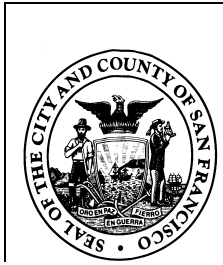


*Regular Meeting of the
Building Inspection Commission
September 18, 2024*

Agenda Item 10



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

REGULAR MEETING

Wednesday, August 21, 2024 at 10:30 a.m.

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

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PUBLIC COMMENT CALL-IN: 1-415-655-0001 / Access Code: 2660 064 8696

DRAFT MINUTES

1. Call to Order and Roll Call.

The regular meeting of the Building Inspection Commission (BIC) was called to order at 11:00 a.m., and a quorum was certified.

COMMISSION MEMBERS PRESENT:

Alysabeth Alexander-Tut, **President**
Earl Shaddix, **Vice President**
Evita Chavez, **Commissioner**
Catherine Meng, **Commissioner, Excused**
Bianca Neumann, **Commissioner, Excused**
Angie Sommer, **Commissioner**
Kavin Williams, **Commissioner**

Sonya Harris, **Secretary**
Monique Mustapha, **Assistant Secretary, Excused**

D.B.I. REPRESENTATIVES:

Patrick O’Riordan, **Director**
Christine Gasparac, **Assistant Director**
Matthew Greene, **Deputy Director, Inspection Services**
Neville Pereira, **Deputy Director, Plan Review Services**
Alex Koskinen, **Deputy Director, Administrative Services**
Tate Hanna, **Legislative & Public Affairs Manager**
Christopher Vergara, **Compliance Manager**

CITY ATTORNEY REPRESENTATIVE:

Robb Kapla, **Deputy City Attorney**

Secretary Harris said agenda item #9 would be called out of order. Item #9 would be heard after the President’s remarks and then all other agenda items.

2. President's opening remarks.

President Alexander-Tut said the Board would hear two big items, one was regarding the Controller's public integrity report and the other was two bitter sweet departures to celebrate and acknowledge the contributions of Commissioner Sommer and Deputy Director Joe Duffy.

The Commissioners expressed their gratitude and well wishes to Commissioner Sommer. President Alexander-Tut stated that this was Commissioner Sommer's last meeting, and the BIC was a hard-working Commission, and she has taken the full responsibility since she started. She has always been impressed by her dedication to the technical aspect, but also the human aspect of this job. Some of Commissioner Sommer's important contributions were: Helping to finish the land acknowledgement (She has been the primary person to read it during Commission meetings), Chair of the Nominations Subcommittee and vetted resumes and recommended candidates for all of the technical subcommittees, she attended the Code Advisory Committee (CAC) meetings which had not happened in a long time, so the CAC and BIC members appreciated that. Also, through her voice and votes she stood up for the tenant community and showed her respect for the most vulnerable people in the City. Commissioner Sommer's voice and technical contributions would be greatly missed and the BIC wished her the best!

Vice-President Shaddix echoed President Alexander-Tut's sentiments, and said that Commissioner Sommer has been his left ear voice since he joined the BIC. She has helped him better understand some of the items that have come before the Commission due to her amazing calmness, and he wished her the best of luck!

Commissioner Chavez stated that this really is bitter sweet and she echoed President Alexander-Tut's comment that Commissioner Sommer was able to balance the technical and the human incredibly well, in a way that has grounded the Commission over and over again when they sometimes got lost in details of one side or the other. She has really been a voice of reason on the BIC that she deeply respected, and really helped her think through a lot of the challenges the Commission faced. She will be deeply missed and she appreciates all of the contributions Commissioner Sommer has made during her time on the Commission.

Commissioner Williams said that he wished Commissioner Sommer would change her mind. (Laughter) She has been his right hand Commissioner, and he really appreciated when the BIC got bogged down in some of the finer details, Commissioner Sommer has provided a degree of analytical clarity that brings "the ship back on course". She has made complicated issues simple for him and whenever he has been in doubt about an issue or a deciding factor as to how he may vote, he looked to her so it will be a big loss for him. He was glad she is moving on and will do great in whatever she is going to do moving forward, and he hoped to see her around in the Financial district.

