

File No. 130115

Committee Item No. 3  
Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Rules

Date 3/7/13

Board of Supervisors Meeting

Date \_\_\_\_\_

#### Cmte Board

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form (for hearings)             |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Public Correspondence                        |

#### OTHER

(Use back side if additional space is needed)

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Completed by: Linda Wong

Date 3/4/13

Completed by: \_\_\_\_\_

Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

1 [Appointment, Port Commission - Mel Murphy]

2

3 **Motion confirming the Mayor's appointment of Mel Murphy to the Port Commission, for**  
4 **a term ending May 1, 2016.**

5

6 MOVED, That the Board of Supervisors of the City and County of San Francisco does  
7 hereby confirm the appointment by the Mayor of the following designate to serve as a member  
8 of the San Francisco Port Commission, pursuant to Section 4.114 of the San Francisco  
9 Charter, for the term specified:

10 Mel Murphy, succeeding Ann Lazarus, to serve the unexpired portion of a four-year  
11 term ending May 1, 2016.

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OFFICE OF THE MAYOR  
SAN FRANCISCO



orig: leg clerk  
Bos. 11, COB, Leg Dep  
Dep City Atty, Rules Clerk  
EDWIN M. LEE  
MAYOR  
cpage  
Ac file

February 1, 2013

Angela Calvillo  
Clerk of the Board, Board of Supervisors  
San Francisco City Hall  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013 FEB - 1 PM 4: 50  
BY \_\_\_\_\_

Dear Ms. Calvillo,

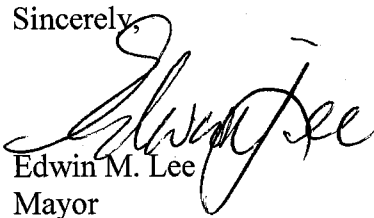
Pursuant to Charter Section 4.114, I hereby nominate Mel Murphy for an appointment to the San Francisco Port Commission.

Mr. Murphy is appointed to succeed Ann Lazarus for a term ending May 1, 2016.

I am confident that Mr. Murphy, an elector of the City and County, will serve our community well. Attached are his qualifications, which will demonstrate how this appointment represents the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

Should you have any questions related to this appointment, please contact my Director of Appointments, Nicole Wheaton at (415) 554-7940.

Sincerely,

  
Edwin M. Lee  
Mayor

130115

OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
MAYOR

**Notice of Appointment**

February 1, 2013

San Francisco Board of Supervisors  
City Hall, Room 244  
1 Carlton B. Goodlett Place  
San Francisco, California 94102

Honorable Board of Supervisors:

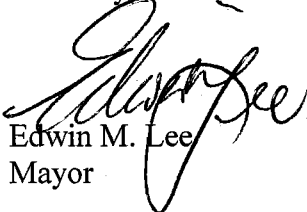
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Should you have any questions related to this appointment, please contact my Director of Appointments, Nicole Wheaton at (415) 554-7940.

Sincerely,

  
Edwin M. Lee  
Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013 FEB - 1 PM 4:50

# Mel Murphy

24<sup>th</sup> Street, San Francisco, CA 94114

Tel: 415

Email: r

[@mobrei.com](mailto:r@mobrei.com)

February 25<sup>th</sup>, 2013

## Re: Mayor's appointment to the Port Commission

Dear Supervisor,

Thank you for your consideration of my candidacy for the Port Commission.

In response to recent concerns raised related to a project of mine, I would like to take this opportunity to share with you a letter I submitted to the DBI on January 8<sup>th</sup>, 2013. This letter was followed up with an extensive report authored by an independent 3<sup>rd</sup> party which was received, accepted and approved by the Department of Building Inspection.

As always, I am available, and would welcome the chance to meet you in person to further discuss this matter and my candidacy for the Port Commission.

Yours Sincerely,



Mel Murphy

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013 FEB 28 PM 4:04  
R

# Mel Murphy

3 24<sup>th</sup> Street, San Francisco, CA 94114

Tel: 415

- Email: [murphy@mobrei.com](mailto:murphy@mobrei.com)

Tom Hui  
Acting Director  
San Francisco DBI  
1660 Mission Street  
San Francisco, CA 94103

**Re: Site Permit: PA #2007-0620-4573**  
**Address: 3418 26<sup>th</sup> Street**

January 8<sup>th</sup>, 2013

**Subject: NOV Response**

Dear Acting Director Hui,

I am writing in response to the NOV (Complaint #201383312) that was recently issued on a property I own, which is located at 3418 26<sup>th</sup> Street. As a past President of the Building Inspection Commission, I feel that I should be held to a higher standard, and therefore it is important for me to explain how this NOV came to be issued and how I have responded to it.

