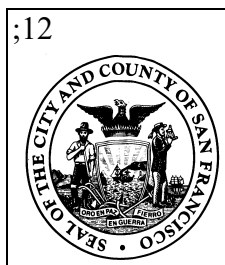


***BIC Regular Meeting
of
April 19, 2023***

***Agenda Item 10
Regular Meeting Minutes of
March 15, 2023***



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

REGULAR MEETING

Wednesday, March 15, 2023 at 9:00 a.m.

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

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WATCH: <https://bit.ly/3YnxJ7W>

PUBLIC COMMENT CALL-IN: 1-415-655-0001 / Access Code: 2484 809 6303

DRAFT MINUTES

- 1. The regular meeting of the Building Inspection Commission was called to order at 9:12 a.m.
Call to Order and Roll Call.**

COMMISSION MEMBERS PRESENT:

Raquel Bito, **President**

Jason Tam, **Vice-President**

Alysabeth Alexander-Tut, **Commissioner**

Bianca Neumann, **Commissioner**

Angie Sommer, **Commissioner**

Earl Shaddix, **Commissioner**

Sonya Harris, **Secretary**

Monique Mustapha, **Assistant Secretary**

D.B.I. REPRESENTATIVES:

Patrick O’Riordan, **Director**

Christine Gasparac, **Assistant Director**

Joseph Duffy, **Deputy Director, Inspection Services**

Matthew Greene, **Acting Chief Building Inspector**

Neville Pereira, **Deputy Director, Plan Review Services**

Alex Koskinen, **Deputy Director, Administrative Services**

Carl Nicita, **Legislative & Public Affairs Manager**

CITY ATTORNEY REPRESENTATIVE:

Robb Kapla, **Deputy City Attorney**

Ramaytush Ohlone Land Acknowledgement:

The Building Inspection Commission acknowledges that we are on the unceded ancestral homeland of the Ramaytush Ohlone, who are the original inhabitants of the San Francisco Peninsula. As the indigenous stewards of this land and in accordance with their traditions, the Ramaytush Ohlone have never ceded, lost, nor forgotten their responsibilities as the caretakers of this place, as well as for all peoples who reside 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. President's Opening Remarks.

President Bito said that there was a lot on the Commission's plate which included nominating and voting for President and Vice President of the Building Inspection Commission (BIC), along with nominating members to its subcommittees. She said she still considered herself a new commissioner, compared to others who had committed decades to public or civic service and she was still learning.

President Bito said she hoped she had served the BIC well the past year, and that her priorities serving as the Architect seat was to understand how the Department of Building Inspection (DBI) could better serve the development and design community at large. President Bito said that her focus the last two years was to understand DBI's permitting process and how it could serve the community best.

President Bito announced there was a scheduled Joint Building Inspection Commission and Planning Commission meeting scheduled for May 2023, and she looked forward to streamlining the site permit process by which bifurcated Planning and Building and would create a clear path for applicants.

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.

Mr. Jerry Dratler gave a presentation on the following points:

- Permit and Plan Check revenue was down \$20 million in 2018, \$14 million of the decrease was lower plan checks and premium plan check review.
- There were about 326 Full Time Equivalent (FTE) DBI employees, DBI's total payroll and benefits were about \$52 million.
- 45% of DBI employees were Inspection Services, how were 93 employees in Permit Services with lower plan check revenue.
- 45% of DBI employees generated 7% of DBI's total revenue.
- Total payroll and benefits for 146 employees in Inspection Services was about \$23 million, this ignored the cost of their transportation and other direct expenses, they generate \$5-7 million in fees.
- Permit and Plan Check fees would need to be increased over \$20 million to cover the shortfall.
- How might DBI close the \$30 million revenue gap.
- Which fee line was increasing by \$20 million and a 10% rate fee hike would only give about \$4 million.
- Raising fees was not going to fix the problem, DBI as an enterprise department would have spent all of its reserves by the end of the year.