Commissioner Sommer quipped that she did not have speeches at her wedding, because she did not want this to happen. (Laughter) She thanked everyone for their kind words and thanked the Mayor's Office for the nomination and the Board of Supervisors for their support, as well as Secretary Harris. Appreciated her fellow Commissioners for doing this important, but not always easy work. Commissioner Sommer also thanked the Department for collaborating with the BIC and she has learned a lot. She has been on the Commission for 3 ½ years and has learned a lot about the City and DBI – There is yet a lot to learn and it is bitter sweet to move along, but she hoped that paths cross again. The Commission has come to a great place, are on a great path, and will have a lot of success going forward! The Commissioners all took pictures and Commissioner Sommer was presented a Certificate of

Appreciation.

President Alexander-Tut congratulated former Deputy Director Joseph (Joe) Duffy on his career and said he was always very helpful, and concise in his reports to the Commission and in his work. She also thanked Mr. Duffy for his contribution and service to the city of San Francisco.

Director O’Riordan said he’s known Mr. Duffy for twenty-five years and they have worked on projects that were difficult and managed to get through them by being open to other perspectives. During the pandemic Joe may have worn three hats, doing three different jobs at a time. The director said in those times when one can think of others is where most leave their mark. During the holidays of 2020 the Department was unable to give a holiday party, so Joe went to Costco and purchased mementoes for all of the hard working staff members. The director wished Mr. Duffy well in his retirement.

Mayor London Breed’s Chief of Staff Sean Elsbernd thanked Commissioner Sommer for her service and said he has known Mr. Duffy a long time, and he was a true legend in the Irish-American community of San Francisco. Mr. Duffy did a great deal of volunteer work with the GAA, the Irish Immigration Pastoral Center, and all the other volunteer work we don’t know he does. Mr. Duffy was always present and someone to count on. Leadership comes to mind when Mr. Duffy is mentioned. Being able to understand the Building Code meant finding someone trustworthy and Mr. Duffy was known for his integrity, his word, and advice. Mr. Duffy is a rare, accomplished individual and we were lucky to call him a colleague and friend. On behalf of Mayor London Breed it has been declared officially Joe Duffy Day on August 21, 2024 in San Francisco.

Mr. Joe Duffy said that he was not expecting the accolades and was blown away by the reception. He said he was raised in Armagh, in Northern Ireland, and though enduring rough times his family taught him good values such as work hard and be nice to people. He thanked the Department and Commission for the award and mentioned that his wife Lucy, nephew Michael Duffy, and a few close friends were in attendance.

Mr. Duffy said he has had the pleasure of working with many great people at the Department of Building Inspection as well as other departments and with construction professionals across San Francisco during his twenty-five-year career, which began February 9, 1999 as a Building Inspector/Plan Reviewer. He was the Building Inspector of the new DeYoung Museum and gained experience working on a large project.

Mr. Duffy wished the department staff management team the very best for the future, and he said the Department was in very good hands and it had been his pleasure to serve San Francisco.

9. APPEAL PURSUANT TO SECTION 103A.6.3.2 OF THE BUILDING CODE REGARDING THE EXPANDED COMPLIANCE CONTROL PROGRAM [DISCUSSION AND POSSIBLE ACTION]

Tad Nguyen – Request for Jurisdiction – Commission will hear and possibly take action on whether to grant request for jurisdiction to file and hear appeal pursuant to 103A.6.3.2 of the Building Code.

President Alexander-Tut said it was her understanding there was an appeal, but the Department was not contesting it so she wanted the Department to summarize their position to determine if a full hearing was necessary or if the Commission would go straight to a vote.

Deputy City Attorney Sarah Fabian said for clarification that this was a request for jurisdiction not the appeal.

a. Presentation by Tad Nguyen and Department of Building Inspection.

Compliance Manager Christopher Vergara said a letter was sent out December 8, 2023 advising the Appellant he had three or more violations occurring within an eighteen-month period, which made him eligible for the Expanded Compliance Control (ECC) list. Contrary to the claims of the appellant the letter was certified, dated and signed with instructions at the bottom stating that he had ten days to provide any mitigating information to be considered before a determination would be made. The ten days elapsed before the appellant contacted the Department and on December 21, 2023 Acting Chief Building Inspector Kevin Birmingham met with the appellant and provided next steps regarding the ECC. That meeting was memorialized and the appellant’s position was sent January 4, 2024 via email stating reasons he felt he should not be on the ECC list. The information was considered and a letter or Notice of Determination was sent on January 5, 2024. In the notice was information on how to appeal to the Building Inspection Commission (BIC). The Department understands that there was not direct information in the notice and there may have been some confusion in that regard. In an effort to improve internal processes, increase transparency, and ensure good customer service the Department going forward made explicit instructions on all Notices of Determinations of the fifteen-day timeframe to appeal, along with instructions of how that was done. Months later the appellant reached out directly to Mr. Vergara near the end of April 2024 and advised the timeline to appeal had elapsed, but the Department would work with him to get the appeal heard.

