

Regular Meeting
of the
Building Inspection Commission

January 15, 2025

Agenda Item 9



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

SPECIAL MEETING

Wednesday, December 11, 2024 at 10:00 a.m.

City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400

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

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PUBLIC COMMENT CALL-IN: 1-415-655-0001 / Access Code: 2663 539 9899

DRAFT MINUTES

1. Call to Order and Roll Call.

The Special meeting of the Building Inspection Commission was called to order at 10:04 a.m., and a quorum was certified.

COMMISSION MEMBERS PRESENT:

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

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

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**

CITY ATTORNEY REPRESENTATIVE:

Robb Kapla, **Deputy City Attorney**

2. President's opening remarks.

President Alexander-Tut congratulated the Department on a big year and said it was due to the partnership of staff, leadership, and the Commission together that they were able to accomplish and establish the fee study to stabilize the department's finances and created a policy path forward to be able to increase fees overtime which was a significant change that took political will. Also, improvements and streamlined the permitting process and had implemented all of the recommendations from the Controller's Office and received a glowing report on our ethical standards and that took an incredible amount of work.

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. Jerry Dratler gave a presentation and made the following points:

- DBI twice created false complaints after valid complaints were filed against Susan Mac Cormac Taylor building permits, once for a foundation repair permit and second for a bedroom and bathroom remodel permit.
- Mr. Dratler presented a slide that showed building permits were null and void when they exceed the time limitations.
- Mr. Dratler said foundation repair permit complaint was opened seventy-eight days ago that should have been closed and second foundation complaint was opened one month after the first complaint and was opened by Inspector Saunders who also had received the first complaint.
- Mr. Dratler presented a slide that showed a picture and explained that two of Susan Mac Cormac Taylor building permits were submitted with architectural plans which misrepresented the number and location of the ground floor windows.
- Mr. Dratler added two complaints for inaccurate architectural plans were improperly closed.

Mr. Christopher Schroeder said he was hired before Director O'Riordan and he scored higher on the test than the director. There were three outside people from different jurisdictions that did the hiring and now the hiring was done all inside and appeared to be the good old boys club.

Mr. Schroeder showed a memo from the Director that said Kevin Birmingham kept projects moving along.

Mr. Schroeder said you never want to fail an inspection even if it was not by the code and Mauricio Hernandez who was named in a lawsuit with Dennis Richards and mentioned Mark Walls was in a Mission Local article.

Mr. Schroeder showed a news article from December 2012 in SF Weekly and he said the article talked about Matthew Greene working outside of his district and worked in his own district and that project was for Santos and Bernie Curran.

Mr. Schroeder showed a Mission Local article from January 2024 that said DBI chief inspectors ok'd their own family jobs and projects.

Mr. Schroeder showed a civil servant test result that listed Director O'Riordan and himself from

February 2000 and said the director told him Sweeney gave him the answers to the test.

4. Update on the Access Appeals Commission (AAC), and an overview regarding the appeal process.

Permit Services Manager Mary Wilkinson Church gave a presentation and made the following points:

- The Access Appeals Commission was established in 2016 by the San Francisco Building Code (SFBC) Section 105A.3 administered by DBI and was comprised of five-member each having a four-year term.
- The AAC hears appeals of DBI decisions on the enforcement of disabled access and adaptability provisions code. The program requires places of public accommodation to have all primary entries and paths of travel into a building be accessible by persons with disabilities.
- The Accessible Business Entrance (ABE) program has four building categories indicating the barriers to disability access.
- The role of the AAC within the ABE program was the buildings subject to the program can also file for exemptions, claiming equivalent facilitation, Technical Infeasibility, or Unreasonable Hardship, as defined in SFBC 1105D.1 through 1105D.3.
- The AAC must ratify all Unreasonable Hardship request approvals in San Francisco.
- The process for Unreasonable Hardship Request
 - Certified Access Specialist (CASp)
 - Submit checklist, permit application & building plans
 - Completeness check, plan review, plan revisions, plan approval, DBI recommendation
 - Applicant files request with AAC, pays hearing fee
 - AAC ratification
 - Permit payment and issuance
- Buildings in the program: 23,522
- Started or completed the compliance process: 19,584 (83%)
- Compliance checklist indicated an Unreasonable Hardship: 404 (1.7%)
- Applied for a permit: 137 (.6%)
- Included “Unreasonable Hardship” in permit application scope of work – 8 filed, 6 issued

