

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Major, Erica \(BOS\)](#)
Subject: FW: Building Code - Expanded Compliance Control and Consumer Protections Where History of Significant Violations
Date: Tuesday, February 23, 2021 8:25:34 AM

From: Sarah Willmer <swillmer@studio-sw.com>
Sent: Monday, February 22, 2021 2:03 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Vivian Dwyer <viv@dwyer-design.com>
Subject: Building Code - Expanded Compliance Control and Consumer Protections Where History of Significant Violations

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I am an architect in the city with an office of 8 people. We primarily do residential renovations. It has been brought to my attention from the AIA that a possible new regulation may impact my business and many companies like mine. The issues, as I understand it, is to keep track of entities (contractors, architects, homeowner etc) that ignore building and planning codes requirements during construction and after permits have been issued. I understand and agree that much of this may be going by "bad actors" but I ask that you do not group architects with these possible and other responsible parties. Our work as the architect for a project often ends after receiving an approved building permit. Many clients choose to proceed with the construction work without our continue service. This means, that contractors and some home owners may choose to do work that is not code complying but we may not be there to advise to do otherwise. Therefore to connect architects with this illegal work by other parties is an over-reach and will unduly hurt our business in an unfair way. I request that the legislation be reworded to disconnect the architect from any work initiated by a contractor or owner where the architect's services are currently NOT being used.

Thank for you time and I would appreciate a follow up to how this issue is resolved.

Thank you, Sarah E Willmer, AIA

Studio Sarah Willmer, Architecture
415-642-1166
www.studio-sw.com

From: [Sarah Currier](#)
To: [Major, Erica \(BOS\)](#)
Subject: Letter for Review Today
Date: Monday, February 22, 2021 11:20:09 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

I am the principal of a 100 year-old downtown school campus with a vibrant and engaged community of teachers, students, parents, and parishioners.

Our historic buildings require a lot of TLC to keep our campus in working order, including the assistance of architects and engineers. We have been fortunate over the years to receive pro-bono assistance from several wonderful architects and engineers. These dedicated consultants have volunteered countless hours to our community and, as a non-profit trying to create an equitable learning experience for all students, we depend on the donations of time and talent to help offset the cost of operating an affordable school in San Francisco.

However, the architects and engineers that have helped us tremendously over the last several decades have informed me that they may no longer be able to assist us, particularly with small projects or pro-bono work, because of the proposed Expanded Compliance Control Ordinance. These consultants explained to me that they could be blacklisted by DBI by providing consulting services to our campus, which will impair their ability to be hired for future projects. Furthermore, they explained they could be blacklisted through no fault of their own because of "non-compliance" that they may have had no knowledge of nor ability to control.

Though I wholeheartedly agree that measures should be put in place to eliminate corruption and fraud, it seems like there are some key elements that need to be considered here. It is incredibly difficult to manage a non-profit in a predictable year. Now more than ever, schools are under threat because of COVID19. School operational budgets are (on average) down 25%-50% across the city. At a time when schools like ours are offering in-person learning and spending every available dollar on student success, losing the expertise of dedicated architects and engineers will have a devastating impact on the upkeep of our historic campus and the vitality of our community.

While I hope our City leadership can find ways to reduce and eliminate fraud and corruption, I hope you will reconsider the impacts of the proposed ordinance on schools and other non-profit organizations that depend on honest, well-intentioned volunteers.

Thank you for your time and consideration,

Sarah Currier, Principal

Ecole Notre Dame des Victoires

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**Mrs. Sarah Currier
Principal**

[Click here to view our Family Distance Learning Site](#)

[Click here to view our Infection Mitigation and Reopening Site](#)



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From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Major, Erica \(BOS\)](#)
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Thank you, Sarah E Willmer, AIA

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www.studio-sw.com

From: [S.H](#)
To: [Major, Erica \(BOS\)](#)
Cc: [Board of Supervisors, \(BOS\)](#)
Subject: Land Use Committee Hearing
Date: Monday, February 22, 2021 2:38:12 PM

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Good afternoon Supervisors,

I called into the Land Use Committee hearing today and raised my hand to be called on, only to hear there were not other people waiting to speak, but I was there waiting to speak. Frustrating...

Anyway, my name is Shane and I live in the Richmond District.

I want to express my concern about this ordinance.

An architect and engineer who help out on projects at my kids' school have informed us they may have to stop doing pro-bono consulting work for the school if this ordinance passes.

They said the ordinance causes too many extra headaches and creates a risk of them being blacklisted by the City through no fault of their own.

It seems really unfair to punish good people who are just trying to help out in the community.

Schools and other non-profits who depend on the efforts of volunteers could be very hard hit by this ordinance.