Mr. Vergara said the Department’s position was this is a new process for everyone involved and thought it was good to get all sides heard, and on record and possibly help to improve the process.

The Appellant, Mr. Nguyen, came to the podium and said that he would like to explain his case.

President Alexander-Tut stated that the Department was not contesting Mr. Nguyen’s Request for Jurisdiction, and she was interested in making a motion to grant it but she wanted to confer with him first. The Commission could go through the full hearing and then vote or if the votes are available to grant the request, then they could go straight to a vote. If the motion failed, then there would be a full hearing. President Alexander-Tut asked Mr. Nguyen if this was okay with him.

Mr. Nguyen at first said that he did not understand, so President Alexander-Tut clarified the situation and the Appellant agreed.

b. Public Comment.

There was no public comment

c. Deliberation and possible action by the Building Inspection Commission.

President Alexander-Tut called the Appellant, Mr. Nguyen, to the podium and asked if he agreed

President Alexander-Tut made a motion to grant the Request for Jurisdiction as submitted by Mr. Tad Nguyen , which was seconded by Vice President Shaddix.

Secretary Harris Called for a Roll Call Vote:

President Alexander-Tut	Yes
Vice President Shaddix	Yes
Commissioner Chavez	Yes
Commissioner Meng	Excused

Commissioner Neumann Excused
Commissioner Sommer Yes
Commissioner Williams Yes

The motion carried unanimously.

RESOLUTION NO. 035-24

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. Chris Schroeder showed slides on the projector and said it was an article in the local newspaper about gas pipes from 2001 and documents were showing Matthew Greene was still investigating in 2021.

Mr. Schroeder spoke about a permit from the year 2005 for 2 Rousseau Street and showed a summary of work and complaints listing comments made by Bernie Curran and Santos and Urrutia. Mr. Schroeder said he wanted to complain about how people with disabilities were treated by the Department.

4. Discussion and possible action regarding an Ordinance amending the Building and Planning Codes to correct typographical errors, update outdated cross-references, make non-substantive revisions to clarify or simplify Code language, and make other minor, substantive updates to various Code provisions, in addition to other requirements.

Legislative Affairs Manager for the Planning Department Aaron Starr gave a presentation and made the following points:

- The Ordinance was a Code correction as the Planning Code gets amended forty to fifty times per year and mistakes happen, so once a year they try to fix those mistakes, however, this year state law had changed.
- State law changed a reference to the California Government Code for the Accessory Dwelling Units (ADUs) program and so this would be changed in the Planning Code but were requesting to change it in the Building Code as well.
- The change was fairly ministerial to section 106A.1.9 would be amended to reference the correct the California Government Code sections which was necessitated by the passage of Senate Bill (SB) 477.

President Alexander-Tut made a motion to recommend to the Board of Supervisors to approve the Ordinance as is, 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 Excused
Commissioner Neumann Excused
Commissioner Sommer Yes

Commissioner Williams Yes

The motion carried unanimously.

RESOLUTION NO. 036-24

5. Discussion and possible action regarding the revised Administrative Bulletin – 110: Building Façade Inspection and Maintenance, and the status of Information Sheets S-21: Procedure for Processing Building Façade Inspection and Maintenance Reports.

Technical Services Manager Janey Chan gave a presentation and made the following points:

- Established in 2016 by Ordinance 67-16 the amendments to the existing Building Code was Ordinances 97-23 (the Mayor’s emergency order) and 16-24 (glass study to determine glass failures) requiring supplemental inspections and reports submitted every 5 years.
- AB-110 Key incorporations are as follows:
 - Supplemental inspection program from the 2023 and 2024 Ordinances
 - Adds reports checklists with suggested report presentation format
 - Reorganizes and updates requirements for clarity
 - Updates and combines licensed professional and owner’s affidavits for simplicity and streamlined processing
 - Consolidates information from Information Sheet S-21
- Code Advisory Committee (CAC) recommended approval to the revisions to AB-110 and associated attachments at its August 14 meeting.

Commissioner Questions and Comments:

President Alexander-Tut said what was the outreach process to get the new information to the building owners.

Ms. Chan said there was several ways the Department communicated with the public about the program such as the public forums, and more directly the Department participated in community association meetings, and contact building owners by mail.