Public Comment

Access Appeals Commission member Mr. Walter Park said he wrote the Ordinance that created the AAC in the mid-1980s. The committee was scheduled to meet twice monthly as needed. Mr. Park showed a list from the DBI slide presentation of December 2024 and said the department was trying to make the process sound incredibly complex and difficult to deal with. He said the process worked well for buildings such as Bank of America or the Millennium Tower but not a

business that had five hundred square foot space. Those smaller businesses did not need all of those professionals and reviews.

Mr. Park said there was an 82% success rate but that number was based on 16,777 cases but of those 11,657 were exempt or waived and no access was provided and the real universe was not 23,000 but half and that changes the scale of the problem.

Mr. Park said DBI seemed to have a problem with the AAC due to delays created by DBI and the AAC secretary did not inform the committee member of the hearing today regarding its committee and the members were not invited.

Commissioners Comments and Questions:

President Alexander-Tut said could Mr. Park speak about the scope of work historically of the cases that had come before the AAC.

Mr. Park said the AAC had a special scope of work that only dealt with accessibility questions all other questions were referred to the BIC or board of permit appeals and no other committee had designated disabled members.

Mr. Park said what the AAC hears was any decision made by DBI that related to accessibility. He said the forms were complex and could bet that if 404 applicants checked a hardship that there likely was another 800 applicants who did not check the hardship option.

President Alexander-Tut said what were some of the cases heard before at the AAC that were less involved.

Mr. Park said the bylaws of the AAC do not require professional input and that an owner or a tenant could bring handwritten drawings and testify on their own behalf and the AAC requirement was not the same as the departments and he would like to see most of those pulled back.

Mr. Park said the AAC was discussing changes with the Board of Supervisors.

President Alexander-Tut said she would like a copy of the AAC bylaws shared with the BIC.

Vice President Shaddix said he worked with several small business owners who had maybe five hundred square feet and most were not in a position to comply. He said the information given to him was a CASp inspection was required but he did not recall seeing an option to appeal in the application.

Vice President Shaddix asked what did he miss in the application process that he was not able to share with the community.

Mr. Park said the Building Code said the inspection needed to be done by a licensed professional or CASp. In one case a business said to improve accessibility they would have to spend \$70,000 to fix the sidewalk and the AAC advised against it and made recommendations that were feasible. One of the biggest impediments was Public Works and that department was pretty rigid about preserving the public right-of-way. Also, there were many steps in the review from the Planning Department and both departments could be scaled down.

Vice President Shaddix said he would like it if the program was repackaged and submitted to the BIC in a simpler form.

President Alexander-Tut said would it be better to have categorical exemptions based on previous knowledge that most of those types would be exempt since it was an expensive process to go through to find later the business would have been exempt.

Mr. Park said it would be difficult to waive without seeing the types of cases there were first which was why he wanted to spot check the ones that had been waived and come up with a way to categorize them. OEWD also had a grant program that was available to tenants but not the owners and mostly the owners were the applicants that were appealing.

Commissioner Williams said if half of the process was eliminated which half would Mr. Park advise that to be.

Mr. Park said he was not able to identify those steps to eliminate because it was mostly a technical aspect and evaluating what the need was against what could be done.

Commissioner Meng said what was the relationship between the decisions made by the AAC and the federal disability law.

Mr. Park said the building department enforces the Building Code not the American with Disabilities Act (ADA) and in the case there was a federal lawsuit the defendant may say they made a good faith effort to comply which is considered by federal law.

