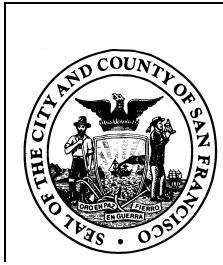


***BIC Regular Meeting  
of  
July 19, 2023***

***Agenda Item 10***



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

**REGULAR MEETING**

**Wednesday, May 17, 2023 at 9:00 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: 2598 901 0599**

**DRAFT MINUTES**

- 1. The regular meeting of the Building Inspection Commission was called to order at 9:07 a.m.  
Call to Order and Roll Call.**

**COMMISSION MEMBERS PRESENT:**

Raquel Bito, **President**

Jason Tam, **Vice-President, Excused**

Alysabeth Alexander-Tut, **Commissioner, Excused**

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**

Matthew Greene, **Acting Deputy Director, Inspection Services**

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

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

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

Patrick Hannan, **Communications Director**

**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 last week the Building Inspection Commission had a joint meeting with the Planning Commission, and thanked DBI staff, Michael Christensen at the Permit Center, and the Planning Department for all their work on the meeting. The joint meeting was something that both President Bito and President Tanner had talked of having the summer before and the meeting should be marked as significant for the Commission and the Department.

President Bito thanked the American Institute of Architects (AIA) members for their support, comments and suggestions on how to improve the permit process at the joint meeting.

President Bito said moving toward legislation this summer, it was a good time to begin looking at how the departments tracked its metrics to compare the before and after for the site permit reform based on how things are being streamlined and the timeline to approve a project. President Bito said she was looking forward to the continued discussions and advancements on the process.

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.**

There was no General Public Comment.

## **4. Nominations Subcommittee.**

### **a. Update from the Nominations Subcommittee.**

Commissioner Sommer said the committee had received two applications for the Code Advisory Committee (CAC) and met earlier in the month to discuss them, and there was one recommendation for appointment. The vacancy that remained was the Person Qualified in Historic Preservation, but an application was received and would be reviewed at a later meeting. There also were two vacancies on the Board of Examiners (BOE), a Tenant who was Licensed or Registered as an Architect, Civil or Structural Engineer, and also a Licensed General Contractor. There would be more outreach to fill those positions.

### **b. Discussion and possible action to appoint a member to the Code Advisory Committee (CAC). (Term to Expire August 10, 2025.)**

#### **Member seeking appointment:**

- **Paul Staley, Member-at-Large seat**

Commissioner Sommer said there were two applications for the Member-at-Large seat on the CAC. The committee recommended Paul Staley for the Member-at-Large seat.

Mr. Staley has lived in San Francisco for 45 years and had a long career in real estate and finance involving oversight and acquisition and remodeling of many single family homes. He was retired and had served on the boards of multiple nonprofit organizations. The committee felt Mr. Staley’s experience and qualifications would be a good addition to the CAC Member-at-Large seat.

President Bito thanked Mr. Staley for volunteering and said that she knew him personally and added one thing about participating on the commission was seeing old friends and meeting new ones at city hall and commended desire and efforts.

***President Bito made a motion, seconded by Commissioner Sommer to appoint Paul Staley to the Code Advisory Committee Member-at-Large seat.***

**Secretary Harris called a Roll Call Vote:**

<b>President Bito</b>	<b>Yes</b>
<b>Vice President Tam</b>	<b>Excused</b>
<b>Commissioner Alexander-Tut</b>	<b>Excused</b>
<b>Commissioner Neumann</b>	<b>Yes</b>
<b>Commissioner Shaddix</b>	<b>Yes</b>
<b>Commissioner Sommer</b>	<b>Yes</b>

### **RESOLUTION NO. BIC 032-23**

Mr. Staley said thank you to the Nominations Committee and the Commission for the approval and he looked forward to working with the Code Advisory Committee (CAC).

There was no public comment.

### **5. Discussion and possible action regarding Board of Supervisors Ordinance (File No. 230374) amending the Building Code to outline the site permit application process, define and limit the scope of Building Official review of site permits, and require simultaneous interdepartmental review of site permits, in addition to other requirements.**

Assistant Director Christine Gasparac said to the Commission usually the Department would present first however Supervisor Safai was present and Ms. Gasparac would defer her time to the Supervisor.