4. Election of BIC President and Vice President.

Secretary Harris called for nominations for President of the BIC as follows:

Commissioners Sommer, Shaddix and Vice President Tam all nominated Commissioner Bito as BIC President:

Vice President Tam made a motion, which was seconded by Commissioner Neumann, to elect Raquel Bito as President of the Building Inspection Commission.

Secretary Harris called for a Roll Call Vote:

President Bito	Yes
Vice President Tam	Yes
Commissioner Alexander-Tut	No
Commissioner Neumann	Yes
Commissioner Shaddix	Yes
Commissioner Sommer	Yes

The motion carried 5 to 1, with Commissioner Alexander-Tut dissenting.

RESOLUTION NO. 017-23

Secretary Harris called for nominations for Vice President of the BIC as follows:

President Bito, Commissioners Sommer, Alexander-Tut and Sommer, Shaddix all nominated Commissioner Tam as Vice President.

President Bito made a motion, which was seconded by Commissioner Alexander-Tut, to elect Jason Tam as Vice President of the Building Inspection Commission.

Secretary Harris called for a Roll Call Vote:

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

The motion carried unanimously.

RESOLUTION NO. 018-23

There was no public comment.

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

President Bito nominated Vice President Tam for the Litigation Subcommittee.

Vice President Tam nominated Commissioner Alexander-Tut to stay on the Litigation Committee.

Vice President Tam made a motion, which was seconded by President Bito, to nominate President Bito, Vice President Tam, and Commissioner Alexander-Tut as members of the Litigation Subcommittee.

Secretary Harris called for a Roll Call Vote:

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

The motion carried unanimously.

RESOLUTION NO. 019-23

There was no public comment.

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

There was a motion by President Bito, seconded by Vice President Tam, for Commissioners Sommer, Neumann, and Tam to continue to serve on the Nominations Subcommittee.

Secretary Harris called for a Roll Call Vote:

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

The motion carried unanimously.

RESOLUTION NO. 020-23

There was no public comment.

7. Discussion and possible action regarding Board of Supervisors Ordinance (File No. 230134) 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, in addition to other requirements.

Legislative & Public Affairs Manager Carl Nicita presented the following:

- **File No. 230134** – Review and approval of an ordinance to require project sponsors creating 10 or more units of housing to post a wage theft bond prior to the issuance of the first construction document, as that term would be defined in the ordinance, rather than the first building permit issued, as the law is now

- The way the ordinance is
- Proposed amendments

Mr. Adam Thongsavat, Legislative Aide to Supervisor Mandelman, made the following points regarding File No. 230134:

- Mr. Thongsavat asked for recommendation from the BIC to the Land Use and Transportation Committee for further action.
- The proposed Ordinance would amend the Police and Building Codes to require owners of residential construction projects that create 10 or more units of housing, to maintain a Labor Compliance Bond at the first issuance of the Construction Document.
- As of May 2022, the Board of Supervisors passed legislation requiring the Labor Compliance Bond for certain projects.
- The proposed Ordinance clarified that all projects with completed applications by June 6, 2022 were exempt from the bond requirement.

There was no public comment.

Commissioner's Questions and Comments:

Commissioner Alexander-Tut asked if the San Francisco Trades Council had weighed in on the proposed Ordinance.

Mr. Thongsavat said the Trades Council had weighed in on the item and they had engaged Rudy Gonzalez and Local 6 throughout the process to make sure the changes were acceptable, and protected workers at all phases of construction and that they were partners in the legislation.

Commissioner Alexander-Tut asked if the Trades Council was supportive of the legislation and Mr. Thongsavat said yes they were in support.

Commissioner Neumann said she thought it was great to be aligning policies, and that the Ordinance would be a cost savings for developers and that chunk of time really impacted projects.

President Bito clarified that the terminology in quotations listed the "First Construction Document", but what was being delayed was at the first issuance of a building permit. – Was that any building permit?

Mr. Thongsavat said there were two main routes to build residential construction projects, either the site permit route which was conceptual and no construction was happening or the full permit route which a project sponsor would bring forth all construction documents, and have them reviewed at the same time. The majority of those sponsors go the site permit route; However, the challenge was the way the Ordinance was written those sponsors had to carry an expensive labor bond when no construction was actually happening.