Commissioner Chavez made a motion to approve the amendments to Administrative Bulletin 110, 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	Excused
Commissioner Neumann	Excused
Commissioner Sommer	Yes
Commissioner Williams	Yes

The motion carried unanimously.

RESOLUTION NO. 037-24

6. Nominations Subcommittee.

a. Update from the Nominations Subcommittee.

Commissioner Sommer said the committee met to discuss the nomination to the Board of Examiners and other vacancies on the BOE. There was a vacancy for a Licensed Structural Engineer and two applications were received. The committee recommended Stephen Harris to the position as the other candidate, David Cane was already a member but filled a different but similar position. The committee thought it was best to add to the board rather than shift seats.

**b. Discussion and possible action to appoint a member to the Board of Examiners (BOE).
(Term to Expire September 15, 2025.)**

Member seeking appointment:

- Stephen Harris, Licensed Structural Engineer seat

President Alexander-Tut made a motion to appoint Stephen Harris to the Board of Examiners, seconded by Commissioner Williams.

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	Excused
Commissioner Neumann	Excused
Commissioner Sommer	Yes
Commissioner Williams	Yes

The motion carried unanimously.

RESOLUTION NO. 038-24

c. Notice of vacancy on the Nominations Subcommittee.

Secretary Harris said there would be a vacancy on the Nominations Subcommittee due to Commissioner Sommers departure.

President Alexander-Tut said the idea was to fill the position at the next Building Inspection Commission meeting.

Commissioner Sommer said the Nominations Subcommittee was another great way to be involved and did not require specific technical knowledge and it was her hope to improve the outreach and create more

diverse boards.

There was no public comment.

7. Update on DBI’s Strategic Plan.

Communications Director Patrick Hannan gave the quarterly update and made the following points:

- DBI timeline began 2023, final plan was presented to the BIC April 2024 and implementation began June 2024.
- Created a new mission and vision.
- Core values: customer focus, professionalism, integrity, supportive work environment, diversity-equity-inclusion & belonging, transparency and accountability.
- Cross divisional work groups lead by managers whom executive sponsor was accountable for achieving the strategic goal.
- Goals:
 - Ensure building safety and resilience
 - Improve building permitting
 - Enhance inspections processes
 - Increase public trust
 - Cultivate highly effective workforce (94% retention rate)
 - Produce sufficient revenue to fund optimal operations

Commissioner Chavez said it was good to hear how clear the Department was in the direction it was going in implementing the strategic plan and asked how much opportunity did customers have to give feedback involving the strategic plan.

Mr. Hannan said one of the ways the Department receives feedback is through the quarterly public advisory forum which was where the Department presented new processes and ideas and there was a question and answer portion. For larger initiatives there was a dedicated forum and the Department sends emails to more than six thousand customers that have announcements and links to information.

There was no public comment.

8. Director’s Report.

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

Director O’Riordan made the following points:

- The director thanked Commissioner Sommer for her service and said she had been an excellent colleague raising good points and asking probing questions during discussions and knew exactly where to push the Department for more detail.
- The California Department of Housing and Community Development issued on August 2, 2024 a report acknowledging DBI and San Francisco for the work done to improve the permitting system and implementing changes to make it easier to build housing.
- The Controller’s Office also issued the 2024 Public Integrity Review that determined DBI had successfully implemented all the recommended changes.

- Thank you to the Commissioner for their oversight and encouragement, and to DBI’s partners in the community for their support of our efforts. Thank you to DBI staff for adjusting to the many operational improvements and embracing the change in our culture.
- On a somber note, shortly after retiring longtime Senior Building Inspector Ed Donnelly passed away. He spent eighteen years with the department and led the DBI COVID response for more than two years. He was an excellent inspector and reliable teammate, and a cherished friend. We are sad to lose him but his spirit lives on in the department memories of his friends at DBI.

b. Update on major projects.

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

- Major projects are those with valuation of \$5 million or greater filed, issued, or completed.
 - 1 permits filed
 - \$8 million in valuation
 - 0 net units
- Major projects with permits issued.
 - 6 issued
 - \$79.7 million in valuation
 - 135 net units
- Major projects with Certificate of Occupancy
 - 4 completed
 - \$115.7 million in valuation
 - 155 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. 240798:** Ordinance proposed by Mayor Breed exempting certain changes of use from requiring architectural plans, designed to ease the burden on businesses entering new space or transitioning the storefront without construction. Ongoing conversation with the Mayor’s office surrounding potential amendments.
- **File No. 240807:** Changes the requirements of having a functional elevator in certain buildings. The requirement was building over 50 feet as required by the Fire Code must have functioning elevator for resident occupant use. This Ordinance changes the requirement to all buildings regardless of height. Introduced by Supervisor Stefani and the language was still being reviewed.
- **File No. 240499:** Heard and approved by the BIC on July 17, 2024 was signed by the Mayor and took effect September 8, 2024.
- **File No. 240474:** Ordinance making the awning amnesty program permanent which was heard approved by the BIC on June 13, 2024 was signed by the Mayor and took effect August 17, 2024.