San Francisco Supervisor Ahsha Safai presented the following points regarding Ordinance File No. 230374:

- Creating housing and opening small business and getting a permit in San Francisco was not easy, the city has a lot of different layers and requirements that had built over the years.
- According to a report in the San Francisco Chronicle the typical applicant waits a staggering 627 calendar days before obtaining a full building permit to construct a multifamily housing project and 861 days for a single family residence. Those numbers did not include the time it took to clear the early stages of the Planning Departments approval.
- In another Chronical report the median approval time had increased by 83% since 2012. It needed to be recognized that it was not made easy for applicants in San Francisco yet there were issues in the city’s Planning Code requirements and sometimes it was Public Works or PG&E.
- Time and again the conversation around how to improve the process of building in San Francisco, homeowners, small business owners and builders, architects and others had always brought the issue to begin with the site permit process.
- San Francisco County may be the only county in the state that had the site permit process.
- It was said that applicants had to go through a detailed review process twice and over time the requirements that were added on to the site permit process had continued to become more and more detailed, comparable to what was asked for in the building addendums. They were redundant and

unnecessary and did not improve performance or public confidence.

- The site permit process did not help the city to address its housing crisis.
- Supervisor Safai said he had worked on this project for two years and was engaged with the Department about how to improve the site permit process.
- Last year it was asked during the budget process to create a joint position that would be shared between the Building and Planning Departments to review, streamline and how to improve the site permit process.
- As this legislation was crafted there was a lot of input from architects, builders and small business owners.
- The proposed changes:
  - Codify the site permit application and review process by outlining what information is required, clarifying the purpose, defining the scope of the Building Official review, and mandate simultaneous review by all City departments.
  - Require a site permit application to provide sufficient information for the Building Official to evaluate the building occupancy, size, floor plans, and means of egress.
  - Limit the Building Official review to evaluating the application materials for major health and safety issues, determining whether the project may proceed to the addenda stage.

Supervisor Safai thanked Director O’Riordan and his team for their work and the memorandum issued on the site permit criteria to begin to explain what was explicitly required of applicants and the important point was to put it in the code gives it an extreme level of assuredly.

Supervisor Safai said with his experience working in San Francisco and with builders and others its heard over and over again – if it is not in the Code, there was always room for interpretation. We believe putting it in the code was an important step in crafting this legislation.

Supervisor Safai thanked his co-sponsor Supervisor Melgar a former Building and Planning Commissioner who had extreme experience and understanding. He thanked President Bito for her time going through the legislation. He thanked Vice President Tam for his time and input. Also Deputy City Robb Kapla for his hard work and advice.

Supervisor Safai said Supervisor Melgar would propose an amendment about digital permits.

Assistant Director Christine Gasparac presented the following points:

- **File No. 230374:** Discussion and possible recommendation regarding Board of Supervisors Ordinance (File No. 230374) amending the Building Code to outline the site permit application process, define and limit the scope of Building Official review of site permits, and require simultaneous interdepartmental review of site permits.

Ms. Gasparac said DBI staff was working with the BIC and partners from the Planning Department and the Permit Center and stakeholders to reform the site permit process to clarify the process for applicants, to streamline and make the process faster.

Ms. Gasparac said the Department had delivered its proposed changes to the site reform process. The Department conducted a joint commission meeting the week before as well as a stakeholder meeting and that DBI was working on its own legislation to codify the site permit process reform. The Ordinance the BIC was hearing would amend the Building Code to add limits to the site permit application and review process.

Ms. Gasparac said at a high level as Supervisor Safai said there were the Departments own guidelines that would be added to the Building Code and those guidelines were included in DBI's Administrative Bulletin (AB) 32 and was outlined in a memo Director O'Riordan issued to staff March 2023. The site permit purpose was to review preliminary and conceptual schematic designs and identify any major issues. The detailed Plan Review was later in the process when applicants submitted their Construction Documents.

Ms. Gasparac said the guidelines that already existed in AB 32 and put those into the Building Code. DBI recommended approval of the Ordinance with the following amendments:

- Section 106A.3.4.2 Site permit, require concurrent review of the site permit application while the Planning Department completes its review, and concurrent issuance when the Planning Department issues any required authorizations, approvals or certifications required under the Planning Code.
- Section 106A.3.4.2.1 Contents of site permit application and Section 106A.3.4.2.2 Scope of site permit review. The contents of a site permit application exist in AB 032, and the scope of site permit review is detailed in a memo from Director O'Riordan issued on March 21, 2023 to all Plan Review and Permit Processing staff.

Ms. Gasparac said the legislation proposed would codify the existing criteria into the Building Code which staff felt would impede DBI's ongoing streamlining efforts because if any changes were needed to be made in the future the department would have go through a lengthy legislative process to amend the Building Code. However, once the department operationalized its interdepartmental site permit reform it could be found that changes may need to be made to those guidelines and codifying those guidelines would require a month's long process to fix and streamline. If those guidelines were left in an Administrative Bulletin (AB) there would still be a public process to amend the AB that would take a few weeks. The amendment would go to the Code Advisory Committee and then the Building Inspection Commission for opportunity of public input. It would still be a transparent public process it would only be a week's long versus a month's long process.

