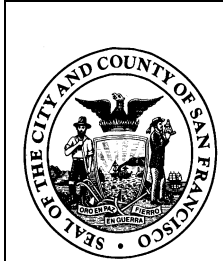


***Regular Meeting of the
Building Inspection
Commission***

August 21, 2024

Agenda Item 11



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

REGULAR MEETING

Wednesday, July 17, 2024 at 10:30 a.m.

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

Watch SF Cable Channel 78/Watch www.sfgovtv.org

WATCH: <https://bit.ly/3VAp2Yc>

PUBLIC COMMENT CALL-IN: 1-415-655-0001 / Access Code: 2664 086 4442

DRAFT MINUTES

1. Call to Order and Roll Call.

The regular meeting of the Building Inspection Commission (BIC) was called to order at 11:21 a.m., and a quorum was certified.

COMMISSION MEMBERS PRESENT:

Alysabeth Alexander-Tut, **President, Excused at 12:15 p.m.**

Earl Shaddix, **Vice President**

Evita Chavez, **Commissioner**

Catherine Meng, **Commissioner**

Bianca Neumann, **Commissioner**

Angie Sommer, **Commissioner**

Kavin Williams, **Commissioner**

Sonya Harris, **Secretary**

Monique Mustapha, **Assistant Secretary**

D.B.I. REPRESENTATIVES:

Patrick O'Riordan, **Director**

Christine Gasparac, **Assistant Director**

Matthew Greene, **Acting Deputy Director, Inspection Services**

Neville Pereira, **Deputy Director, Plan Review Services**

Alex Koskinen, **Deputy Director, Administrative Services**

Tate Hanna, **Legislative & Public Affairs Manager**

CITY ATTORNEY REPRESENTATIVE:

Robb Kapla, **Deputy City Attorney**

2. President's opening remarks.

President Alexander-Tut said congratulations to Joseph Duffy on his retirement and good job to the Department on their work of the budget and fee legislation that would go into effect earlier than expected in the month of June 2024.

President Alexander-Tut said she would be leaving the meeting early and Vice President Shaddix would chair the meeting from that time.

There was no public comment.

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. Christopher Schroeder showed an email on the projector and said Director O’Riordan accepted a letter from Rodrigo Santos in lieu of inspections for a five story-eleven unit building. He said Crown Terrace was an unlawful demolition and the names shown on the projector had been federally charged and Director O’Riordan name was listed. Mr. Schroeder said Director O’Riordan was part of the ‘old day’ and that it was not a ‘new day’. He said Deputy Director Matthew Greene inspected Crown Terrace and missed the shoring that was required. Mr. Schroeder said he would have issued a stop work notice and a notice of violation. He alleged that he was asked by Dan Lowery and Patrick O’Riordan to lie about being contacted and that was why Matthew Greene did the inspection.

Mr. Schroeder showed a Notice of Violation that said preserve all elements of the structure and he said the building was demolished and was told not to worry about it by Director O’Riordan.

Mr. Schroeder showed comments made in the Permit Tracking System by Bernie Curran regarding the property at 125 Crown Terrace.

4. Discussion and possible action regarding Board of Supervisors Ordinance (File #240499) amending the Building Code to exempt storefronts that are vacant due to public infrastructure construction from vacant storefront registration requirements, in addition to other requirements.

Legislative Affairs Manager Tate Hanna gave a presentation and made the following points:

- The existing law was DBI enforces the Vacant Storefront Ordinance that requires commercial storefronts that have been vacant 30 consecutive days or more to an annual fee of \$818.
- Potential issues with the Ordinance was DBI would not be able to determine causality between ongoing construction and vacancies.
- Suggested amendments to the Ordinance were to remove causality, specify construction was ongoing longer than 30 days, and require additional evidence.
- Code Advisory Committee reviewed and recommended disapproval of the Ordinance on the grounds the overall program in their opinion should not be the Department’s responsibility.

Legislative Aide of Supervisor Chan’s Office Angelina Yu presented the following points regarding File No. 240499:

- This Ordinance was inspired by conversations had with the community.

- Supervisor Chan’s Ordinance would amend the existing Building Code to provide an exemption to vacant storefront that were vacant due to public infrastructure construction that was blocking public right of way.
- The property owner would submit evidence the vacancy was due to the construction and had been ongoing for at least 30 days.
- The amendment recognized the CAC recommendation prevention to storefront vacancies though the city was still recovering from the impacts of COVID and multiple instrumental projects the city had at the same time, a third exemption would give more balance to impacted commercial corridors.

There was no public comment.

Vice President Shaddix said to clarify this Ordinance was not the vacancy store tax it was the vacancy storefront registry. He said he worked on the vacancy program for many years especially in the 3rd Street corridor and dealing with the T-train getting taken out of service for some time. Vice President Shaddix stated that he had high respect for the Code Advisory Committee (CAC) and perhaps would attend their next meeting, but he respectfully disagreed that the Ordinance should be under the Planning Department and that it should stay with DBI.