President Bito said she wanted to distinguish which issuance of a building permit was the Ordinance speaking to.

Director O'Riordan said he was going over the paperwork and a site permit did not allow for physical work to take place, so at the issuance of the First Construction Document would mean permits or addenda for demolition, grading, site shoring and site preparation work.

Deputy City Attorney Robb Kapla said to be clear, the Construction Document did not include permits or addenda demolition, grading, or shoring type preparation work and the customer would not get the bond before site preparation.

Vice President Tam made a motion, which was seconded by Commissioner Alexander-Tut, to recommend the approval of Ordinance File No. 230134 to require owners of certain residential construction projects to maintain a labor compliance bond at the time of issuance of the first construction document.

Secretary Harris called for a Roll Call Vote:

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

The motion carried unanimously.

RESOLUTION NO. 021-23

8. Update on unpermitted awning complaints and community outreach.

Communications Manager Patrick Hannan presented the following items:

- Awnings – Background Information
- Awnings – Permit Requirements
- Awnings – Community Outreach
- Awnings – Managing Compliance
- [Get a permit to install a sign or an awning | San Francisco \(sf.gov\)](#)
- Potential scenarios

Public Comment:

- Mr. Jerry Dratler said why not have online awning input, and why was DBI using 30-year old business processes.
- Mr. Dratler said business process re-engineering at DBI was the solution to the \$30 million dollar operating budget problem.

Commissioner’s Questions and Comments:

Vice President Tam asked what kind of community feedback was given with the outreach?

Mr. Hannan said most of the community were surprised as a lot of the awnings had been in place for a long time, and the community was uncertain about why the awnings became an issue. There were 182 complaints in comparison to five the previous year, which was a substantially larger scope.

Mr. Hannan said the Department was required to respond to all complaints and as soon as staff understood the complaints and scale, they immediately made steps to manage the situation to achieve a balance.

Vice President Tam said he applauded DBI for its swift action and asked if there talks of an extension to the deadline for the Notices of Violations (NOV) as there was a language barrier, and financial losses from the pandemic.

Mr. Hannan said there were still ideas on the table, but the Department first wanted to provide immediate relief so the community did not have to worry if they were not able to resolve the NOV in the first 60 days. There would not be any enforcement as a result and Director O’Riordan took that first step to extend the deadline to give the community some peace of mind, and as the Department went further into the process adjustments would be made accordingly.

Commissioner Neumann said in the presentation one of the solutions was self-certification which made sense for this issue, and she asked how far out was the Department from implementing that.

Mr. Hannan said staff were in discussions and had a meeting planned for later that week, but to bear in mind that when you affix something to the side of a building that was a structural element, and if it reached out over the public, what we do not want to happen was for it to fall on someone’s head. The question was what were the requirements in the Code to show those fixtures are safe, and staff was trying to figure what that Code was and where the line of safety was.

Commissioner Neumann questioned if the Department was thinking of having certified installers?

Mr. Hannan said awning installers were licensed installers and in order to get the permit you could be an owner, but if the installer was a contractor they would need that type of license due to the structural element being outside of the building.

Commissioner Alexander-Tut said it was great to hear how proactive the Department was in its outreach to the community and asked if the awning company was not licensed or was not located what happens then, and was there an alternative or would anyone who had a license complete the inspection and self-certify? Another scenario was there guidance to who was qualified to do the drawings, and what were the qualifications, so people were not paying for something and get down the road and realize they have to start over.

Mr. Hannan said there was research done and it was found that since 1919 buildings were required to get a permit for awnings in the Building Code. The Department has an ongoing research team to answer those particular scenarios, such as what level of self-certification was appropriate.

Commissioner Alexander-Tut asked if the Office of Small Business was engaged?

Mr. Hannan said yes the Department had partnered with the Office of Small Business, and they were leading some of the efforts with legislation.

Commissioner Alexander-Tut said she wanted to emphasize that it was clear that business owners knew who to hire and what qualifications to look for, as those were not universally known.

