

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

in their traditional territory. As guests, we recognize that we benefit from living and working on their traditional homeland. We wish to pay our respects by acknowledging the Ancestors, Elders, and Relatives of the Ramaytush Ohlone community and by affirming their sovereign rights as First Peoples.

2. FINDINGS TO ALLOW TELECONFERENCED MEETINGS UNDER CALIFORNIA GOVERNMENT CODE SECTION 54953(e). *(Discussion and Possible Action)*

The Commission will discuss and possibly adopt a resolution setting forth findings required under Assembly Bill 361 that would allow the BIC to hold meetings remotely according to the modified Brown Act teleconferencing set forth in AB 361.

Vice President Tam made a motion, seconded by President Bito, to continue to meet remotely for the next 30 days.

The motion carried unanimously.

RESOLUTION NO. BIC 009-23

3. President's Opening Remarks.

President Bito thanked the Commissioners for serving in the year of 2022 and said that it was her first year as the BIC President. Her focus as President was to understand how DBI was streamlining the permitting process as well as helping the building community in its recovery. Secondly, her focus was to bring information to the BIC to inform their deliberation and questions.

There was no public comment.

4. 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 said he sent copies of his January email to the BIC for review in regards to preferential treatment of Supervisor Safai on two projects at 497 Valley Street and 29 Joy Street.
- Mr. Dratler said a consulting and development company along with Fred Dune gave a loan in the amount of \$180,000 to former San Francisco Senior Building Inspector Bernard Curran.
- Mr. Dratler said both projects were examples of where DBI failed to follow their standard inspection protocol.
- Mr. Dratler said the BIC needed to understand what controls needed to be implemented by DBI to prevent other DBI inspectors from providing the same preferential treatment.
- Mr. Dratler said recommendations in the September 2021 Controller's Report would have flagged these prohibited behaviors and asked what prohibits the BIC from insisting DBI implement all the recommendations from the report.
- Mr. Dratler said DBI Inspector Donald Simas should be required to appear before the BIC and explain why he issued a Certificate of Final Completion for 497 Valley Street after conducting only two, unscheduled field inspections, and it was highly unusual to only conduct two inspections on a new home that required extensive foundation work.
- Mr. Dratler said the project at 29 Joy Street was one of the 119 Tier 1 projects; projects associated with Rodrigo Santos and Bernard Curran that were under review by DBI and appeared to be one of the many improper inspections.
- Mr. Dratler said the BIC needed to insist on the implementation of vigorous internal controls at DBI to prevent future inspection failures.
- Ms. Audrey Pulliam said she was a retired analyst from the Department of Defense and she agreed with Mr. Dratler and found that the situation probably had to do with having a lot of new agents

and too much work.

- Ms. Pulliam said one discovery she made was documentation was hidden and the property she was living at was supposed to be listed as capital improvement however the 311 agent said the property was not and DBI was treating the property as an extensive overhaul.
- Ms. Pulliam said someone from DBI visited her property landlord and found it irregular for them to be in such close proximity to one another. Ms. Pulliam said a DBI inspector placed a letter over her security camera and she believed it was because she had undermined the Departments agenda of overlooking things and not documenting. She said the disclosure of information was not happening.
- Ms. Pulliam said that the discrepancies were still happening.

5. Discussion and possible action to elect BIC President and Vice-President.

There was a motion by Vice President Tam, seconded by Commissioner Alexander-Tut to continue this item to the next regular meeting of the Building Inspection Commission on March 15, 2023.

Secretary Harris called for a Roll Call Vote:

President Bito	Yes
Vice President Tam	Yes
Commissioner Alexander-Tut	Yes
Commissioner Neumann	Excused
Commissioner Shaddix	Yes
Commissioner Sommer	Yes

The motion carried unanimously.

RESOLUTION NO. BIC 010-23

There was no public comment.

6. Discussion and possible action to appoint Commissioners to serve on the Litigation Subcommittee.

There was a motion by Vice President Tam, seconded by President Bito to continue this item to the next regular meeting of the Building Inspection Commission on March 15, 2023.