Deputy City Attorney (DCA) Robb Kapla said the legislation in the commission’s packet included the suggested changes from the CAC.

President Alexander-Tut asked what was the right of way definition being used.

Ms. Yu said sidewalk access anywhere from the entry way or the sidewalks leading up to block where the storefront was.

President Alexander-Tut said she wanted DBI to have clear direction in terms of whether the sidewalk was blocked versus the street was blocked, and what was the span covering the right of way geographically.

Ms. Yu said anything that was directing traffic away from the commercial corridors.

DCA Robb Kapla said the Ordinance was specific to the storefront access to public right of way and meant that one would not be able to get to the storefront entry or exit from the public right of way. There were certain requirements for what was a clearance for instance if the public right of way was taken up with equipment that would be an impact; However, if there was a section of the sidewalk two or three addresses above the storefront but you could go around and access the storefront from another side, that would not impact the right of way and department would have to make that judgement. There may be appeals of denial and then the question would be the time it would take to appeal versus paying the registration. This Ordinance was really meant to capture storefronts that could not be activated due to public construction or no access to public utilities for an extended amount of time.

President Alexander-Tut said as a member of body that hears appeals she would like to have a more concrete definition to public right of way and if the storefront was previously vacant could the property owner use the exemption and for how long.

Ms. Yu said hypothetically if she leased a storefront and there was something that fit in the exemption preventing the storefront from opening, if it was not registered the responsibility would already be there, but because of the construction was why the legislation adopted the recommendation from the CAC where evidence would be submitted to qualify for the exemption for 180 days and if construction goes longer additional evidence may be submitted to demonstrate the continued blockage or be subjected to the existing Building Code.

The Commissioner’s discussed what could the meaning of access be along with what would be possible causation.

Director O’Riordan said in regard to the legislation the Department potentially would have to collaborate with Public Works or the Municipal Transportation Agency (MTA) in regard to timelines and impact and would have to expand beyond DBI’s normal work to facilitate those decisions. In the spirit of the legislation the Department would be willing to accept requests especially where known infrastructure was an impact to the business and a bit of discretion would be necessary.

Commissioner Sommer said discretion was the key word and fairness would be used as in the evaluations would be similar, and she liked the revisions from the CAC that take some of the burden away from the Department.

President Alexander-Tut said she would be comfortable with the wording if there were infrastructure projects happening on the block in front of the storefront and she did not think the access or causality was the Department’s determination. We want to provide yes or no questions the customers can provide evidence to without having to confer with other departments and we did not want to increase staff time while decreasing the fee.

President Alexander-Tut made a motion to recommend the legislation with a recommendation that the Supervisor adopt a geographical boundary that was clearly defined, seconded by Vice President Shaddix.

There was no public comment.

Secretary Harris Called for a Roll Call Vote:

President Alexander-Tut	Yes
Vice President Shaddix	Yes
Commissioner Chavez	Yes
Commissioner Meng	Yes
Commissioner Neumann	Yes
Commissioner Sommer	Yes
Commissioner Williams	Yes

The motion carried unanimously.

RESOLUTION NO. 032-24

5. Director’s Report.

a. Director’s Update [Director O’Riordan]

Director O’Riordan made the following points:

- Gave follow up on extending the existing awning program. The program was extremely successful, between September 2023 and June 2024, 230 permits were issued or completed. These included the 80 complaints received in 2023. Also, 151 properties completed the program that were not initially part of those complaints. This program created incentives where not only property owners resolved complaints but one where they proactively addressed non-compliant conditions.
- Director O’Riordan thanked the Commission for approving the extension of the program and the Over the Counter Permit Services Manager Jimmy Cheung, Data Analyst Megan Wall-Shui, Communications Director Patrick Hannan and the Office of Small Business Director Katy Tang and her staff.
- DBI’s quarterly Public Advisory Forum would be held on July 24, 2024.

b. Update on major projects.

Director O’Riordan gave an update on major projects for June 2024 as follows:

- Major projects are those with valuation of \$5 million or greater filed, issued, or completed.
 - 3 permits filed
 - \$18.8 million in valuation
 - 0 net units
- Major projects with permits issued.
 - 4 issued
 - \$120.4 million in valuation
 - 257 net units
- Major projects with Certificate of Occupancy
 - 4 completed
 - \$161.7 million in valuation
 - 395 net units

c. Update on proposed or recently enacted State or local legislation.

Legislative Affairs Manager Tate Hanna presented the following items and discussed the following points:

- **File No. 240499:** Introduced on May 14, 2024 and referred to the BIC, Planning Department, and Small Business Commission. The Code Advisory Committee heard the Ordinance on July 10, 2024 and did not recommend amending the Building Code to exempt storefronts that are vacant due to public infrastructure construction from vacant storefront registration.
- **File No. 240457:** Ordinance passed and was signed by the Mayor on June 18, 2024 effective July 19, 2024 amending the Building Code to adjust fees charged by the Department of Building Inspection.