Mr. Hannan said that was why the Department decided to update its step-by-step procedures, so that it became crystal clear as possible as to who could do the work and how to go each step of the way.

Commissioner Shaddix said it was shocking to see more than 150 NOV's to come out of nowhere, but there were only four neighborhoods mentioned. He asked if any of the other neighborhoods were included in the fee waiver program and permit assistance?

Mr. Hannan said to be clear those four neighborhoods were where the complaints were concentrated, and there were 180 complaints but 61 NOV's. Some of the complaints were being deprioritized; However, the waiver and assistance would apply to the awning complaints filed during a specific period of time regardless of what part of the city the business was in.

Commissioner Shaddix said what if it was a new business and the awning was already there and the business sign was spray painted on it. Would they self-certify and what happens if the business owner took over a storefront, but does not have the awning information?

Mr. Hannan said the Permit Tracking System was online going back as far as 1986, however if the building were a new building there would be no awning permit, because that was part of the Building Permit for the overall construction of the structure.

Vice President Tam asked if the Office of Economic Development's business grant was something the customer may qualify for?

Mr. Hannan said the Department was also engaged in conversations with the Office of Economic Development regarding the awning issue, and everything was on the table.

President Bitto said she applauded DBI's reaction and proactive approach.

9. Discussion and possible action regarding Board of Supervisors Ordinance (File No. 230212) amending the Planning and Building Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for new awning installations applied for during the month of May, in addition to other requirements.

Legislative Affairs Manager Carl Nicita presented the following:

- **File No. 230212** – Review and approval of an ordinance to amend the Building Code to add a permit fee waiver for new awning installations each May during Small Business Month, expanding the existing fee waiver which applies only to awning replacements.
- The way it is
- Proposed amendments

Ms. Tita Bell, Legislative Aide to Supervisor Engardio, made the following points regarding File No. 230212:

- The proposed Ordinance related to the awning fee waiver program that had been in place since 2014.
- The current program allowed small businesses to apply for the waiver during the month of May for any replacement awning, signs on replacement awnings, and installation of pedestrian level lighting.
- The proposed Ordinance was amending the Police and Building Codes to expand the program and

clarified those applications were tied to the time the application was submitted rather than the time permits were issued.

- The Building Code specifically being amended was Section 110A.

Commissioner’s Questions and Comments:

Commissioner Neumann asked what the fiscal impact was, and if there was an analysis on the impact to staff?

Ms. Bell said she was not aware of an analysis and deferred to Director O’Riordan.

Director O’Riordan said the permit review did not require much review from a DBI perspective, however they would be routed through Planning and Public Works Departments. Also, those permits were historically over the counter permits and resource impact on staff would be limited.

Ms. Bell said there was a retroactivity clause in the proposed Ordinance, because it was unlikely to pass and be signed into law before May 1, 2023, but the intention was to have the Ordinance be in effect May 1, 2023.

Vice President Tam made a motion, which was seconded by President Bito, to approve the Ordinance File No. 230212 to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May.

Secretary Harris called for a Roll Call Vote:

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

The motion carried unanimously.

RESOLUTION NO. 022-23

There was no public comment.

10. Discussion and possible action regarding updated Administrative Bulletin 093 – “Implementation of Green Building Regulations”.

Mr. Barry Hooper from the San Francisco Department of Environment presented the following items:

- San Francisco Green Building Code (SFGBC) 2022 harmonized with California 2022 codes
- California green codes
 - CalGreen 2022 – EV charging rewritten
 - California Energy Standards 2022
- Green Building Regulations

- Administrative Bulletin 93
- Proposed revisions

Commissioner’s Questions and Comments:

President Bito asked regarding the Electric Vehicle (EV) parking spaces, was the 5% an addition or *pro rata* of what was required.

Mr. Hooper said that was one of the biggest changes in CalGreen 2022 and previously the state did not require actual chargers to be installed, only various types of wiring for spaces and San Francisco had its own requirements, so yes there was a *pro rata* of spaces that would need to be installed.