Specifically, this NOV was issued for "No evidence of building inspection available", on a new eleven unit building that is currently under construction. In short, work began before the appropriate addenda were issued. This is a result of an oversight internal to my design team, for which I am deeply embarrassed and remorseful. I became aware of this issue on December 31<sup>st</sup>, 2012, while I was out of town with my family for the New Year's holiday. Upon my return, I immediately paid all pending fees and picked up the addenda for Foundation and Structural and Superstructure. That was on January 3<sup>rd</sup>, 2013.

Because I am a past President of the Building Inspection Commission, I feel that my actions will be scrutinized, and it is therefore important to demonstrate that this NOV was simply the result of an oversight on the part of my team, and not evidence of any preferential treatment by DBI. A review of the on-line permit tracking system shows that my application for this building was originally submitted on June 20<sup>th</sup>, 2007. The site permit (PA#2007-0620-4573) was approved and issued in March of 2012 – five years after the initial application. Following issuance of the site permit, my design team submitted the following addenda:

- Foundation (Filed 4-5-12, issued 1-3-13)
- Structural and superstructure (Filed 6-12-12, issued 1-3-13)
- Architectural (Pending approval)
- Mechanical and final (Pending approval)

In addition, my design team also submitted applications for the followings:


- Excavation and shoring (PA#2012-1024-2727, issued 10-26-12)
- Fire alarm (PA#2012-1115-4321, issued 11-15-12)
- Fire sprinkler system (Pending)

Clearly, my project has been winding its way through the permitting process, without any indication of preferential treatment. All addenda were filed on a customary timeline, and absolutely no addenda were filed after the commencement of construction. As it turns out, the addenda were not pulled as I had understood. The particular member whose responsibility it was to do this was preoccupied with personal matters and flew home to Ireland in December to support an elderly member of his family suffering deteriorating health. He is still there. In short, the permitting for my project has been "by the book", with the one, albeit considerable exception that construction began prior to the issuance of the proper addenda, and commenced without the benefit of DBI inspections.

The lack of DBI inspections remains as a significant issue to be resolved. The project is currently stopped in response to the NOV, and I await a determination from DBI about how to resolve the gaps in the inspection records. At this stage of the project, the foundation and the concrete podium are complete, and the building is framed. The superstructure is not yet due for inspection, but the inspection record for all of the concrete work is incomplete without DBI inspection. However, construction *did not* take place without any inspections. As required by the building code, structural observations and concrete testing were done, in this case by a third-party testing agency, A1 Inspection Services. I will make all of the records associated with these inspections available, and will happily submit to any additional testing deemed necessary by the DBI engineers to verify that all concrete work was performed according to the approved plans and in accordance with the San Francisco Building Code.

While I do not manage the day-to-day activities of such a large construction project, as the owner I understand that I am ultimately responsible for what happens with my project. For this reason, I take full responsibility for the commencement of construction prior to the issuance of the appropriate addenda. This NOV is the result of an unfortunate oversight on the part of my team – nothing more, nothing less. Needless to say however, I deeply regret this turn of events, and I am eager to resolve this issue promptly. To that end, I will cooperate fully with DBI staff, and with the BIC if necessary, to resolve this issue. I will respond promptly to any and all requests for information or additional testing that may be deemed necessary to resolve the gaps in the inspection record. In closing, please allow me to say once again how deeply sorry I am to have thrust DBI into such an unnecessary exercise. I humbly await direction from you and your staff.

Sincerely,

  
Mel Murphy  
Past President, BIC

Cc: Angus McCarthy, President Building Inspection Commission  
Dan Lowrey, Acting Deputy Director, Inspection Services  
Bill Strawn, Legislative Public Affairs

## Profile:

### Mel Murphy

24<sup>th</sup> Street, San Francisco CA 94114  
Cell: 415 \_\_\_\_\_ Email: \_\_\_\_\_@mobrei.com

*Licensed California Real Estate Broker, Licensed California General Contractor and successful real estate developer in San Francisco and Scottsdale Arizona*

Mel was born in Westmeath and educated with the Christian Brothers and St. Mel's College of Technology In Longford, Ireland where he developed a lifelong interest in construction engineering and management.