Secretary Harris called for a Roll Call Vote:

President Bito	Yes
Vice President Tam	Yes
Commissioner Alexander-Tut	Yes
Commissioner Neumann	Excused
Commissioner Shaddix	Yes
Commissioner Sommer	Yes

The motion carried unanimously.

RESOLUTION NO. BIC 011-23

There was no public comment.

7. Discussion and possible action to appoint Commissioners to serve on the Nominations Subcommittee.

There was a motion by Vice President Tam, seconded by President Bito to continue this item to the next regular meeting of the Building Inspection Commission on March 15, 2023.

Secretary Harris called for a Roll Call Vote:

President Bito	Yes
Vice President Tam	Yes
Commissioner Alexander-Tut	Yes
Commissioner Neumann	Excused
Commissioner Shaddix	Yes
Commissioner Sommer	Yes

The motion carried unanimously.

RESOLUTION NO. BIC 012-23

There was no public comment.

8. Nominations Subcommittee.

a. Update from the Nominations Subcommittee.

b. Discussion and possible action to appoint a member to the Access Appeals Commission (AAC). (Term to Expire November 1, 2026.)

Member seeking appointment:

- **John Tostanoski, A Person Experienced in Construction seat**

Commissioner Sommer said the Nominations Subcommittee met the month before in January 2023 and had received a few applications, but the Committee decided to appoint Mr. John Tostanoski to the Person Experienced in Construction seat on the Access Appeals Commission (AAC). Mr. Tostanoski is a Licensed Contractor and did work in San Francisco, though it was not required to be a Licensed Contractor the committee agreed that was a good fulfillment for the position. Mr. Tostanoski also has personal experience with the Americans with Disabilities Act through a family member who is permanently disabled, which was not a requirement as well however was relevant experience.

President Bito thanked the current members of the AAC, along with Mr. Tostanoski for his willingness to serve.

President Bito made a motion, which was seconded by Vice President Tam to appoint John Tostanoski to the Access Appeals Commission.

Secretary Harris called for a Roll Call Vote:

President Bito	Yes
Vice President Tam	Yes
Commissioner Alexander-Tut	Yes
Commissioner Neumann	Excused
Commissioner Shaddix	Yes
Commissioner Sommer	Yes

The motion carried unanimously.

RESOLUTION NO. BIC 013-23

9. Discussion and possible action on the proposed budget of the Department of Building Inspection for fiscal years 2023/2024 and 2024/2025.

Deputy Director of Administrative Services Alex Koskinen presented the following:

- Budget Schedule
- Proposed Budget – Revenue
- Proposed Budget – Revenue Highlights
- Proposed Budget – Expenditures by Division
- Proposed Budget – Expenditures by Category
- Proposed Budget – Expenditure Highlights
- Proposed Budget – Positions
- Proposed Budget – Position Highlights
- Proposed Budget – Fund Balance
- Proposed Budget – Next Steps

Public Comment:

- Mr. Jerry Dratler said he wanted to thank Mr. Koskinen for an excellent budget presentation and there was a clearer picture of the financial challenges facing DBI.
- Mr. Dratler said the Mayor had announced strategies to accelerate construction in San Francisco by eliminating unnecessary fees, however those proposed changes would make DBI's fee problems worse.
- Mr. Dratler said it was unrealistic that Mayor Breed would allow a substantial increase to permit fees that would allow the Department to balance its budget.
- Mr. Dratler said administrative expenses in the amount of \$34 million exceeded the \$19 million spent on plan checking and \$33 million of Inspection Services expenses. He said permit fees of \$43 million could not support \$34 million of administrative expenses.
- Mr. Dratler said Director O'Riordan and the BIC needed to reengineer the operating process and systems at DBI
- Representatives from Chinatown Community Development Center, Chinese Progressive Association, and Single Room Occupancy (SRO) United Families Collaborative along with tenants of the SRO spoke and thanked DBI for their many years of support and urged DBI to not cut funding to their programs from the department's budget. The funding has been instrumental in the community's ability to facilitate and accomplish keeping SRO families safe and involved with

requesting repairs to their homes.