Vice President Tam made a motion, which was seconded by President Bito2, to approve Administrative Bulletin 093 regarding Implementation of Green Building Regulations.

Secretary Harris called for a Roll Call Vote:

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

The motion carried unanimously.

RESOLUTION NO. 023-23

There was no public comment.

11. Update regarding the Nominations Subcommittee.

a. Code Advisory Committee (CAC) seats that are vacant:

- **Code Advisory Committee “Member-at-Large”**
- **Code Advisory Committee “A Person Qualified in the Area of Historical Preservation”**

b. Board of Examiners (BOE) seat that is vacant:

- **Tenant Licensed or Registered as an Architect, Civil or Structural Engineer seat**

Commissioner Sommer said the Nominations Committee had not met since the last BIC meeting, but had posted an Announcement for the vacant positions listed above. Also, another seat for the Board of Examiners (BOE) had opened and was for a person licensed as a General Contractor, so the advertisement would be updated to include the vacant seat.

12. Update regarding the Client Services Subcommittee.

Deputy Director of Permit Services Neville Pereira presented the following information:

- Process, Policy, and Fees: Planning and Building
 - Planning – discretionary, change existing fee structure
 - Building – ministerial, no change to existing fee structure
- Technical review
 - Planning – limited referral to other development review
 - Building – no change for building permit review
- Technology
 - Planning – enhanced use of the Accela system
 - Building – No change to DBI’s Permit Tracking System (PTS)

Public Comment:

- Mr. Jerry Dratler asked which plans would require the seal of a licensed professional and were there any changes from current practice, and how did the proposed changes compare to best practices in other similar sized cities.
- Mr. Dratler asked were there any proposed changes that weaken existing earthquake standards and would the proposed Planning Department changes or enhancements to Accela allow DBI to use the Accela system.

Commissioner’s Questions and Comments:

Commissioner Sommer said would there be legislation tied to the process or was this an internal process discussion?

Mr. Pereira said the discussion was internal at the time and there likely would be legislative changes to amend the Planning and Building Codes, because the site permit process was embedded in both Codes and those amendments would need to be made.

Commissioner Neumann said speaking as a developer that this was a step in the right direction and in most places the planning process was separate from the permitting process, and those had very clear lines. This would do a lot to clarify the process, as it was much more difficult in San Francisco than in other surrounding municipalities.

President Bito said the reform and revision to the site permit process in San Francisco was monumental, because it had been part of the Planning Department and DBI for decades. The Mayor sent a press release out and the Building Inspection Commission planned to have a joint commission meeting with the Planning Commission on May 18, 2023 regarding the status and where the two departments were in their processes. *(Following the meeting, it was determined that the hearing date would be May 11, 2023.)*

President Bito said one of the questions that was coming up from the community was about the fees, and it appeared as if the community was paying duplicate fees when in fact that was not the case. When a project was submitted the fees should be paid up front, whether it is built then or placed on hold because you were paying for the review, and in depth review at the building permit level was not the same as the Planning level review.

Mr. Pereira said limiting those items from global massing and exterior fire review was what the original site permit intended, but it had morphed into something different over the years.

President Bito said on the first slide regarding the review cycles it stated a reduced number of review cycles for all permitting departments, while that was an aspirational statement to make and it was objective; The big question was would that continue to be a sequential process or a parallel review?

Mr. Pereira said staff was making steps towards electronic plan review internally and publicly, which was the standard, however the city had continued to work with paper which was a sequential review. Staff was working to establish requirements for the applicant upfront to ensure they would have examples of ideal submittals and required documents.

Commissioner Neumann mentioned that the San Francisco process was a bit murky.

President Bito said the checklists were longer and more complicated for different projects, and the requirements needed to be clear to an applicant on any given type of project. However, do the over the counter projects have the same issues as the intake tier projects did?

Mr. Pereira said the over the counter projects have plan check comments, but on a smaller scale.

Director O’Riordan said he thought what was important about the over the counter process was the in person engagement, and issues would be dealt with upfront as opposed to in house where there was separation from the customer.