Public Comment:

- Mr. Henry Karnilowicz member of the Code Advisory Committee said the site permit had been a bit of a disaster. A while ago a site permit was issued within a month or two and it is now taking six to seven months between plan check Public Utilities station and Public Works which those plans should not go to.
- Mr. Karnilowicz said DBI website was one of the better ones of all the jurisdictions he had been involved in and the Permit Tracking System (PTS) was fantastic, the Planning Departments site was good as well but the one that was not so good was Department of Public Works (DPW) which was taking months. Things like minor sidewalk encroachment should be an Over the Counter (OTC) visit and a lot of folks do not know how to utilize the online system especially DPW.
- Mr. Mike Farrah, Legislative Aide to Supervisor Melgar, said one of the things Supervisor Melgar wanted the BIC to consider was an amendment regarding line 21 on page two that read:
  - And being submitted electronically after the words Planning Department
- Mr. Ned Fennie Chair of the Code Advisory Committee (CAC) said for the record the CAC had not had the opportunity to review the Ordinance and the members were welcoming some sort of document to go over but had not had a chance to deliberate on it and was not prepared to give the BIC its comments on the Ordinance. There were efforts being made to schedule a CAC meeting the next day to have deliberations. Mr. Cyrus Sanandaji with Presidio Bay Ventures said he wanted to thank Supervisors Safai and Melgar for proposing the legislation and reiterate the improvements

this legislation would bring as it related to housing production.

- Mr. Sanandaji said the site permit process had evolved into something that was unmanageable and had singlehandedly held back thousands of units in the pipeline. There were two specific projects Mr. Sanandaji said were experiencing delays due to interdepartmental arguments that had gone on for over two years, one due to San Francisco Municipal Transportation Agency (SFMTA) and Public Utility Commission (PUC). He said the extent to which those agencies have gotten involved and imposed their code review on what should have been a simple memorialization of planning was beyond the acceptable norms.

Commissioner’s Questions and Comments:

- Commissioner Sommer said that the BIC met with the Planning Commission last week, but it seems like this is a separate effort to marry those things together.
- Supervisor Safai questioned if it changes what happens to customers, as approved in AB-32?
- Assistant Director Gasparac said that she did not think there would be a conflict once DBI implements the bigger reform effort, then codify it.
- Commissioner Shaddix said that the Commission typically gets a recommendation from the CAC, but he fully supports Supervisor Safai’s efforts.
- Mr. Fennie stated that the process is the legislation usually receives robust community input, goes to the Administrative & General Design and Disability (AGD&D). It is usually a two-step process before a full CAC meeting.
- Commissioner Neumann said that she typically agreed that codifying is good.
- Assistant Director Gasparac said that the Department would be implementing the site permit reform around November.
- Commissioner Neumann stated that she was concerned regarding DBI’s responsibilities related to the site permit process, along with the Planning. She would like to see a clear cut process, and believes that DBI is moving in the right direction in working on legislation for the site reform process.
- President Bito made the following comments:
  - She supports Supervisors Safai and Melgar’s ordinance. It moves the needle to create a clear path for applicants, and she did not want to keep things the way they are.
  - DBI’s recommendation would provide the ability to implement site permit reform process, and she supports DBI’s amendments to the ordinance.
  - She has spoken to Supervisor Safai and his Legislative Aide Jeff Buckley, and the point is to streamline the process in less detailed revisions.
  - She has gone through the ordinance line by line, but based on what her fellow Commissioners said there has not been a Code Advisory Committee recommendation yet.
- Deputy City Attorney Kapla said that the requirement under the Code is that the Code Advisory Committee provide input to the BIC, unless the requirement is waived. If the Commission wants to hear from the CAC, then there could be a Special Meeting of the Building Inspection Commission.
- Supervisor Safai stated that on the DBI staff side, the CAC meeting was not scheduled yet he wants CAC input and advice. He met with President Bito over an hour and got assurance that there

would be a meeting tomorrow. Next month, he has budget meetings and would not be available.

- Commissioner Sommer asked what was Supervisor Safai’s opinion on DBI’s amendments?
- Supervisor Safai said that the first one was okay, but seemed as if they did not have confidence in the Administrative Bulletin. The current process is lengthy, and he feels strong about putting it in the Code.