- Ms. Audrey Pulliam said she worked for the Department of Defense in San Diego and suggested the landlords of those SRO's should invest in an account for repairs when needed so tenants would not be left hanging.
- Ms. Pulliam said that it was consumer fraud that the landlords were committing and that was not something DBI should be accommodating. She suggested DBI have a data system that allowed for pictures for each address where both tenant and the landlord could upload their information because as it was the system only accommodated the landlords.
- Ms. Becky Hom with Just Cause thanked DBI for keeping the Community Based Organizations (CBO) in its budget, and wanted to encourage the BIC to recommend to raise fees so the Department would be able to continue to fund those organizations in the future.

Commissioner's Questions & Comments:

Vice President Tam said he wished the groups from the CBO had stayed and thanked them for appearing at the Commission and sharing their experiences which was appreciated. Vice-President Tam relayed this message in English and Chinese.

President Bito said it was hard to hear instance after instance of violations that were happening in the SRO communities and thanked the elderly who were not able to appear in person but shared their experience. She asked Mr. Koskinen to clarify whether DBI was cutting the CBO fund from its budget.

Mr. Koskinen said no the Department of Building Inspection was not cutting the CBO from its budget.

President Bito said she did not understand how the community was receiving misinformation that DBI was doing so, and that Mr. Koskinen had presented at two meetings that stated DBI was not cutting the CBO from its budget.

President Bito said she applauded DBI for length and steps and details provided in each budget presentation was laudable and it was made clear that the Full Time Employee (FTE) was not about reducing staff, but elevating staff capacity so they would be better able to serve the community and DBI as well as being able to balance the budget with the current climate of San Francisco.

Commissioner Alexander-Tut thanked the Department for the presentation and said historically the Commission received a one-page reference to the budget and after close review all of the information in the presentation aligned with the reference sheet.

Commissioner Alexander-Tut asked as a result of the FTE would there be a hiring freeze or any lay-offs?

Mr. Koskinen said that was correct and the presentation showed a technical change to reflect budgeted and funded FTE. The Department's hiring authority remained the same for existing positions and hopefully will increase with the proposed new positions.

Commissioner Alexander-Tut said under full disclosure that she previously worked for an organization that was funded by the DBI Code Enforcement Outreach Program (CEOP) and maintained relationships with some of the staff who provide services and some people who receive the services through those programs. She also thanked the staff for highlighting that the program would stay in the budget for the public to understand.

Commissioner Sommer thanked the Department for a clear presentation and said that the issues reflected in the budget which were not immediately solvable may not have been clear to the public, and the Commission would stay tuned for updates. She thanked Mr. Koskinen for skillfully explaining the budget process.

Commissioner Shaddix thanked Mr. Koskinen for the presentation and for clarifying that DBI was not cutting the CBO program from its budget.

President Bito said she wanted to request that because of the relationships Commissioner Alexander-Tut had with the community, if she would help to make sure the information they were getting was understood and that after hearing the feedback from the public that DBI would continue to prioritize those organizations.

President Bito made a motion, seconded by Vice President Tam, to recommend submitting the proposed budget to the Mayor.

Secretary Harris called for a Roll Call Vote:

President Bito	Yes
Vice President Tam	Yes
Commissioner Alexander-Tut	Yes
Commissioner Neumann	Excused
Commissioner Shaddix	Yes
Commissioner Sommer	Yes

The motion carried unanimously.

RESOLUTION NO. BIC 014-23

10. Update regarding the Client Services Subcommittee.

Deputy Director of Permit Services Neville Pereira presented the following:

- Agenda; Project overview, Milestones, Process changes
- Goals, Strategies, and Tactics
- Phases I and II
- Targeted Improvements
- Complex Projects

There was no public comment.

11. Commissioner's Questions and Matters.

- 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.
- 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 meeting of the BIC was scheduled for March 15, 2023.

