there have been several Code changes and he wants to forward this back to the Structural Committee so that they can review it one more time before the Department adopts it. Mr. Tom stated that he would like AB-078 to be continued to the next Commission hearing.

Commissioner Murphy stated that this bulletin is a bit extreme for single-family homes and residential properties. Commissioners discussed that special inspections are expensive and could be a burden on small homeowners.

President Hechanova called for public comment. There was none.

*President Hechanova made a motion, seconded by Commissioner Lee to continue AB-078 to the next Commission meeting. The motion carried unanimously.*

## **RESOLUTION NO. BIC 016-11**

### **8. Director's Report.**

#### **a. Update on DBI's finances.**

Deputy Director of Administrative Services, Pamela Levin, presented DBI's financial report for year to date through May 2011, which is 11 months. Ms. Levin discussed the following information that was included in the financial report: Revenues: Year-to-date revenues net of refunds through May 2011 are \$4.955 million greater than the same time last year – which is an increase of 12.45% year over year. Expenditures: Year-to-date expenditures through May 2011 are \$282,309 greater than the same time last year – which is an increase of 0.94% year over year. Surplus: At this time, \$6.682 million is projected to be added to the fund balance at year-end. This balance may change by year end after any adjustments to deferred credits is known. Ms. Levin addressed the following points:

- DBI has seen a slow increase in charges for services and the Department is projecting a surplus.
- This year there have been less refund requests.
- DBI is close to hiring additional engineers.
- Department is showing an increase in charges for services and projecting a surplus.
- In terms of expenditures, DBI is having difficulty getting the requisitions approved and adding positions, but are close to getting them through.
- There is a projected \$6M surplus.
- There has been money budgeted for training.
- Commissioner asked have any fees come in from the high-speed rail project.
- JTPA has paid DBI for work and deferring some of it. Only deferred when all the work has not been done.
- Commissioner mentioned DBI could save money if they bring trainers in, instead of sending staff out.
- Two electrical inspectors started this week.
- Commissioner asked about number of new hires. Director Day said that she would give a list of new hires at the next meeting.
- DHR is done with testing so lists should be coming out soon.

**b. Update on proposed legislation.**

Director Day said that there is no update on proposed legislation at this time.

**c. Update on Permit Tracking System.**

Director Day and Ms. Levin gave a brief update on the Permit Tracking System, and said that it is on target with the projected timeline. Ms. Levin discussed Q-Matic and said that staff has been trained recently, and there will be individual staff to assist customers and walk them through the process.

**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.**

President Hechanova said that he wanted to agendize liens and the cost of the business side of taking care of them.

Vice-President Mar stated that he wanted to reach out to the Planning Department and try to schedule a Joint Meeting.

President Hechanova said that he spoke to Christine Olague and she is aware that that the BIC has been trying to schedule this meeting.

- b. Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Building Inspection Commission.**

The next scheduled regular meeting of the Building Inspection Commission will be on July 20, 2011.

**10. Adjournment.**

*Vice-President Mar made a motion to adjourn, seconded by Commissioner Clinch. The motion carried unanimously.*

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

**RESOLUTION NO. BIC 017-11**

Respectfully submitted,

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

<b>SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS</b>	
Report on buildings with problems fixing/maintaining heat. – Murphy, Hechanova	Page 8
Report on how much property is liened on an annual basis and what is the cumulative cost out of pocket. – Hechanova	Page 9
Update on list of new hires for DBI. – Day	Page 12
Schedule a Joint Meeting with the Planning Department. – Mar, Hechanova	Page 13