***President Bito made a motion, seconded by- Commissioner Neumann, to have File No. 230374 heard at the Code Advisory Committee, and then scheduled for a Special Meeting of the Building Inspection Commission.***

**There was no public comment.**

**Secretary Harris called for a Roll Call Vote:**

<b>President Bito</b>	<b>Yes</b>
<b>Vice President Tam</b>	<b>Excused</b>
<b>Commissioner Alexander-Tut</b>	<b>Excused</b>
<b>Commissioner Neumann</b>	<b>Yes</b>
<b>Commissioner Shaddix</b>	<b>Yes</b>
<b>Commissioner Sommer</b>	<b>Yes</b>

***The motion carried unanimously.***

#### **RESOLUTION NO. BIC 033-23**

The Commission took a brief recess at 10:03 a.m. and the meeting resumed at 10:08 a.m.

- 6. Discussion and possible action regarding Board of Supervisors Ordinance (File No. 230371-2) amending the Planning Code to 1) facilitate residential uses Downtown by authorizing the conversion of non-residential uses to residential use in C (Commercial) zoning districts, and exempting such projects from requirements for rear yard, open space, streetscape improvements, dwelling unit exposure, bike parking, dwelling unit mix, and Intermediate Length Occupancy controls, permitting live work units in such project, streamlining administrative approvals for projects in the C-3 zoning district, and modifying the dimensional limits on exemptions to height restrictions for mechanical equipment, elevator, stair, and mechanical penthouses, in addition to other requirements.**

Mr. Jacob Bintliff with The Office of Economic and Workforce Development presented the following points:

- The Ordinance was part of Mayor London Breed’s roadmap to the future of downtown San Francisco that was laid out in February in her address to the state of the city, which spoke of all of the strategies that needed to be implemented to help downtown and the entire city recover from the economic impacts of the pandemic.
- One of the nine strategies was facilitating more flexibility in the use of San Francisco’s building stock. Two piece of that was around general flexibility in terms of planning and zoning. For example, in Union Square what uses for upper floors which was department store style retail and that was not model that people were interested in continuing.



- The Ordinance was allowing for large format retail, formula retail on portions of Market Street where most were conditional use, pop-up activations allowing for flexible work space models where design professional services may have offices on the ground floor with a retail component, allowing life sciences and laboratory throughout downtown and allowing for more housing downtown. There were density limitations on the waterfront for housing which would be changed and allow for senior housing, residential care facilities and other types of housing.
- The Ordinance also provided streamlining for the Planning Commission review process, including moving some of the historical preservation task to administrative, and waiving a series of requirements for new housing construction projects so they would not need to go through the Planning Commission.

Mr. Bintliff said that was the first half of the Ordinance and the second half was why he was presenting to the BIC, to establish a commercial to residential adaptive reuse program which was established in the Planning Code.

Mr. Bintliff said language was recommended by the Planning Commission on May 4, 2023 with modifications. The criteria and the Planning Code for eligibility in the Adaptive Reuse Program as follows:

- Must be in a C-zoning district.
- Cannot seek any additional height, waivers or exceptions under the state density bonus program or under the local density bonus programs.
- It was recommended from staff and the commission to remain eligible as an adaptive reuse project with up to a 33% increase in the mass of the building, horizontal or vertical.

Mr. Bintliff said what was being done in this Ordinance was to enable language for DBI staff and its CAC and the BIC to adopt an adaptive reuse manual that could take the form of an Administrative Bulletin that would spell out the appropriate equivalencies and standards and existing exceptions and alternatives that already exist in the Code for adaptive reuse projects in terms of Building Code compliance.

Mr. Bintliff said to be clear that even when the Planning Code said can be adaptive reuse up to 33% did not mean the Building Department had to treat existing 33% expansion as an adaptive reuse project.

Mr. Bintliff said what was being asked was the enabling language so that process could move forward and he thanked DBI staff and the Fire Department for their assistance in identifying what could go into the manual that would help some of the underutilized office buildings convert as easily as possible into housing.

Assistant Director Christine Gasparac presented on the following points:

- **File No. 230371-2:** Discussion and possible action on a proposed ordinance to amend the Planning Code and Building Code to support more residential uses Downtown by facilitating the adaptive reuse of commercial buildings, help to economically revitalize Downtown by allowing flexibility for more uses, and streamline permitting and review of project applications to better support the economic revitalization of Downtown.
- **Proposed Building Code Amendments**
- **Code Advisory Committee (CAC) Recommendations:** The CAC recommended approval of the ordinance at its May 10, 2023 meeting.

Mr. Ned Fennie, Chair of the Code Advisory Committee, said there was not a motion to approve the Ordinance, but there were a total of five motions as follows:

1. The Code Advisory Committee and the Structural Advisory Committee do not support relaxing the seismic triggers for structural improvements on renovations of buildings if 2/3 of the floors were affected.
2. To use the San Francisco existing Building Code and the Administrative Bulletin (AB) process and not have a separate document but to incorporate any changes to the AB or to the existing Building Code.
3. To reiterate the ASCE 41 process for calculations of the structural systems and capacity.
4. To organize a series of training workshops through the Department and with Structural Engineers Association of Northern California (SEAONC) to help smaller engineering shops that probably were not using ASCE 41 to implement those provisions and to seek projects that used the document to get the structural systems to calculate correctly.
5. The committee did not support any relaxation in the Building Code requirements in this effort and equivalencies could be worked out but to not roll back the Code just for these particular projects.