President Alexander-Tut said she would like to see an amendment where a good faith effort to improve accessibility in one way or another and the Department could do a better job that the AAC exist however difficult it may be as the Department enforces black and white law whereas the AAC had more discretion and hopefully there would be some amendments to reflect the AAC full scope of work.

Mr. Park said the AAC was not bound by the code which was why they were able to be more creative.

AAC member Arnie Lerner said he had not heard anyone mention ‘curbside service’ and if someone visits the ADA website there is a publication just for small businesses called ‘curbside service’. For example, a yogurt store on Market Street had a small step and the business was not going to alter Market Street so the AAC recommended placing a doorbell at the front door for service and the employee would meet the customer at the door.

Mr. Jerry Dratler said that the calendar on the DBI website for the BIC in December 2024 was completely empty.

Secretary Harris said she would look into the calendars on the BIC webpage, however the meetings were usually posted online.

5. Update regarding the status of current Technical Services Division (TSD) programs.

Permit Services Manager Mary Wilkinson Church gave a presentation and made the following points:

- DBI Compliance Programs were the Soft Story, ABE, and Façade Inspection and Maintenance
- Those had been amended to the Building Code and Board of Supervisors.
- A future program would be Concrete Building Seismic Evaluation
- These programs were administered by the Permit Service’s Technical Services Division
- The Soft Story required seismic retrofitting of all wood-frame structures with five or more residential units, having two or more stories over a “soft” story and permitted for construction prior to 1978.

- Buildings in the program: 4,941
- Completed compliance process: 4,648 (94%)
- Out of Compliance: 293 (6%)
- The ABE program requires places of public accommodation to have all primary entries and paths of travel into a building be accessible by persons with disabilities.
 - Buildings in the program: 23,533
 - Started or completed the compliance process: 19,596 (83%)
 - No response: 3,937 (17%)
 - Exceptions requested: 958 (4%)
- Façade Inspection and Maintenance program required the exterior of all buildings that are five or more stories tall be regularly inspected by a California-licensed architect or engineer. Reporting deadlines were between 12/31/21-12/31/32.
 - Buildings in the comprehensive program: 1,791
 - Started or completed comprehensive compliance process: 328 (18%)
 - Deadline has not passed or out of compliance for comprehensive: 1,548 (82%)
 - Buildings also in the supplemental program: 255
 - Started or completed the supplemental compliance process: 38 (15%)
 - Deadline has not passed or out of compliance for supplemental: 217 (85%)
- Concrete Building Seismic Evaluation program: legislation mandating screening concrete building for seismic vulnerability, and publish retrofit standards in San Francisco Building Code.
 - Deadline was October 16, 2024.
 - Legislation and standards were drafted.
 - Pending introduction at the Board of Supervisors.

There was no public comment.

Commissioner’s Questions and Comments:

President Alexander-Tut said how did enforcement work and were the buildings referred to Code Enforcement from the Permit Services Division.

Ms. Wilkinson-Church said the referrals were made to Code Enforcement from Permit Services and that division had been working with enforcement to make alterations to the permitting system to be able to flag Code Enforcement. MIS and Chief Building Inspector Mauricio Hernandez and the Permit Services Division were working together to get that capability running by January 2025 rather than a referral in a spreadsheet there would be an automatic flag where Code Enforcement would be able to see the compliance history.

President Alexander-Tut said was there a total number of notices issued for each program.

Ms. Wilkinson-Church said she would forward that information to the Commission.

Commissioner Meng said was there a balcony inspection and maintenance program. She said because of the balcony accident in the city of Berkeley that jurisdiction had or planned to start a

balcony maintenance program.

Deputy Director of Inspection Services Matthew Greene said in the San Francisco Housing Code there was a requirement that residential buildings were inspected and a report be submitted to the department. There were some amendments being prepared to the state code that the department was working on and could present more detailed report at a future meeting.

