

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

REGULAR MEETING

Wednesday, June 12, 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: 2662 313 0615

ADOPTED JULY 17, 2024

MINUTES

1. Call to Order and Roll Call.

The regular meeting of the Building Inspection Commission (BIC) was called to order at 10:39 a.m., and a quorum was certified.

COMMISSION MEMBERS PRESENT:

Alysabeth Alexander-Tut, **President, Excused**

Earl Shaddix, **Vice President**

Evita Chavez, **Commissioner, Excused**

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**

CITY ATTORNEY REPRESENTATIVE:

Robb Kapla, **Deputy City Attorney**

2. President’s opening remarks.

Vice President Shaddix moved to the next item as he had no remarks.

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.

Ms. Sarah Sherburn Zimmer, Director of the Housing Rights Committee of San Francisco, said she wanted to talk about the program she works for. She said that it was one of the best code enforcement programs in the country and the structure the city put together was being copied across the country. Ms. Sherburn Zimmer said there were four components that she thought made code enforcement and DBI work, and those were the outreach and tenant education, community tenant rights counseling, the robust city inspection program through the Department, and finally the consequences of fines and leases against property. Ms. Sherburn Zimmer said her organization was not inspectors, but worked jointly with inspectors to explain to residents in San Francisco their actual rights and to consider those four components when looking at the budget.

Mr. Christopher Schroeder spoke about two newspaper articles from June 2, 2024 titled ‘Landlord’s costly saga’ and from June 3, 2024 titled ‘Home projects become nightmares’. Mr. Schroeder said to reference a GSA report from 2014 about address 125 Crown Terrace.

4. Discussion and possible action regarding Board of Supervisors Ordinance (File No. 240474) amending the Building and Planning Codes to make permanent the streamlined permitting provisions for unpermitted awnings and extend the waiver of applicable fees for one fiscal year, until July 1, 2025, in addition to other requirements.

Legislative Affairs Manager Tate Hanna presented the following information:

- DBI planned to make the streamline process permanent and the Ordinance would make the process the law.
- The value of legalizing the awnings outweighed the fee revenue the department would generate without the fee waiver.
- The department requested recommendation of approval for the legislation.

Director of the Office of Small Business Katy Tang made the following points:

- They were in support of the Ordinance sponsored by Mayor Breed.
- The legislation would extend the simplified application process indefinitely and fees would be waived one additional fiscal year.
- It was found even with the streamlined process that it was still complicated for some businesses to go through.
- All departments were encouraged to simplify requirements for permit applications.
- Fire, Public Works, and Planning Departments joined DBI in simplifying the amnesty awning permit application.
- Outreach would be continued and they want to be sure to reach members of the public who had completed the application but permits were not completed.

There was no public comment.

Commissioner Shaddix said that he was familiar with the program and was a fan of anything that was helping the city’s small businesses right now and these steps made a big difference.

Vice President Shaddix made a motion, seconded by Commissioner Williams, to amend the Building and Planning Codes to make permanent the streamlined permitting provisions for unpermitted awnings and extend the waiver of applicable fees for one fiscal year, until July 1, 2025.

Secretary Harris Called for a Roll Call Vote:

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

The motion carried unanimously.

RESOLUTION NO. 028-24

There was no public comment.

5. Discussion and possible action regarding Building Inspection Commission Appeals, including whether to:

- a) Adopt Rules and Regulations Pursuant to Administrative Code Chapter 77 for handling Building Inspection Commission Appeals.**
- b) Adopt forms for Chapter 77 appeals, including: Notice of Appeal (Application for Appeal form, Request for Jurisdiction form, Request for Suspension form, and Request for Rehearing form.**

Secretary Harris said the BIC had planned to have an appeal hearing and the rules and forms were updated and needed the Commission's approval.

Commissioner Sommer asked if there was a form previously.

Secretary Harris said there was a process in place and the rules were to formalize the process for everyone and it was similar to the Abatement Appeals Board (AAB) process.

Deputy City Attorney Robb Kapla said the Building Inspection Commission (BIC) under chapter 77 of the Charter always had the ability to hear certain types of appeals, mostly of formalities. Those were a remnant of when DBI split from the Department of Public Works and there was mention of a clean-up of the Administrative Code because there were permits appealable to the Public Works Commission. There were appeals beyond the AAB where the Board would sit as an adjudicatory or quasi meaning a decision of yes or no would be made on a determination of the department and with new state laws such as Administrative Bulletins (AB) 1114 which allowed applicants who felt their project determination incomplete application was incorrect would be appealable to the BIC to overrule that determination also there was the Expanded Compliance Control (ECC) list. -- Those were allowed to be challenged as well and there were other Administrative Code changes that could be challenged such as under the hotel conversion ordinance and Single Room Occupancy, and the rules presented at today's meeting were based on chapter 77 of the Administrative Code and basic principles of the AAB meetings.

Secretary Harris said there was a form for members of the public to complete and item 5b was a revised version.

Commissioner Sommer asked a few clarifying typographical questions.

Commissioner Williams said it was good to have the rules so the Board would be able to better process and hear the appeals and perhaps after a few hearings in the future and it would be able to revisit, and amend the rules if necessary.

Secretary Harris thanked Communications Director Patrick Hannan, Public Information Officer Kelley Omran, and Assistant Commission Secretary Monique Mustapha for their work on the form as well as the Deputy City Attorneys Sarah Fabian, Robb Kapla, and Peter Miljanich.