- **File No. 240297:** Extension to the Accessible Business Entrance program heard and approved by the BIC on May 17, 2024 was signed by the Mayor and took effect on September 8, 2024.
- Last day for the Governor to sign or veto bills was September 30.

d. Update on Inspection Services.

Deputy Director of Inspection Services Matthew Greene presented the following Building Inspection Division Performance Measures for July 1, 2024 to July 31, 2024:

• Building Inspections Performed	5,315
• Complaints Received	343
• Complaint Response within 24-72 hours	340
• Complaints with 1st Notice of Violation sent	70
• Complaints Received & Abated without NOV	158
• Abated Complaints with Notice of Violations	34
• 2nd Notice of Violations Referred to Code Enforcement	20

Deputy Director of Inspection Services Matthew Greene presented the following Housing Inspection Division Performance Measures July 1, 2024 to July 31, 2024:

• Housing Inspections Performed	790
• Complaints Received	396
• Complaint Response within 24-72 hours	336
• Complaints with Notice of Violations issued	139
• Abated Complaints with NOVs	387
• # of Cases Sent to Director's Hearing	18
• Routine Inspections	69

Deputy Director of Inspection Services Matthew Greene presented the following Code Enforcement Services Performance Measures for July 1, 2024 to July 31, 2024:

• # Housing of Cases Sent to Director's Hearing	36
• # Complaints of Order of Abatements Issues	9
• # Complaint of Cases Under Advisement	0
• # Complaints of Cases Abated	61
• Code Enforcement Inspections Performed	404
• # of Cases Referred to BIC-LC	2
• # of Case Referred to City Attorney	4

Deputy Director of Inspection Services Matthew Greene said Code Enforcement Outreach Programs are updated on a quarterly as follows for the 4th quarter:

• # Total people reached out to	45,619
• # Counseling cases	264

- # Community Program Participants 6,118
- # Cases Resolved 156

e. Update on DBI's finances.

Deputy Director Administrative Services Alex Koskinen gave an update on the Department's July 2024 finances as follows:

Revenues:

- 8% of the fiscal year had elapsed
- Create projections at six months (December) and nine months (March)
- 9% of the budget had been collected (showing increased demand and activity for DBI services)

Expenditures:

- Expenditures lag as payments were made further down the line, salaries were paid biweekly and all other expenditure categories were paid when billed

Permits:

- Year to Date (YTD) permits were 8% higher than the same period last year
- YTD valuation was 74% higher than the same period last year

Commission Questions and Comments:

Commissioner Chavez said was regional measure 4 taken into consideration in the budget.

Mr. Koskinen said the Department generally keeps its finger on the pulse of what was happening down the pipeline keeping in conversations with other departments, developers but it was difficult to draw conclusions especially with timing as projects may not happen for many years if at all.

Mr. Hanna said folks were excited about the measure but it was quite a way out and numerous steps would happen before it affected the Department, but were keeping tabs on it.

There was no public comment.

10. 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.**

There were no inquiries to staff.

Secretary Harris said the next Regular Building Inspection Commission meeting would be held on

Wednesday, September 18, 2024.

There was no public comment.

11. Review and approval of the minutes of the Regular Meeting of July 17, 2024.

Commissioner Chavez made a motion, seconded by Vice President Shaddix, to approve the Meeting minutes of July 17, 2024.

There was no public comment.

The motion carried unanimously.

RESOLUTION NO. BIC 039-24

12. Adjournment.

President Alexander-Tut expressed her sorrow and condolences to the family and friends of Ed Donnelly and closed the meeting in his honor and remembrance of his contributions to San Francisco and the Department of Building Inspection.

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

The motion carried unanimously.


The meeting was adjourned at 12:30 p.m.

RESOLUTION NO. BIC 040-24

Respectfully submitted,



Monique Mustapha, Assistant BIC Secretary



Edited By: Sonya Harris, BIC Secretary