6. Director's Report.

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

Director O'Riordan gave a presentation and made the following points:

- Director O'Riordan thanked the commissioners who were able to join the department's All Hands Staff meeting earlier in the morning that day. He explained the meeting was held twice a year and gave staff an opportunity to discuss changes, and get updates on the strategic plan as well as performance data. The meeting was also a chance to get together and learn of each other's work and impact of the improvements that were made.
- Director O'Riordan thanked the commissioners for their support and dedication to the department as well as their energy and intelligence. He said the commissioner's thoughtful questions and discussions on the department's efforts was welcomed and appreciated.

b. Update on major projects.

Major projects are those with valuation of \$5 million or greater filed, issued, or completed.

- Major projects with permits filed.
 - 7 issued
 - \$128.2 million in valuation
 - 0 net units
- Major projects with permits issued.
 - 1 issued
 - \$53.5 million in valuation
 - 0 net units
- Major projects with Certificate of Occupancy
 - 2 completed
 - \$16.4 million in valuation
 - 0 net units

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

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

- **File No. 241005:** Ordinance adopting chapters 6-11 of the 2022 Existing California Building Code, there were no amendments planned for the adoption and was being reviewed by the Code Advisory Committee.

- **File No. 240982:** Ordinance amending the Building, Administrative, and Public Works Codes to remove the local requirement for existing buildings with a place of public accommodation to have all primary entries and paths of travel in into the building accessible to persons with disabilities or to receive a City determination of equivalent facilitation, technical infeasibility, or unreasonable hardship. This was the Accessible Business Entrance program that was discussed and reviewed November 20, 2024.
- **File No. 241067:** Ordinance allowing interim housing in hotels and motels without requiring a change of use classification. This was reviewed and approved by the BIC unanimously on November 20, 2024.
- **January 1;** Statutes take effect
- **January 6;** Legislature reconvenes
- **January 10;** Budget must be submitted by Governor
- **February 21;** Last day for bills to be introduced

d. Update on Inspection Services.

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

• Building Inspections Performed	4,420
• Complaints Received	359
• Complaint Response within 24-72 hours	355
• Complaints with 1st Notice of Violation sent	62
• Complaints Received & Abated without NOV	217
• Abated Complaints with Notice of Violations	36
• 2nd Notice of Violations Referred to Code Enforcement	50

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

• Housing Inspections Performed	702
• Complaints Received	392
• Complaint Response within 24-72 hours	342
• Complaints with Notice of Violations issued	122
• Abated Complaints with NOVs	266
• # of Cases Sent to Director's Hearing	22
• Routine Inspections	59

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

• # Housing of Cases Sent to Director’s Hearing	102
• # Complaints of Order of Abatements Issues	19
• # Complaint of Cases Under Advisement	0

• # Complaints of Cases Abated	67
• Code Enforcement Inspections Performed	485
• # of Cases Referred to BIC-LC	3
• # of Case Referred to City Attorney	3

Deputy Director of Inspection Services Matthew Greene said Code Enforcement Outreach Programs are updated on a quarterly as follows for the 1st quarter:

• # Total people reached out to	47,193
• # Counseling cases	277
• # Community Program Participants	7,172
• # Cases Resolved	201

e. Update on DBI’s finances.

Deputy Director of Administration Alex Koskinen gave a presentation and made the following points:

Revenues:

- 43% of the fiscal year had elapsed
- 26% collected of the budget

Expenditures:

- Tracking on budget with primary expenditure of labor.

Permits:

- Total number of permits YTD is same as this period last year.

YTD valuation was 52% higher than same period last year.

Mr. Koskinen said November was not the Department’s best month financially, business was slow compared to the prior year there was one very large project however the department was on track to be on budget by the end of the year.