Mr. Fennie said the CAC had a process where they would react to the state Building Code and would write a few San Francisco amendments but generally those were reactions to the State Code. He said we could not relax the state code in any way but could make them more restrictive. Essentially there were quite a few codes that were state requirements that we did not have the authority to roll back.

#### Commissioner's Questions and Comments:

There was extensive discussion regarding this item, and following are some of the comments which were made.

- Commissioner Sommer said that she attended the Structural Subcommittee meeting, but not the full CAC. She read the whole ordinance after attending the meeting. The first motion regarding the 2/3 seismic trigger is a little "in the weeds". There was discussion of how to make it economically feasible. A lot of the process is on the Planning Department's side. She asked if this would trigger seismic upgrades.
- Mr. Fennie replied yes it would trigger the 2/3 upgrade to the model Code that calculates to 75% and this is for a new building, but there's a diminished standard for a renovation.
- Commissioner Sommer stated that it seemed like the CAC support was there, and agreed to move forward with the process. Not everyone knows about ASCE 41, so maybe there should be some training provided.
- President Bitto made the following comments:
  - Listening to the motions the CAC made, she supported them. Seismic requirements are usually the most cost prohibitive. The Code has to be processed. She asked if the CAC talked about cost.
  - Mentioned a New York Times article which discussed the types of buildings suited for conversion. Architectural firms did major studies, so it would have been helpful to have case studies as an example.
  - Have guidelines for applicants to help, maybe a working document as projects come through.
  - Alternate means and methods for conversion. Mentioned example of an architectural

project.

- Director O’Riordan stated that there are a lot of differences in buildings that the Department would be looking at.
- Commissioner Neumann said that she supported providing flexibility. Not every commercial building is good for reuse, so flexibility is good. Change is good to revitalize different areas of the city.
- There was discussion between Mr. Fennie and President Bito regarding the process of creating an Administrative Bulletin (AB).
- Director O’Riordan said that pre-plan check was a big part of the conversation, and if the applicant comes in with a proposal then those things could be addressed. The words “relaxing” or “waiving” are scary terms, so a better way is to say creating flexibility to make buildings work better for adaptive reuse.
- Mr. Fennie mentioned that DBI’s Technical Services Division (TSD) looks at Codes to “weed out” certain things in the Code that are no longer needed.
- Ms. Lily Langlois, Principal Planner, said that SPUR and Ginsler did an analysis of about 40 buildings Downtown and looked at the qualities. This is sort of the level of information that Planning has right now. As of right now, there has been one application submitted for 988 Market Street, and the hope is that through passing this legislation there would be more applicants coming forward so they would have a better idea of what the landscape is, and the changes that need to be made to better accommodate these projects.

***President Bito made a motion, seconded by Commissioner Sommer, to recommend approval of File No 230371-2 regarding adaptive reuse.***

There was no public comment.

**Secretary Harris called for a Roll Call Vote:**

<b>President Bito</b>	<b>Yes</b>
<b>Vice President Tam</b>	<b>Excused</b>
<b>Commissioner Alexander-Tut</b>	<b>Excused</b>
<b>Commissioner Neumann</b>	<b>Yes</b>
<b>Commissioner Shaddix</b>	<b>Yes</b>
<b>Commissioner Sommer</b>	<b>Yes</b>

***The motion carried unanimously.***

**RESOLUTION NO. BIC 034-23**

## **7. Update on unpermitted awning complaints and community outreach.**

Communications Manager Patrick Hannan presented the following points:

- Awning Amnesty Legislation: Code advisory Committee voted to approve with fee recommendation, Board of Supervisors and Mayor approval expected this summer with implementation beginning August or September 2023.
- Revisions: Waives permit fees for corrective work or replacement awnings, does not apply to

historic buildings which still need a permit to alter.

- Outreach to property owners; Amnesty program will go through June 1, 2024.
- New web page to help owners prepare.

Commissioner's Questions and Comments:

Commissioner Sommer asked if this started due to a large or inordinate number of complaints which occurred?

Mr. Hannan said yes and clarified that this legislation is for existing awnings.

President Bito said that this program would be beneficial for small businesses.

