

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

REGULAR MEETING

Wednesday, July 19, 2017 at 9:30 a.m.

City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416

Aired Live on SFGTV Channel 78

ADOPTED September 20, 2017

MINUTES

The regular meeting of the Building Inspection Commission was called to order at 9:10 a.m. by President McCarthy.

1. Call to Order and Roll Call – Roll call was taken and a quorum was certified.

COMMISSION MEMBERS PRESENT:

Angus McCarthy, **President, Excused**
Frank Lee, **Commissioner**
Kevin Clinch **Commissioner**
Debra Walker, **Commissioner**

John Konstin, **Commissioner**
Gail Gilman, **Commissioner**
James Warshell, **Commissioner**

Sonya Harris, **Secretary**

D.B.I. REPRESENTATIVES:

Tom Hui, **Director**
Ron Tom, **Assistant Director**
Edward Sweeney, **Deputy Director, Inspection Services**
Dan Lowrey, **Deputy Director, Permit Services**
Taras Madison, **Chief Financial Officer**
William Strawn, **Legislative and Public Affairs Manager**
Lily Madjus, **Communications Director, Excused**

CITY ATTORNEY REPRESENTATIVE

Robb Kapla, **Deputy City Attorney**

2. President's Announcements.

Good Morning and welcome to the July 2017 meeting of the Building Inspection Commission.

Vice-President Walker said that she did not have many announcements, but she would like to acknowledge a job well done by Bernedette Perez and Mackenzie Calloway of Housing Inspection Services, and Danielle Hendricks of Code Enforcement Services. All three employees received a letter of appreciation from a customer who said they were courteous and helpful and assisted him in dealing with a 1991 problem on his title.

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, resident at 40 – 17th Avenue, announced that a developer purchased a property across from their house that sits on a double lot (25 – 17th Avenue).

- Brought up issues of violations by the construction across the street, and by DBI and Planning Department.
- Wants stricter Building Code enforcement in San Francisco, comparable to parking enforcement.
- Demolished deck and others without permit or historical resource evaluation, removed asbestos laden heating plant, distribution ducts & three story chimney using unlicensed workers without protective clothing.
- Developers now working with DBI to legalize the unpermitted work, claims 15 violations of the Building and Planning Code which Mr. Dratler has documented.
- Also documented actions by DBI employees that appear improper; deletion of complaint from tracking system, etc.
- Wants DBI to assess penalties for unpermitted work.

4. 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.**

Commissioner Gilman offered condolences on behalf of the Commission to Vice-President Walker for the loss of her sister Sally.

Commissioner Gilman requested to agendaize an item regarding unpermitted work in San Francisco. She referenced the gentleman that spoke during public comment, and said he raised some concerns at the last Commission meeting. The BIC knows that staff is stretched thin, but there is a feeling in the City that people can begin doing unpermitted work, and then go backwards to get it legalized. The BIC wants to make sure the citizens and builders understand if they violate the Code, there will be consequences.

Commissioner Warshell stated there has been a development in the Millennium tower which was presented about new plans to help stabilize that project. While it was aired very extensively yesterday, he would like a brief presentation for the record as to DBI's feelings of where that situation rests.

Robb Kapla, Deputy City Attorney, said that the BIC can discuss what could potentially be provided as an update with regards to the ongoing litigation, there are concerns as to what the scope of that update would be. The Commission certainly can discuss with the Department, that information regarding the report that was presented in the news yesterday.

- 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 stated that the next Regular Meeting would be held on August 16, 2017.

Secretary Harris called for public comment and there was none.

5. Discussion on Accela permit and project tracking system.

Major Accomplishments:

- Plan finalized, targeting Labor Day 2018 go-live
- Project Management Plan delivered
- Initial discussions on Data Migration

Key Risks:

- Mitigation – Analysis of hosting options still in progress

Major Activities Planned for Next Month:

- Accela to wrap up Project Management deliverables 8/7
- Accela to wrap up usability standards 7/19
- Accela to wrap up DBI/Planning environment merge 8/29

Commissioner's & Staff Question & Answer Discussion:

- Mr. Shawn Bulen, Project Manager, announced previous plans and dates are now finalized and official. He said initial discussions for data migration and activities will start late July. They are currently working on usability standards and traceability matrix, and expect the DBI and Planning merge to be done late August. Issues they are working with are hosting issues, which they have discussed with Accela and expect to be wrapped up at the end of this month.
- Debra Walker, Vice President, asked about the reporting capability and whether reports could be customized or if each report would have to be designed in the system.
- Mr. Bulen replied that it would be both, a mix of standardized and ad hoc reports.
- Vice President Walker suggested a discussion about ramping up to accommodate various departments, their needs and planning a budget to accommodate those needs.
- Mr. Bulen said they plan to engage with departmental outreach over the next few months.
- Commissioner Warshell asked about the Planning department troubleshooting and debugging their system and how effectively their system was running.