Mr. Koskinen said he welcomed the Commissioners feedback regarding what they would like to see in the upcoming budget presentation. The Mayor’s office had released its instructions for the budget for the upcoming year. Recovery remained slow in San Francisco and the General Fund would not be available to bail programs out and a fifteen percent reduction to all General Fund supported expenditures which applied to DBI’s only CBO grant. Fiscal Year (FY) 2025-26 and FY 2026-27 would be \$3,672,000 for the CBO program. There was uncertainty with the budget due to the new incoming mayor and remains to be seen what the new Mayor’s office priorities would be.

Mr. Koskinen said the Department learned one of the smaller programs it supported Just Cause would close permanently and the Department would meet with them to determine what that meant for the services that they provided.

Vice President Shaddix said could the Commission make budget line item decisions.

Mr. Koskinen said the Commission interacts with the Department through its Secretary and the Director by sending its requests, priorities, wishes, and potential changes to the budget. The Department was the early phase of the budget and after that the budget would be submitted to the Mayor’s office and the mayor’s proposed budget would be submitted June 1 and they have

the ability to make any changes they want, there the budget goes to the Board of Supervisors who have limited change ability then it would go back to the Mayor to be signed. Final decisions are made around July and the Mayor would sign the budget around August 1. Once the Department submits the budget to the Mayor's office it would not go back to the BIC.

Public Comment:

Mr. Jerry Dratler gave a presentation and made the following points:

- Mr. Dratler showed a slide from a presentation he showed November 2024 and said it was of inspector Mark Walls 95 Orange Alley project and it referred to thirty suppressed complaints.
- Mr. Dratler requested copies of the thirty suppressed complaints and when the request was not answered he followed up with Director O'Riordan and the request was then sent to the Sunshine Record Request team.
- Mr. Dratler said he was told the complaints were test files. He said test files did not make any sense because the complaints had condo numbers on them.
- Mr. Dratler said he then requested the thirty test documents and was told by the Sunshine team they had no responsive documents in the Permit Tracking System (PTS) to his request, however he said he called up one of the documents.
- Mr. Dratler showed the complaint data sheet from PTS of one of the thirty complaints and said he was able to pull the complaint in PTS and what he was told by the Sunshine team was not true.
- Mr. Dratler showed a screen shot of the DBI Meetings Calendar and said it was not useful.

7. 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 meeting of the Building Inspection Commission would be a regular meeting to be held on January 15, 2025.

Commissioner Chavez said she met with Matthew Greene and discussed the backlog of Abatement Appeals Board cases and it was possible that a few extra AAB meetings would be scheduled in 2025 to bring the backlog to date and would coordinate dates and times later.

There was no public comment.

8. Review and approval of the minutes of the Regular Meeting of November 20, 2024.

President Alexander-Tut made a motion, seconded by Commissioner Williams to approve the meeting minutes of November 20, 2024.

The motion carried unanimously.

There was no public comment.

RESOLUTION NO. 056-24

9. Adjournment.

President Alexander-Tut made a motion, seconded by Commissioner Chavez to adjourn the meeting.

The motion carried unanimously.

The meeting was adjourned at 11:27 a.m.

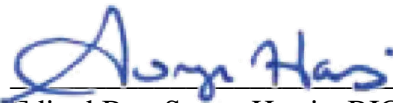
RESOLUTION NO. BIC 057-24

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS	
President Alexander-Tut said she would like a copy of the AAC bylaws shared with the BIC.	Page 4
President Alexander-Tut said was there a total number of notices of violation had been issued for each program.	Page 6
Commissioner Meng said was there a balcony inspection and maintenance program. She said because of the balcony accident in the city of Berkeley that jurisdiction had or planned to start a balcony maintenance program. Deputy Director of Inspection Services Matthew Greene said in the San Francisco Housing Code there was a requirement that residential buildings were inspected and a report be submitted to the department. There were some amendments being prepared to the state code that the department was working on and could present more detailed report at a future meeting.	Page 6-7

Respectfully submitted,



Monique Mustapha, Assistant BIC Secretary



Edited By: Sonya Harris, BIC Secretary