President Bito asked Deputy City Attorney (DCA) Robb Kapla regarding legislation and appeals was the community asking if having a bifurcated process would potentially lead to two permit exposures, and what it was going to take to limit the applicant’s exposure to appeal to one permit.

DCA Kapla said the current structure used for the site permits was the applicant goes in and receives a site permit and at that time was to file an appeal and then a construction document, which were not appealable because they would be considered alterations to a permit that had already been issued. The city was looking to keep that same structure in this case were the initial entitlement would also be issued and co-signed by DBI, that would say an internal review was done and the building is ready for the construction document review. Essentially the first document would be a planning permit which was also the first building permit, which was also the site permit that would not allow construction. The customer would return for an addenda or building permit pursuant to that site permit or entitlement and those would not have an appeal period which was the structure the city was working under.

DCA Kapla explained that the parent building permit, site permit, and entitlement permit were all the same things and was the time to appeal.

President Bito said the explanation sounded as if the process was the same and asked how the process was going to be bifurcated?

Deputy City Attorney Kapla said it was a bifurcated system in that the entitlement review would be upfront and minimize the back and forth between DBI and the Fire Departments and other departments until the Construction Document phase, which was supposed to be a more ministerial phase and so placing the entitlement review upfront was to make the Planning Department the driver of the process after which DBI would certify Building Permit and the applicant would then be able to pull the construction pursuant to the Building Permit and that relationship was the way to stop multiple appeals filed on the construction documents post entitlement.

13. 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 Alexander-Tut said she would like the secretary performance review agenda.

Commissioner Neumann said for future reports regarding programmatic changes to include the fiscal impact and staffing and resourcing impacts.

Vice President Tam requested continued updates on the awning issues.

President Bito requested an item regarding preparation for the joint BIC and Planning 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 meeting of the BIC was scheduled for April 19, 2023.

There was no public comment.

14. Director’s Report.

- a. Director’s Update [Director O’Riordan]**

Director O’Riordan provided the following points for the month of February 2023 update:

Site permit process

- 3.14.2 Mayor Breed, City Administrator Carmen Chu, and the Planning Department, announced a plan to make significant improvements to the Site Permit process, at the core of the plan was to bifurcation of the Site Permit process with Planning completely overseeing the entitlement phase and DBI focusing on the build permit review and issuance. It’s believed this plan would substantially reduce the timeline for developing new housing potentially as much as two years.
- DBI had started work on legislation to codify its proposed changes and would have a community and stakeholder meeting on April 19, before bringing the plan for consideration at a joint Building Inspection Commission and Planning Commission meeting May 2023.

California Building Officials (CBO) Meeting

- Director O’Riordan attended the CBO meeting in San Diego and gave a presentation on how DBI managed the transition to remote work at the beginning of the Covid crisis through today and spoke to the challenges that were presented and the principles and details behind DBI’s remote work operations and the values used to guide the work, which sparked great dialog and the Director said he returned with a renewed purpose to ensure the department streamlined its operations and focused on the fundamentals of building safety as well as do its part in creating housing in San Francisco.
- Also, Assistant Director Christine Gasparac attended the CBO meeting and was recognized for her participation in the Building Official Leadership Academy.

New Construction Waste Management Requirements

- Beginning March 15, 2023 the Department of Environment would require certain residential buildings to submit a recycling plan for construction and demolition debris. Under that new

requirement residential additions and alterations that increase the buildings conditioned area, volume, or size would be required to submit a construction waste management plan or material Reduction and Recovery Plan (MRRP). This was part of the California Green Building Standards Code which required recycling or reuse of at least 65% of construction waste materials.

b. Update on major projects.

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

- Major projects are those with valuation of \$5 million or greater filed, issued, or completed.
 - 2 permits filed
 - \$35.5 million in valuation
 - 0 net units
- Major projects with permits issued.
 - 2 issued
 - \$19.5 million in valuation
 - 0 net units
- Major projects with Certificate of Occupancy
 - 3 issued
 - \$37.3 million in valuation
 - 37 net units

c. Update on DBI’s finances.