In the early '70's he moved to San Francisco where was headhunted by Bechtel Corporation who appointed him to manage large construction projects in Saudi Arabia. Mel's technical and managerial competencies' were further recognized and he was selected for other projects including the Alaskan pipeline and oil rigs in the North Sea and Chile.

Mel returned to San Francisco in '76' and qualified and qualified with a license in general contracting and continues to manage a successful and highly respected development and property management company – Pattani Construction with a strong portfolio of properties throughout San Francisco. His entrepreneurial instincts also led him to study for his Real Estate Broker's license and he co-founded in 2004 Murphy & O'Brien Real Estate Investments where he currently serves as Director and Chief Executive Officer of the company.

A combination of strong leadership, demonstrated business expertise, professional and personal integrity and talent ensures that Mel Murphy is well placed to take on any other responsibilities for the city or his community where he already gives generously of his time to the not-for-profit sector.

A family man, Mel is married to Nuannoi Murphy and father of Mariana Murphy who attends San Francisco day school.

#### Other Achievements

- 2006 – Building Inspection Commissioner, appointed by Mayor Gavin Newsom
- 2007 – Reappointed by Mayor Newsom, elected as Vice-President of BIC
- 2007 – Founding member of San Francisco Coalition for Responsible Growth, a group that has a mission to promote public policies which will provide responsible growth and rational community development in San Francisco [www.sfcrg.com](http://www.sfcrg.com)
- 2010 – Reelected president in 2010 and served for a total of 6 years on the commission
- Present – Personally council individuals and at-risk youths with alcohol and substance abuse problems throughout the greater bay area and nationwide



## Wong, Linda (BOS)

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**From:** Wheaton, Nicole  
**Sent:** Friday, February 22, 2013 11:31 AM  
**To:** Wong, Linda (BOS); Lamug, Joy  
**Subject:** FW: Mel Murphy  
**Attachments:** mel murphy recc doc.docx

For Mel's file. Thx!

Nicole A. Wheaton  
Director of Appointments  
Commission & Board Liaison  
Office of Mayor Edwin M. Lee  
(415) 554-7940

---

**From:** Lee, Mayor  
**Sent:** Friday, January 25, 2013 4:01 PM  
**To:** Wheaton, Nicole  
**Subject:** FW: Mel Murphy

**From:** John McArdle [<mailto:johnmcardle1@gmail.com>]  
**Sent:** Sunday, January 20, 2013 7:43 PM  
**To:** Lee, Mayor; Chiu, David; Avalos, John; Cohen, Malia; Campos, David; Chu, Carmen; [Norman.Yee.Bos@sgov.org](mailto:Norman.Yee.Bos@sgov.org);  
Farrell, Mark; Mar, Eric (BOS); Wiener, Scott; Kim, Jane; Breed, London  
**Cc:** John McArdle  
**Subject:** Mel Murphy

Dear San Francisco Board of Supervisors,

Attached you will find my recommendation for Mel Murphy for appointment to the Port Commission.

Thank you for your consideration.

John J. McArdle

John J. McArdle  
Octavia Street  
San Francisco, CA 94109

January 19, 2013

To: David Chiu, President  
Eric Mar  
Mark Farrell  
Carmen Chu  
London Breed  
Jane Kim  
Norman Yee  
Scott Wiener  
David Campos  
Malia Cohen  
John Avalos

Dear Supervisors:

I moved to San Francisco in 1969 to work for a privately held company. Besides investing in that company, I purchased real estate and became a San Francisco Housing Provider. Along the way, I met a very honest, capable, talented man who supplied contractor services to property owners. That man was Mel Murphy.

Besides furnishing services to property owners in our community, he contributed services to the City of San Francisco. He worked on the Department of Building Inspection Commission, improving the efficiency of that department and rising to the top position on the Commission.

Mel Murphy has all the necessary qualifications to be a member of the Port Commission. His business background in construction, meeting payrolls, managing and living within budgets, integrity, honesty, and commitment to the City of San Francisco is exactly what we need to correct problems, enhance growth and meet the needs of this treasure we call The Port of San Francisco.

I urge you to support and appoint a San Francisco asset, Mel Murphy, a valuable, talented person, to the Port Commission.  
Thank you,

John J. McArdle

Cc: Mayor Ed Lee