Public Comment:

Mr. Henry Karnilowicz said the majority of the complaints were towards Chinatown and the others were focused in the Tenderloin, and other complaints near Ocean Avenue. Mr. Karnilowicz said the only question was if the awning did not meet applicable Building Code provisions, the property owner must pull a standard building permit to perform any corrective work to remove or replace the awning, and what was the process. Mr. Karnilowicz said he met with Supervisor Peskin's aide regarding the process and was told taking a picture would be sufficient, but he was unsure if that was still going to be the rule.

**8. Discussion and possible action regarding Board of Supervisors Ordinance (File No. 230447) amending the Building and Planning Codes to create a temporary amnesty program for unpermitted awnings that streamlines the application process to legalize awnings, waives applicable fees, and confers legal nonconforming status for awnings that do not comply with the Planning Code, in addition to other requirements.**

Mr. Hannan said in response to Mr. Karnilowicz' question, to streamline the permit someone would come in and online there is a dimension photo, where applicants have to provide certain information within the photo that would allow DBI staff to review, along with a signed building application. Key information to review and determine if a building is safe and meets the Building Code standards. During the desk review, if staff identifies something that was not Code compliant. For example, they were using little wood screws instead of the required sized screw for the fastening of the awning to the structure, that would be identified at that moment and they could come back through and say this needs to be fixed. Since they started the process, those fees would be waived when they came back through.

Communications Director Patrick Hannan discussed File No. 230447 regarding the Awnings Amnesty legislation and presented the following points:

- The Code Advisory Committee (CAC) Recommendation: Recommended approval of the Ordinance at its May 10, 2023 meeting but suggested the Fire Department and Public Works fees be waived as well.
- Awnings Amnesty Legislation
  - Revisions
  - Most fees waived – modest surcharges and state fees will still apply

- Outreach to Property Owners: Sending letters to property owners who received a Notice-of Violation or Complaint for an unpermitted awning (Four languages: English, Chinese, Spanish, and Tagalog)
- Discussed Key points in the letter
- New Webpage to Help Owners Prepare: Sf.gov/awnings2023 – Proposed – Simplified permit process for existing awnings

Public Comment:

- Mr. Ned Fennie said the CAC was quite pleased with DBI’s solution to the awning complaints and it was a model of what could happen when everyone came together for a cause and if we could come together in the same manner for some of the other programs good things would happen.
- Mr. Henry Karnilowicz said the CAC appreciated the Department working on the amnesty program to get those awning complaints resolved.

Commissioner’s Questions and Comments:

- Commissioner Sommer questioned if someone is installing a new awning, would it behoove them to do so without permit and then come back and do this process?
- Mr. Hannan responded that there are always people who try to go around the system unfortunately.
- Deputy City Attorney Robb Kapla stated that there are also provisions related to amnesty in the Planning Code, because there are content/size restrictions for certain signs. A newly installed sign would not get those grandfathering provisions, so it would still be out of compliance with the Planning Code. There are reasons to not go out and try to install an awning to comply with amnesty.

***President Bito made a motion, which was seconded by Commissioner Shaddix, to recommend approval of File No. 230447 to create a temporary amnesty program for unpermitted awnings.***

There was no public comment.

**Secretary Harris called for a Roll Call Vote:**

<b>President Bito</b>	<b>Yes</b>
<b>Vice President Tam</b>	<b>Excused</b>
<b>Commissioner Alexander-Tut</b>	<b>Excused</b>
<b>Commissioner Neumann</b>	<b>Yes</b>
<b>Commissioner Shaddix</b>	<b>Yes</b>
<b>Commissioner Sommer</b>	<b>Yes</b>

***The motion carried unanimously.***

**RESOLUTION NO. BIC 035-23**

**9. Discussion and possible action regarding the site permit reform process; and future agenda items for the Client Services Subcommittee.**

Secretary Harris announced this item was struck from the record as it had been broken into the next two items #10 and #11.

**10. Discussion and possible action regarding recommendations on the site permit reform process.**

President Bito said one of the things that came of the Client Services Subcommittee meeting the week before was the legislation that was circulating for the summer of 2023 what would be helpful for applicants and the public to understand the changes that was happening at DBI was to track the metrics starting at the fees being paid or at the time of submittals. Understanding a lot of the time was spent with the Planning Department but that time should be part of the calculus, because that was one of the things about bifurcating the process and understanding before it is adopted what those differences were.

Commissioner's Questions & Comments:

Director O'Riordan said the Department was already working on figuring out what the data was and showing those changes.

President Bito said that information would be a future agenda item.

Commissioner Shaddix said he was curious to where the legislation would land because there was a lot of discussion about the Pacific Gas & Electric Company (PG&E) as well as the Department of Public Works (DPW). He asked if those agencies would appear before the BIC in the future and if they would be tracking or moving forward?