President Bito said she was proposing to agendize the site permit process update from the Client Services Subcommittee meeting.

There was no public comment.

12. Director's Report.

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

Director O'Riordan said the Department was focused on streamlining the permit review and issuance processes and was proud to report the efforts to streamline Solar Permits had launched.

DBI launched the Solar App+ pilot program on February 9, 2023 and Licensed Contractors were able to get instant online electrical permits for solar rooftop arrays. A preview was shown the previous month to the BIC and the Department hosted an online event with the U.S. Department of Energy along with a group of solar system providers. There was a lot of enthusiasm.

Several DBI teams drove the initiative, however a special thank you to Project Manager James Zhan and his group in Permit Services, Chief Electrical Inspector Ken Burke and Bruce Yuke along with Raymond Yip from the Information Services Team.

Director O'Riordan share a letter from a homeowner named Mr. Richard Chiu praising Inspectors Mark Jusino and Benjamin Yee for their excellent customer service as follows:

Mr. Chiu said he was lucky to speak with Mr. Jusino who sympathized with his situation and said he would consult with his Senior Inspector Benjamin Yee. Mr. Yee showed up shortly after and was like a godsend rescuer, and updated the service date on the building. Mr. Chiu said he was very grateful the DBI electrical team were so professional and caring. Mr. Chiu said he worked in a hospital and always talked about a care experience; He felt this was an excellent care experience with the DBI team that went above and beyond in making a positive impact on the community.

Director O'Riordan thanked Mr. Chui for his note and thanked Mr. Jusino and Mr. Yee for their dedication and top notch service.

Director O'Riordan said in closing on a somber note we saw a terrible tragedy unfold in Turkey and Syria when a 7.8 magnitude earthquake hit the country in both areas caused widespread death and destruction. Videos of the collapsed buildings were horrifying and as a Building Official it drove home the importance of what we do at DBI. The building safety the Department performs everyday formed the frontline of defense against this kind of tragedy in the city. The seismic upgrade program, Code compliance verifications in building plans as well as in the field during inspections are done every day to safeguard the community now and into the future and to make sure neighbor's homes are secured, the schools and businesses as well as high rise buildings that those were structurally sound.

Director O'Riordan said sometimes the Department received criticism due to the vigilance, but short cuts seem good if the potential consequences were not considered. One thing that is known is San Francisco would experience a significant earthquake that would put the city to the test, and acknowledged the importance of the Department's work in protecting our city from natural disaster. Director O'Riordan recommitted DBI's continued effort of ensuring the safety of the buildings in the city are constructed to the required safety standards. It's our job and we take it seriously.

b. Update on major projects.

Director O’Riordan gave an update on major projects for January 2023 as follows:

- Major projects are those with valuation of \$5 million or greater filed, issued, or completed.
 - 1 permit filed
 - \$10.4 million in valuation
 - 0 net units
- Major projects with permits issued.
 - 3 issued
 - \$19.3 million in valuation
 - 1 net units
- Major projects with Certificate of Occupancy
 - 2 issued
 - \$94.3 million in valuation
 - 215 net units

c. Update on DBI’s finances.

Deputy Director of Administrative Services Alex Koskinen gave an update on the Department’s Fiscal Year finances 2023 as follows:

- Year-end Revenues projected at \$54.7 million, 6% lower than budgeted.
- Year-end Expenditures are projected at \$87.2 million, 4% lower than budgeted.
- Year to date (YTD) number of permits were 10% lower than the previous year
- YTD valuation was 4% higher than the previous year

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

Legislative Affairs Manager Carl Nicita gave an update on recently enacted State or local legislation as follows:

File No. 230134: Ordinance amending the Police and Building Codes to require owners of certain residential construction projects to maintain a labor compliance bond at the time of issuance of the first construction document; and clarifying that the bonding requirement applies to projects that submitted an application for a building permit or a complete preliminary permit application on or after June 6, 2022.