- Mr. Bulen replied that they were operational with plans underway and changes are constant and ongoing.

6. Discussion and possible action regarding a proposed ordinance (Board of Supervisors File No. 170740) amending the Building Code to establish a process for the Building Inspection Commission’s review of legislation proposed by the Board of Supervisors, in addition to other requirements.

Mr. Bill Strawn, Legislative and Public Affairs Manager, said this was the item to give the Commission more time to review legislation – A 90 day review period. Deputy City Attorneys John Malamut and Judy Boyajian thought it was a good idea to give the BIC more time to review legislation, which brings the review time more in line with the Planning Commission. He asked Supervisor Farrell to introduce this and it is on the 30 day calendar for Land Use review. In addition, Supervisor Tang has agreed to deal with expediting electrical vehicle permits and Supervisor Peskin has agreed the same for solar permits. Around Labor Day Weekend all of these legislative pieces should be in place.

Secretary Harris called for public comment and there was none.

Commissioner Lee made a motion, seconded by Commissioner Warshell, to support File No. 170740 to establish a process for the Building Inspection Commission’s review of legislation.

Secretary Harris called for a roll call vote:

| | | | |
|-----------------------|----------------|-----------------------|------------|
| Vice-President Walker | YES | Commissioner Konstin | YES |
| Commissioner Lee | YES | Commissioner Gilman | YES |
| Commissioner Clinch | YES | Commissioner Warshell | YES |
| President McCarthy | Excused | | |

The motion carried unanimously.

RESOLUTION NO. BIC 035-17

7. Update on Soft Story retrofit projects.

Edward Sweeney, Deputy Director of Inspection Services, said that last month Senior Building Inspectors did 5 or 6 soft story inspections only to see if there was a systemic problem that was occurring. This month Senior Building Inspectors went out on 29 different inspections for quality control, there were 2 correction notices, 1 was minor and 1 required revision. 5% of Plan Check staff goes through Robert Chun and makes consistent calls when doing plan check.

Vice-President Walker inquired about the notice requiring revision, whether it was a plan check issue or implementation issue.

Mr. Sweeney said that it was a topographical issue, with the grade beam above ground initially. The Correction notice was noted on the job card. The other issue was a special inspection

problem.

Commissioner Lee asked whether someone in the field should have notified the Department if the field condition was different from the plans.

Mr. Sweeney said yes, through a contractor. He displayed a projection showing a table of 2.5 years from 2015-2017 which showed the number of complaints and/or Notices of Violation (NOVs) throughout the years. BID has not seen a huge rise in numbers of complaints and NOVs.

Vice-President Walker requested a copy of the handout. She also asked about soft story, whether the Department was rolling out the next stage of seismic preparedness efforts

Tom Hui, Director of the Department of Building Inspection, said Tier 3 was due by September 15, roughly 3,500 buildings involved, and 1,500 buildings are not in compliance. The Department is involved in outreach efforts to push code enforcement. There has been outreach via radio, TV, bus ads, and in the newspaper.

Vice-President Walker asked about the next steps in enforcement, including concrete buildings.

Director Hui mentioned the following programs are next: 1) Private schools, 2) Façade program, 3) ADA entrances. Director Hui said he would like to do ductile concrete buildings first as they are more dangerous compared to the others.

Commissioner Warshell mentioned concerns regarding the 7% evaluation for private schools with a deadline November 1, 2017. He asked about any concerns regarding the phasing between the Tier 3 buildings and private school buildings.

Director Hui said that DBI has done outreach, but there were funding concerns from some schools.

Commissioner Warshell asked whether it was appropriate to have discussions with the Board of Education if smaller private schools had funding issues and implications for closing.

Secretary Harris called for public comment and there was none.

8. Director's Report.

a. Update on DBI's finances.