Commissioner Sommer made a motion, seconded by Vice President Shaddix, to adopt the Rules and Regulations, and adopt the form for Chapter 77 appeals to the Building Inspection Commission.

Secretary Harris Called for a Roll Call Vote:

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

The motion carried unanimously.

RESOLUTION NO. 029-24

6. Director's Report.

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

Director O'Riordan made the following points:

- We have several new developments to share with you.
- To begin with, in the past month, we updated our policy so that we now accept payment for any permit from any member of the public regardless of whether they are officially associated with the project.
- A permit can still only be issued to the property owner, a California-licensed contractor, or an authorized representative, but now anyone can pay for it.
- Though an infrequent issue, this change removes an obstacle for some applicants and will save them time and frustration.
- Secondly, I want to introduce DBI's new Legislative Affairs Manager, Tate Hanna, who started earlier this month.
- Tate comes to us from Senator Scott Wiener's office where he served as the senator's primary policy analyst for housing, land use and economic development.

- At DBI, he'll be serving as our liaison to the Board of Supervisors and will help shape, evaluate and implement state and local legislation impacting our work.
- Finally, last weekend, four Permit Services team members represented DBI at the Chinese Real Estate Association of America Real Estate Expo in the Sunset.
- A photo of the Permit Services team at the event was shared on the screen.
- More than four hundred real estate professionals, contractors, and property owners attended the expo and many had questions about Accessory Dwelling Units (ADUs) and other building code-related topics that our staff were able to answer.
- I want to thank the Chinese Real Estate Association for the opportunity to participate in their event and express my gratitude to our Permit Services staff for being excellent representatives for DBI in our community.

b. Update on major projects.

Director O'Riordan gave an update on major projects for May 2024 as follows:

- Major projects are those with valuation of \$5 million or greater filed, issued, or completed.
 - 3 permits filed
 - \$19.8 million in valuation
 - 0 net units
- Major projects with permits issued.
 - 5 issued
 - \$100 million in valuation
 - 85 net units
- Major projects with Certificate of Occupancy
 - 2 completed
 - \$78.9 million in valuation
 - 0 net units

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

Legislative Manager Tate Hanna presented the following items and made the following points:

- **File No. 240499:** This Ordinance was introduced on May 14, 2024 and referred to the Building Inspection Commission, Planning Department and Small Business Commission on May 22, 2024.
- **File No. 240457:** Building Inspection Commission recommended approval of this Ordinance and it was approved by the Budget and Appropriations Committee on May 22, 2024. The Board of Supervisors passed it on June 11, 2024.

- **File No. 240474:** This Ordinance was heard by Building Inspection Commission on June 12, 2024 and recommended for approval.
- **File No. 240297:** This Ordinance was by the Building Inspection Commission on May 15, 2024 and was pending at the Land Use and Transportation Committee.

Commissioner Neumann said what was the implication of Senate Bill 1465.

Mr. Hanna said the bill arose from the tragic shooting in Half Moon Bay a few months ago and it was found certain farm workers were living in structures that were not permitted or zoned as residential structures and there was a process to determine structures uninhabitable; However, those processes were not quite the same process and local officials were unable to act in a manner they wanted, and this bill rectified that and made it so even if a building was not designed for residential use if people were living in it, it could be deemed uninhabitable.

d. Update on Inspection Services.

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

• Building Inspections Performed	5,473
• Complaints Received	375
• Complaint Response within 24-72 hours	373
• Complaints with 1st Notice of Violation sent	82
• Complaints Received & Abated without NOV	166
• Abated Complaints with Notice of Violations	40
• 2nd Notice of Violations Referred to Code Enforcement	46

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

• Housing Inspections Performed	897
• Complaints Received	465
• Complaint Response within 24-72 hours	411
• Complaints with Notice of Violations issued	158
• Abated Complaints with NOVs	415
• # of Cases Sent to Director's Hearing	47
• Routine Inspections	100

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

• # Housing of Cases Sent to Director's Hearing	55
• # Complaints of Order of Abatements Issues	22
• # Complaint of Cases Under Advisement	0
• # Complaints of Cases Abated	43

- Code Enforcement Inspections Performed 326
- # of Cases Referred to BIC-LC 1
- # 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

e. Update on DBI’s finances.

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

Revenues:

- 92% of the year had elapsed
- Operating revenue: \$58.8M collected of \$63.1M 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 8% higher than the prior year.
- YTD valuation was 3% lower than last year.

There was no public comment on the Director’s report items 6a-e.

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 Regular Building Inspection Commission meeting would be held on Wednesday, July 17, 2024.

There was no public comment.

8. Review and approval of the minutes of the Regular Meeting of May 15, 2024.

Vice President Shaddix made a motion, seconded by Commissioner Williams, to approve the Regular Meeting minutes of May 15, 2024.

There was no public comment.

The motion carried unanimously.

RESOLUTION NO. BIC 030-24

9. Adjournment.


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

The motion carried unanimously.

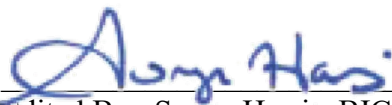
The meeting was adjourned at 11:17 a.m.

RESOLUTION NO. BIC 031-24

Respectfully submitted,



Monique Mustapha, Assistant BIC Secretary



Edited By: Sonya Harris, BIC Secretary