File No. 220878-2: Ordinance amending the Planning and Building Codes to increase fines and penalties for violations of Planning and Building Code provisions.

File No. 230153: Resolution urging the Planning Department to report on potential candidates for adaptive reuse in the Downtown core; urging the Planning Department and Department of Building Inspection to issue public facing criteria for member of the public and stakeholder property owners on potential office conversion to residential eligibility.

File No. 230147: Hearing to review the Budget and Legislative Analyst’s policy analysis report on repurposing commercial real estate for residential use to address the City’s need to produce

addition affordable and market rate housing and commercial vacancies, particularly in the Downtown office market.

File No. 221257: Hearing regarding updates on the findings of the joint Department of Building Inspection (DBI) and Planning Department investigation into Building Code and Planning Code violations, including potential illegal conversions of the Twitter Headquarters located at 1355 Market Street as reported on by Forbes Magazine and potential labor and human rights violations of immigrant workers; and requesting DBI, the Zoning Administrator and Planning Enforcement, Office of Labor Standards Enforcement and Human Rights Commission to report.

AB 529: This bill would add the expansion of adaptive reuse project to the list of specified pro-housing local policies.

AB548: This bill would require local enforcement agencies to develop policies and procedures for inspecting a building with multiple units if an inspector or code enforcement officer has determined that a unit is substandard or is in violation of the State Housing Law and that the defects or violations have the potential to affect other unites of the building.

SB 83: This bill would state the intent of the Legislature to require public utility companies to provide comments on post entitlement phase permit applications and connect new construction to the electrical grid within specified timeframes.

e. Update on Inspection Services.

Deputy Director of Inspection Services Joseph Duffy presented the following Building Inspection Division Performance Measures for January 1, 2023 to January 31, 2023:

• Building Inspections Performed	4,500
• Complaints Received	596
• Complaint Response within 24-72 hours	592
• Complaints with 1st Notice of Violation sent	128
• Complaints Received & Abated without NOV	247
• Abated Complaints with Notice of Violations	38
• 2nd Notice of Violations Referred to Code Enforcement	24

Deputy Director of Inspection Services Joseph Duffy presented the following Building Inspection Division Performance Measures January 1, 2023 to January 31, 2023:

• Housing Inspections Performed	1,078
• Complaints Received	598
• Complaint Response within 24-72 hours	584
• Complaints with Notice of Violations issued	229
• Abated Complaints with NOVs	371
• # of Cases Sent to Director's Hearing	38
• Routine Inspections	183

Deputy Director of Inspection Services Joseph presented the following Building Inspection Division Performance Measures for January 1, 2023 to January 31, 2023:

• # Housing of Cases Sent to Director’s Hearing	47
• # Complaints of Order of Abatements Issues	12
• # Complaint of Cases Under Advisement	0
• # Complaints of Cases Abated	106
• Code Enforcement Inspections Performed	482
• # of Cases Referred to BIC-LC	1
• # of Case Referred to City Attorney	1

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

- # Total people reached out to
- # Counseling cases
- # Community Program Participants
- # Cases Resolved

Secretary Harris called for public comment on items 12a-d.

There was no public comment.

13. Review and approval of the minutes of the Regular Meeting of January 18, 2022.

Vice President Tam made a motion, seconded by President Bito, to approve the Regular Meeting minutes of January 18, 2023.

The motion carried unanimously.

RESOLUTION NO. BIC 015-23

There was no public comment.

14. Adjournment.

Vice President Tam made a motion, seconded by President Bito to adjourn the meeting.

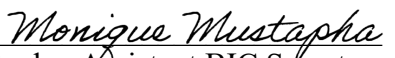
The motion carried unanimously.


The meeting was adjourned at 11:40 a.m.

RESOLUTION NO. BIC 016-23

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS	
President Bito said she was proposing to agendize the site permit process update from the Client Services Subcommittee meeting.	Page 6

Respectfully submitted,


Monique Mustapha, Assistant BIC Secretary


Edited By: Sonya Harris, BIC Secretary