Taras Madison, Deputy Director of Administration & Finance, said that the 2016/2017 fiscal year end report would be available in September. The final reading of the budget should be next week, and it is currently in front of the full board, and after that the final budget report will be announced to the BIC. There was a \$1 million cut in the budget due to salary savings and one project. As discussed before, there will be a \$239K add-back for SRO families.

Vice-President Walker requested a budget update on the Accela project, including the contracts and a total of everything done so far.

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

Bill Strawn, Legislative and Public Affairs Manager, gave an update on proposed or recently enacted State or local legislation and discussed the following items:

- 1515 S. Van Ness project is now open, 89 clients are now in the facility.
- Approval from Civil Service Commission for RFQ for creating pool of experts for peer reviews for future projects, running through September/October. Notice of Intent due by September 2017.
- DBI has done aggressive outreach regarding the soft story program, and talked to the BOS.
- Trying to avoid code enforcement cases for the Department to deal with. Currently 98% are compliant for Tier 2 projects, and 8 buildings are in code enforcement.
- Ordinance 6016 – Code enforcement ordinance involved multiple City departments such as: DBI, DPH, and the City Attorney’s Office.

Commissioner Warshell congratulated DBI on 1515 S. Van Ness, and said that it was good there was a 43% drop in cases.

Mr. Strawn aid that Senior Housing Inspector Alan Davison did an analysis on this, and he could check with him but he believed it was due to a stronger economy and a number of properties got sold, and the new owners took action to clear up deficits, paid fees, etc.

Vice-President Walker said she thought the lien cycle numbers were lower due to Code enforcement efforts. She applauded the DBI staff for their Code enforcement efforts.

c. Update on major projects.

Director Tom Hui gave an update on major projects, and stated that there was a decrease of 0.08% in major projects.

d. Update on Code Enforcement.

Edward Sweeney, Deputy Director of Inspection Services, gave an update on code enforcement and presented the following statistics for June 2017.

Mr. Sweeney mentioned that there were 5,686 Building Inspections performed, which was the largest number this year.

Deputy Director Sweeney presented the following Building Inspection Division Performance Measures for June 1, 2017 to June 30, 2017.

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|---|------|
| • Building Inspections Performed | 5686 |
| • Complaints Received | 347 |
| • Complaint Response within 24-72 hours | 302 |

- Complaints with 1st Notice of Violation sent 67
- Complaints Received & Abated without NOV 168
- Abated Complaints with Notice of Violations 52
- 2nd Notice of Violations Referred to Code Enforcement 66

Deputy Director Sweeney presented the following Housing Inspection Services Performance Measures for June 1, 2017 to June 30, 2017:

- Housing Inspections Performed 1,263
- Complaints Received 428
- Complaint Response in 24-72 hours 420
- Complaints with NOV's issued 163
- Abated Complaints with NOV's 477
- # of Cases Sent to Director's Hearing 40
- Routine Inspections 296

Deputy Director Sweeney presented the following Code Enforcement Services Performance Measures for June 1, 2017 to June 30, 2017:

- # of Cases Sent to Director's Hearing 83
- # of Order of Abatements Issues 20
- # of Cases Under Advisement 16
- # of Cases Abated 63
- Code Enforcement Inspections Performed 172
- # of Cases Referred to BIC-LC 4

9. Review and approval of the minutes of the Regular Meeting of May 17, 2017.

Commissioner Lee made a motion to approve the minutes of the Regular Meeting of May 17, 2017, seconded by Commissioner Clinch.

The motion carried unanimously.

RESOLUTION NO. BIC 036-17

10. Adjournment.

Vice-President Walker made a motion in honor of her sister, Sally-Ann Walker, seconded by Commissioner Gilman, to adjourn the meeting.


The motion carried unanimously.

RESOLUTION NO. BIC 037-17

The meeting was adjourned at 10:00 a.m.

Respectfully submitted,


Shirley Wong, Assistant BIC Secretary


Sonya Harris, BIC Secretary

| SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS | |
|--|--------|
| Requested to agendize an item regarding unpermitted work in San Francisco. – Gilman | Page 2 |
| Commissioner Warshell asked if DBI could give an update on the current situation with Millennium Tower. – Warshell | Page 2 |
| Vice-President Walker requested a copy of the handout for the Update on Soft Story, including numbers of complaints and NOVs. – Walker | Page 5 |
| Requested a budget update on Accela project, including the contracts and a total of everything done so far. – Walker | Page 5 |