Thank you,
Shane Hiller

From: [Ross Levy](#)
To: [Major, Erica \(BOS\)](#)
Cc: [vivian dwyer](#)
Subject: proposed legislation
Date: Monday, February 22, 2021 1:54:17 PM
Attachments: [image001.png](#)

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RE: 210015 [Building Code - Expanded Compliance Control and Consumer Protections Where History of Significant Violations]

As an Architect and member of the Community I am writing to express support for legislation to curb “bad actors” in The San Francisco Building Industry.

I also want to register my CONCERN, that the proposal is too over-arching in regard to the “shaming and or naming” of ALL parties related to instances of work beyond the limits of the issued permit. Architects do NOT always exercise control of work in the field and can not be held accountable for the transgressions of others. It is comparable to dolphins being caught in tuna nets, unintended, but causing great harm.

Ross Levy, Principal



From: [David Kane](#)
To: [Major, Erica \(BOS\)](#)
Subject: Expanded Compliance Control Ordinance
Date: Monday, February 22, 2021 12:56:07 PM
Attachments: [Land-Use-Committee-2021-02-22.pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Erica,
I am submitting the attached statement for consideration by the Board of Supervisors and today's Land Use Committee hearing. Please confirm receipt.

Thanks,

David Kane, S.E.
847 Sansome Street, 4th Floor
San Francisco, CA 94111
Tel: 415.501.9000 x100
dkane@hk-se.com

February 22, 2021

San Francisco Board of Supervisors
Attn: Land Use and Transportation Committee
1 Dr. Carlton B Goodlett Place
San Francisco, CA 94102
Erica.Major@sfgov.org

Re: Expanded Compliance Control and Consumer Protections Where History of Significant Violations

Dear Supervisors:

I am submitting a statement of concern regarding the above referenced proposed ordinance for consideration by the Land Use and Transportation Committee and Board of Supervisors.

Beyond the practical problems and concerns outlined in my previous letter emailed to you on February 19, 2021, I would now like to emphasize the proposed ordinance conflicts with State of California laws and regulations and is an attempt to regulate the practice of architecture, engineering, and other professions licensed by the State of California. Further confirming this point were the recent presentations to the Building Inspection Commission and the Planning Commission regarding the proposed ordinance, in which representatives of the government of the City and County of San Francisco described and discussed the intent and need for the ordinance.

The ordinance provides for punishment not only based on the actual culpability of a party, but based on a potentially innocent party unknowingly “associating” with another party who commits alleged acts of “non-compliance.” While this should be obviously unfair to a reasonable person, the proposed ordinance is illegal as it violates the following laws and regulations.

California Business & Professions Code 460(a): Delays and/or increased costs resulting from DBI assigning prejudice against an architect or engineer is an infringement on the targeted architect’s or engineer’s ability to conduct business and practice in their profession. The mandate for extra ordinary review will increase the time and fees required to obtain all the necessary City approvals for a project.

California Business & Professions Code 5536.25(a) and 6735(b): Responsibility cannot be imposed upon an architect or engineer for changes made without the architect’s or engineer’s approval.

California Business & Professions Code 5536.25(b) and 6735.1: Responsibility cannot be imposed upon an architect or engineer to supervise construction.

California Code of Regulations Title 16, Section 415: Engineers shall only practice in fields in which they are fully competent and proficient. An engineer cannot be required to review or otherwise be responsible for work beyond the engineer’s area of expertise, such as determining compliance with the Planning Code or determining compliance with Building Code provisions beyond the engineer’s discipline.

State of California Constitution, Article XI, Section 7: The State of California has preempted the regulation of architecture and engineering.

California Health & Safety Code 17960.1 & 19837: The ordinance's mandate for extra ordinary review will contribute to DBI non-compliance with State of California requirements for plan check.

The California Department of Consumer Affairs has authority to regulate professions including revoking licenses, assessing fines, and assessing other punishments. The City and County of San Francisco does not have authority to create or maintain a blacklist of architects and engineers.

The City Attorney and District Attorney can file civil and criminal charges against an architect, engineer, contractor, expediter, agent, or any other party when fraud, forgery, or other unlawful acts are committed. Any person, including a DBI employee, a Planning Department employee, the Mayor, a City Supervisor, the City Attorney, or general member of the public, can report unlawful acts or simply unprofessional conduct by a licensed professional to the California Department of Consumer Affairs who can then take disciplinary action.

While I fully support the Board of Supervisors desiring to take action to eliminate corruption and fraud, the actions and enforcement need to be done in a lawful manner. I would like nothing more than to be able to operate my business and conduct my profession on a fair and level playing field, free of bad actors.

As an alternative to proposing legislation to require that DBI create a prejudiced permitting system, the Board of Supervisors could focus on helping provide oversight and ensure enforcement of the many existing anti-fraud and anti-corruption laws, regulations, and policies that already exist, including DBI's AB-40. Appropriate punishments and adequate deterrents to permit fraud are already in place, if enforcement is made a priority.

Sincerely,

David Kane
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415.501.9000 x100
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