Director O'Riordan said the Department was working very closely with DPW and they were in more communication with PG&E than DBI was. The Department was focused on those particular challenges that were brought up during the joint Planning and Building Inspection Commission meeting.

President Bito said to Commissioner Shaddix's point that this goes with the next agenda item, because there were a lot of concern and frustration from architects who spoke up that day. In separate meetings that she had with President Tanner and at the most recent Client Services Subcommittee meeting, Public Works, Fire, PUC, and other agencies. There was a really good discussion and everyone was on board, although things were kept at a high level. DBI could provide leadership as the nexus of the building permit.

Director O'Riordan said that he sees DBI's role as collaborators and staff can ensure that a defined process can be created.

President Bito stated that she would like the Department to provide real metrics of submittal times from the date of submittal, date of payment, to permit.

Commissioner Neumann agreed with President Bito and said that anything that could be done publicly to keep our partners accountable would help improve this process. Clients do not see what is happening "behind the curtain", so anything the Department could do to open that up to hold those accountable who are holding up the process is important.

Director O’Riordan stated that it would ensure transparency.

Public Comment:

Mr. Ned Fennie spoke regarding site permit reform, and said that it may be good to have someone from DBI to discuss the Department’s site reform process at the CAC meeting the following day, because it may affect how they react to the ordinance.

President Bito asked if a separate agenda item needed to be added to the CAC agenda?

DCA Kapla said that both the two efforts were not mutually exclusive and it was not as if one had to be adopted versus the other. They would dovetail and not create a conflict. The CAC could discuss the legislation in the context of other efforts, but an item cannot be agendized that has not been introduced yet.

### **11. Discussion and possible action regarding future agenda items for the Client Services Subcommittee.**

President Bito said that she had a suggestion for the Client Services Subcommittee agenda regarding Commissioner Shaddix’s question about the other departmental reviews. She would like to agendize how DBI is coordinating with other departments, and for DBI to provide a monthly update. The Planning department has their own scope of work and purview regarding the site permit, and at the Joint Commission meeting a lot of it rested on Planning’s process; Even in the outreach a lot of it focused on Planning. At the BIC, for obvious reasons and also at the Client Services we can focus on how DBI is working with other departments to coordinate their efforts to change how they review these projects for site permits.

Director O’Riordan said this would be a good discussion to have, and he would be happy to engage in this.

President Bito said it would be good to have updates, though they do not have to attend every meeting. It was great to have them at the last meeting. The updates would be specifically on what they do operationally.

### **12. 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 stated that the next Regular BIC meeting would be on June 21, 2023. In addition, the Building Inspection Commission intends to hold a Special Meeting before the next Regular meeting.

***President Bito made a motion, seconded by Commissioner Shaddix, to schedule a Special meeting before the next Regular BIC meeting.***

***The motion carried unanimously.***

## RESOLUTION NO. BIC 036-23

### 13. Director's Report.

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

Director O'Riordan provided the following points for the month of April 2023 update:

Director O'Riordan said over the past three years a lot of improvements had been made at DBI and that it was a different organization with better customer service, permitting and inspection processes as well as better morale among staff.

Director O'Riordan said he believed the reorganization of the site permit process was going to have a major impact on the department did business, measured progress and served the public. He said this was a key reform that would help to meet the Mayor's chare to cut the permit processing time for housing by 50%.

Director O'Riordan said the site permit process reform would be on the ballot for the summer 2023 vote and in the meantime to contact DBI for questions and additional feedback.

Director O'Riordan said Mayor Breed was issuing a proclamation for Building and Safety Month, a time when building officials around the nation reflected on the nature of the department's work and role in providing public safety in the built environment. Staff worked with Mayor Breed on a proclamation recognizing the importance of our work and how it helped to protect our residents and support our city.

Director O'Riordan said Deputy Director Neville Pereira hosted a small celebration for his staff to thank and acknowledge their work. The Director said he wanted to thank the Commission for its commitment to building safety and for helping to uphold those value every day.

#### b. Update on major projects.

Director O'Riordan gave an update on major projects for April 2023 as follows:

- Major projects are those with valuation of \$5 million or greater filed, issued, or completed.
  - Major projects with permits issued.
    - 1 issued
    - \$23.5 million in valuation
    - 0 net units
  - Major projects with Certificate of Occupancy
    - 4 issued
    - \$148.9 million in valuation
    - 417 net units

President Bito said that the next major projects report should incorporate tenant improvement and housing.