- **File No. 240474:** Ordinance to amend the Building and Planning Codes to make permanent the streamlined permitting provisions for unpermitted awnings and extend the waiver of applicable fees until July 1, 2025 was approved by the Land Use and Transportation Committee July 1, 2024, passed the Board of Supervisors on July 19, 2024 and was pending Mayoral approval.
- **File No. 240297:** Introduced on March 25, 2024 and approved by the Building Inspection Commission on May 17, 2024 to amend the Building Code to extend deadlines for existing buildings with a place of public accommodation to comply with requirement to have all primary entries and paths of travel into the building accessible or to receive a City determination of equivalent facilitation, technical infeasibility, or unreasonable hardship was pending at the Land Use and Transportation Committee.

d. Update on DBI’s finances.

Finance Manager Junko Laxamana gave an update on the Department’s June 2024 finances as follows:

Revenues:

- 100% of the year had elapsed
- Operating revenue: \$61.0M collected of \$63.3M budget, \$4.4M shortfall. Net projected budget surplus meant less use of reserves than originally planned.

Expenditures:

- Operating expenditures: \$87 million spent of \$92 million budget, \$5M surplus

Permits:

- Year to Date (YTD) permits were 7% higher than the prior year
- YTD valuation was 1% lower than last year

Fee increases effective July 19, 2024

Budget changes:

- Cut \$50K from materials and professional services for state programs
- Cut City Hall Fellow
- Cut substitution position 1555 to 0922
- Addback FY25 CBO grant restored to FY24 amount

e. Update on Inspection Services.

Acting Deputy Director of Inspection Services Matthew Greene presented the following Building Inspection Division Performance Measures for June 1, 2024 to June 30, 2024:

• Building Inspections Performed	4,874
• Complaints Received	298
• Complaint Response within 24-72 hours	297
• Complaints with 1st Notice of Violation sent	63
• Complaints Received & Abated without NOV	147
• Abated Complaints with Notice of Violations	53

- 2nd Notice of Violations Referred to Code Enforcement 36

Acting Deputy Director of Inspection Services Matthew Greene presented the following Housing Inspection Division Performance Measures June 1, 2024 to June 30, 2024:

- Housing Inspections Performed 765
- Complaints Received 373
- Complaint Response within 24-72 hours 362
- Complaints with Notice of Violations issued 123
- Abated Complaints with NOVs 395
- # of Cases Sent to Director's Hearing 25
- Routine Inspections 71

Acting Deputy Director of Inspection Services Matthew Greene presented the following Code Enforcement Services Performance Measures for June 1, 2024 to June 30, 2024:

- # Housing of Cases Sent to Director’s Hearing 47
- # Complaints of Order of Abatements Issues 10
- # Complaint of Cases Under Advisement 0
- # Complaints of Cases Abated 41
- Code Enforcement Inspections Performed 281
- # of Cases Referred to BIC-LC 0
- # of Case Referred to City Attorney 1

Acting Deputy Director of Inspection Services Matthew Greene said Code Enforcement Outreach Programs are updated on a quarterly as follows for the 3rd quarter:

- # Total people reached out to 43,415
- # Counseling cases 375
- # Community Program Participants 11,352
- # Cases Resolved 165

There was no public comment.

6. Commissioner’s Questions and Matters.

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

Secretary Harris said the next Regular Building Inspection Commission meeting would be held on Wednesday, August 21, 2024.

Commissioner Neumann welcomed Commissioner Meng to the Building Inspection Commission, and asked if she would like to say a few words.

Commissioner Meng introduced herself and said that she is an Architect here in the city and her work focuses primarily on higher education projects, which are under the jurisdiction of the Division of State Architects. Previously, she has done some multi-family housing and commercial Tenant Improvement (TI) work before Covid. These days she mostly does higher education projects for community colleges in the Bay Area. Commissioner Meng said that she looks forward to working with everyone.

Director O’Riordan welcomed Commissioner Meng on behalf of the Department, and said that he looked forward to working with her.

There was no public comment.

7. Review and approval of the minutes of the Special Meeting of June 12, 2024.

Commissioner Chavez made a motion, seconded by Vice President Shaddix, to approve the Meeting minutes of June 12, 2024.

There was no public comment.

The motion carried unanimously.

RESOLUTION NO. BIC 033-24

8. Adjournment.

Commissioner Neumann made a motion, seconded by Vice President Shaddix, to adjourn the meeting.

The motion carried unanimously.

The meeting was adjourned at 12:33 p.m.

RESOLUTION NO. BIC 034-24

Respectfully submitted,

Monique Mustapha, Assistant BIC Secretary

Edited By: Sonya Harris, BIC Secretary