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

- Year-end Revenues projected at \$54.7 million, 6% lower than budgeted, projections reassessed in nine months.
- Year-end Expenditures are projected at \$87.1 million, 4% lower than budgeted.
- Year to date (YTD) salary and fringe actuals are trending 64%, slightly above budget
- Year to date (YTD) number of permits were 10% lower than the previous year
- YTD valuation was 1% lower than the previous year

Commissioner’s Questions and Comments:

Commissioner Alexander-Tut said if the fiscal year was 67% through the year and YTD salary and fringe actuals were trending at 64% above budget, did above budget mean 67%?

Mr. Koskinen said salary and benefits were unique because they posted every two weeks and all other revenue and actuals were through the end of February, but labor was only through the middle of February and the second half of February’s pay periods had not posted at the time of presentation and those actuals were not reflected.

President Bito said how would the change in the permit process effect DBI operationally and financially as far as fees coming in and efficiency and would the Electronic Plan Review (EPR) help the Department’s efficiency.

Director O’Riordan said whenever efficiencies were created especially in relation to enabling concurrent review through EPR that should lead to less staff resources in relation to review.

President Bito said there should be an analysis on how the permit process would effect DBI financially, operationally, and staffing.

Mr. Koskinen said the department’s hope was to create such efficiency that it would increase the Department’s attrition meaning not to give up any hiring authority, because it was difficult to get but meaning to leave positions unfilled as people naturally retire and promote and move on then the Department would backfill and save on labor cost.

Commissioner Alexander-Tut said she would like to see an organizational chart to find any changes in structure, and perhaps some staff needed to be moved around while the Department was creating those efficiencies. It would need staff in different positions and maybe an organization chart discussion would be warranted.

Mr. Koskinen said there was an organizational chart on the department’s website; However, it did not reflect some of the changes that had been made from the budget, but staff would get started on what that organizational chart may look like next year.

Commissioner Neumann said it sounded as if there would be a delay in when DBI collected more of its fees and the Commission was looking to find what that fee impact would be in that delayed collection, and what that would mean in the shift to staff. She asked how much staff was being used upfront during the process and what would the savings in that staff timing be?

Director O’Riordan said in regards to creating those efficiencies, the Department needed to be nimble and be able to reassign resources based on any new process. The new process would mean less duplication in review cycle, then we can reassign the resources depending on where the Department’s status is.

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

Legislative & Public 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. 230212: Ordinance amending the Planning and Building Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for new awning installations applied for during the month of May (+Planning Code amendments)

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. 230167: Ordinance amending the Campaign and Governmental Conduct Code to create a Permit Prioritization Task Force responsible for recommending permit prioritization guidelines to the Department of Building Inspection, the Planning Department, and the Department of Public Works, requiring those departments to review and update their permit prioritization guidelines periodically, and requiring the commissions that oversee each department to approve the department’s permit prioritization guidelines; affirming the Planning Department’s determination under the California Environmental Quality Act.

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

AB 1114: This bill would modify the definition of “post entitlement phase permits” to include permits without regard to whether they are nondiscriminatory. The bill would require issuance of a post entitlement phase permit, defined as modified in this bill, for a housing development project to be a ministerial duty of the local agency with jurisdiction over the project, and apply time limits to complete reviews.

AB 1532: This bill would make an office to supportive housing conversion project a use by right in all areas regardless of zoning, defining “use by right” to mean that the city or county’s review of the office conversion may not require a conditional use permit, planned unit development permit, or other discretionary city or county review or approval.

AB 932: Existing law requires a permitting agency to either approve or deny an application for an AFU within 60 days from the date the local agency receives a completed application. This bill would change that time period to 45 days.

AB 1505: This bill would appropriate \$250 million from the General Fund to the California Residential Mitigation Program for the purpose of implementing the Seismic Retrofitting Program for Soft Story Multifamily Housing.

Commissioner’s Questions and Comments:

President Bito said the two bills Supervisor Haney was sponsoring were targeted for housing development.

Mr. Nicita said yes those bills were and they were specific to San Francisco.