#### c. Update on DBI's finances.

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

- Year-end Revenues as 83% of the year had elapsed and Charges for Services collected was 76%



- Projection of Interest and Investment Income was \$965K
- Total Year-end revenue projected to be \$52.8M, 9% below budget
- Total Expenditure budget was 67% spent Year to Date (YTD)
- Total Year-end Expenditure projection was 4% below budget at \$87.5M
- YTD valuation was 8% lower than the year before

Commissioner’s Questions and Comments:

- President Bito said that it is a tough pill to swallow and demoralizing to be below budget, but the Department/Commission still has to deal with it.
- Deputy Director Koskinen said that this is a labor intense department. Revenues have slowed down, and DBI has reduced expenditures.
- President Bito questioned if the department did a study as it related to site permit reform, etc.? In terms of cost, would it help?
- Mr. Koskinen said that this is a difficult question to answer, but he reached out to the Economic Office of Workforce Development.
- Mr. Koskinen asked the Commissioners their opinion, since their “ear was to the ground”. He stated that DBI’s best guess person would be Neville Pereira.
- President Bito said now things are slow, so it is a goal to improve the processes.

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

Assistant Director Christine Gasparac gave an update on recently enacted State or local legislation as follows:

**SF Board of Supervisors: Ordinances**

**File No. 230373:** Ordinance amending the existing Building Code to require façade inspection reports for buildings constructed after 1998 with 15 or more stories.

**File No. 230167:** Ordinance to create a Permit Prioritization Task Force to recommend permit prioritization guidelines to the Department of Building Inspection, The Planning Department, and the Department of Public Works and requiring the commissions that oversee each department to approve the department’s permit prioritization guidelines.

**File No. 230447-2:** Ordinance amending the Building and Planning Codes to create a temporary amnesty program for unpermitted awnings that streamlines the application process to legalize awnings, waives applicable fees, and confers legal nonconforming status for awnings that do not comply with the Planning Code.

**File No. 230371-2:** Ordinance amending the Planning Code to facilitate residential uses Downtown by authorizing the conversion of non-residential uses Downtown by authorizing the conversion of non-residential use in C (Commercial) zoning districts; and facilitate residential adaptive reuse by amending the Building Code to add standards for adaptive reuse by amending the Building Code to add standards for adaptive reuse of non-residential buildings.

**File No. 230212-2:** Ordinance amending the Planning, Building, and Fire 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.

**File No. 230374:** Ordinance amending the Building Code to outline the site permit application process, define and limit the scope of Building Official review of site permits, and require simultaneous interdepartmental review of site permits.

**File No. 230302:** Hearing to review the monitoring and oversight of City and County of San Francisco contracts with Tenants and Owners Development Corporation (TODCO) and review the number of historical filed against TODCO buildings.

**File No. 230331:** Hearing on emergency safety response, department coordination, and mitigation strategies on high-rise window breaks as a result of increased storms; and requesting the Department of Building Inspection, Department of Emergency Management, and Fire Department to report.

**State Legislation** – Discussed recent and upcoming 2023 legislative deadlines.

**e. Update on Inspection Services.**

Chief Building Inspector of Inspection Services Matthew Greene presented the following Building Inspection Division Performance Measures for April 1, 2023 to April 30, 2023:



Chief Building Inspector of Inspection Services Matthew Greene presented the following Building Inspection Division Performance Measures April 1, 2023 to April 30, 2023:



Chief Building Inspector of Inspection Services Matthew Greene presented the following Building Inspection Division Performance Measures for April 1, 2023 to April 30, 2023:

- # of Case Referred to City Attorney

1

Chief Building Inspector of Inspection Services Matthew Greene said Code Enforcement Outreach Programs are updated on a quarterly as follows for the 2<sup>nd</sup> quarter:

- # Total people reached out to 41,567
- # Counseling cases 486
- # Community Program Participants 7,416
- # Cases Resolved 321

**14. Review and approval of the minutes of the Regular Meeting of April 19, 2023.**

*President Bito made a motion, seconded by Commissioner Neumann to approve the Regular Meeting minutes of April 19, 2023.*

*The motion carried unanimously.*

**RESOLUTION NO. BIC 037-23**

**15. Adjournment.**

*President Bito made a motion, seconded by Commissioner Sommer to adjourn the meeting.*

The meeting was adjourned at 11:46 a.m.

**RESOLUTION NO. BIC 038-23**

<b>SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS</b>	
President Bito said to Commissioner Shaddix’s point regarding PG&E and DPW, she would like to agendize how DBI is coordinating with other departments on the next agenda for the Client Services Subcommittee meeting. – Bito	Page 9
President Bito stated that she would like the Department to provide real metrics of submittal times from the date of submittal, date of payment, to permit. – Bito	Page 14
President Bito said that the next major projects report should incorporate tenant improvement and housing.	Page 15

Respectfully submitted,

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Monique Mustapha, Assistant BIC Secretary

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Edited By: Sonya Harris, BIC Secretary