President Bito said what was the impact of those bills on other projects that were nonresidential.

Director O’Riordan said the way he understood the bill was all permits along with housing would be impacted by the legislation and would make those permits ministerial in nature.

President Bito said regarding AB 1532 how would high-rises be candidates for commercial to residential conversion.

Mr. Nicita said the Planning Department was reviewing potential candidates for the conversion and a Gensler Report that identified about 30 buildings that would qualify for potential conversions and DBI was working with the Planning Department on legislation to address the Planning and Building Code building conversions.

President Bito asked if there could be a presentation regarding the qualifications, which made certain high-rise buildings potential candidates for conversion.

Commissioner Alexander-Tut said for clarification was the use-by-right for AB 1532 was limited to supportive housing or conversions as well.

Mr. Nicita said AB 1532 was limited to supportive housing.

e. Update on Inspection Services.

Deputy Director of Inspection Services Joseph Duffy presented the following Building Inspection Division Performance Measures for February 1, 2023 to February 28, 2023:

• Building Inspections Performed	4,645
• Complaints Received	420
• Complaint Response within 24-72 hours	418
• Complaints with 1st Notice of Violation sent	103
• Complaints Received & Abated without NOV	189
• Abated Complaints with Notice of Violations	40
• 2nd Notice of Violations Referred to Code Enforcement	24

Deputy Director of Inspection Services Joseph Duffy presented the following Building Inspection Division Performance Measures February 1, 2023 to February 28, 2023:

• Housing Inspections Performed	1,078
• Complaints Received	479
• Complaint Response within 24-72 hours	470
• Complaints with Notice of Violations issued	175
• Abated Complaints with NOVs	427
• # of Cases Sent to Director's Hearing	41
• Routine Inspections	196

Deputy Director of Inspection Services Joseph Duffy presented the following Building Inspection Division Performance Measures for February 1, 2023 to February 28, 2023:

• # Housing of Cases Sent to Director’s Hearing	67
• # Complaints of Order of Abatements Issues	15
• # Complaint of Cases Under Advisement	0
• # Complaints of Cases Abated	123
• Code Enforcement Inspections Performed	476
• # of Cases Referred to BIC-LC	
• # of Case Referred to City Attorney	2

Deputy Director of Inspection Services Joseph Duffy said Code Enforcement Outreach Programs are updated on a quarterly as follows for the 2nd quarter:

• # Total people reached out to	33,807
• # Counseling cases	410
• # Community Program Participants	4,753
• # Cases Resolved	787

Secretary Harris called for public comment on items 14a-d.

There was no public comment.

15. Review and approval of the minutes of the Special Meeting of January 30, 2023.

Vice President Tam made a motion, seconded by Commissioner Neumann, to approve the Regular Meeting minutes of January 30, 2023.

The motion carried unanimously.

RESOLUTION NO. BIC 024-23

There was no public comment.

16. Review and approval of the minutes of the Special Meeting of February 14, 2023.

Vice President Tam made a motion, seconded by Commissioner Neumann, to approve the Regular Meeting minutes of February 14, 2023.

There was no public comment.

RESOLUTION NO. BIC 025-23

17. Adjournment.

Commissioner Alexander-Tut made a motion, seconded by Vice President Tam to adjourn the meeting.

Commissioner Alexander-Tut wished everyone a Happy St. Patrick's Day!

The meeting was adjourned at 11:25 a.m.

RESOLUTION NO. BIC 026-23

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS

President Bito proposed to agendize the site permit process update from the Client Services Subcommittee meeting. – Bito

Page 6

Commissioner Alexander-Tut said she would like to see an organizational chart to find any changes in structure, and perhaps some staff needed to be moved around while the Department was creating those efficiencies. It would need staff in different positions and maybe an organization chart discussion would be warranted. – Alexander-Tut

Page 15

President Bito asked if there could be a presentation regarding the qualifications, which made certain buildings potential candidates for conversion. – Bito

Page 16

Respectfully submitted,



Monique Mustapha, Assistant BIC Secretary



Edited By: Sonya Harris, BIC Secretary