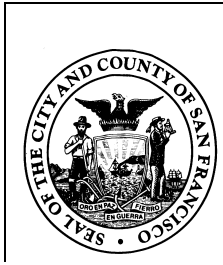


***BIC Regular Meeting
of
July 19, 2023***

Agenda Item 11



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

SPECIAL MEETING

Tuesday, June 13, 2023 at 3:45 p.m.

City Hall, 1 Dr. Carlton B. Goodlett Place, Room 408

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PUBLIC COMMENT CALL-IN: 1-415-655-0001 / Access Code: 2597 266 1094

DRAFT MINUTES

- 1. The special meeting of the Building Inspection Commission was called to order at 3:50 p.m.
Call to Order and Roll Call.**

COMMISSION MEMBERS PRESENT:

Raquel Bito, **President**

Jason Tam, **Vice-President**

Alysabeth Alexander-Tut, **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**

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:

Peter Miljanich, **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. 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.

Legislative Affairs Manager Carl Nicita gave an update on recently enacted State or local legislation as follows:

- **Amendment #1:** In Section 106A3.4.2 Site permit, require concurrent review of the site permit application while the Planning Department completes its entitlement review, and concurrent issuance when the Planning Department issues any required authorizations, approvals or certifications required under the Planning Code.
- **Amendment #2:** Remove Section 106A3.4.2.1 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 Administrative Bulletin 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.

Mr. Nicita said as a reminder the commission may recommend approval, disapproval, and whether approval or disapproval with any number of amendments to the proposed Ordinance but it was up to the legislature sponsor, Supervisor Safai to accept those amendments.

Mr. Jeff Buckley, Legislative Aide to Supervisor Safai, presented the following points on Ordinance File No. 230374:

- The Code Advisory Committee (CAC) met on May 24, 2023, President Bito and Commissioner Sommer were in attendance for the discussion.
- The CAC agreed with Supervisor Safai’s office that there was a reason to retain those elements within the Code and for project sponsors to get certainty of having items within the Code.
- The CAC provided a list of specific changes that could be put in the legislation.

Mr. Buckley said the list from the CAC was under review but it did meet the spirit of what the Ordinance was trying to achieve, which was to retain the site permit as a preliminary and conceptual approval by the city. It was not intended ever to be a construction document only an approval to get a certain amount of vesting to go on to complete more detailed drawings during the addendum phase.

Mr. Buckley said what was important to the sponsors was to retain those elements in the code and was happy the CAC agreed and the one question to the Department of Building Inspection was what their point of view was on having an accessible path of travel from public transit to the building entrance.

Mr. Buckley said there were discussions with the Department of Public Works as there were concerns about what could be lost in transition from a more detailed analysis to during the site permit process to something more conceptual.

Mr. Buckley said his office’s goal was to take input particularly that was aligned with keeping those documents preliminary and to keep the approval process as quick as possible and assuring the addendum process would address the more detailed questions the DBI plan reviewers might ask.

Public Comment:

- Mr. Jerry Dratler said he was in favor of separating the site permit from the building permit and supported simultaneous processing of the site permits however the proposed legislation was ambiguous. Mr. Dratler said there was a section that outlines the required contents of the site permit application and there was a section that discussed the scope of the site permit review but it did not discuss the scope of the preliminary review or define its limits. Mr. Dratler said the CAC proposed change was understandable if there were no minimum standards the legislation would become watered down. He said he would submit a 150 summary of his presentation for the meeting minutes.
- Ms. Georgia Schuttish said she called into the CAC meeting on May 24, 2023 and raised the issue of the demolition calculations. She said if there would be simultaneous review the demolition calculations should be listed because those were critical to the Planning Department review. Ms. Schuttish said everyone wants the process to be faster but the project sponsors should do their part and submit the demolition calculations at the beginning of the process.
- Tony Sanchez-Corea a member of the Code Advisory Committee said it was his opinion that those amendments should be in the Building Code and the reason was because the site permit was not defined in the Code and was outlined with requirements so the department would not go back and the individual plan checkers be able to make their own rules.
- Remote caller from the Chinatown Community Development Center (CCDC) said she was shocked to hear the BIC was considering this legislation that was just introduced and not the budget cuts to the Code Enforcement Outreach Program (CEOP) and Single Room Occupancy (SRO) Collaborative programs. The caller said she wanted the BIC to have a special meeting regarding the budget cuts.

Commissioner's Questions and Comments:

President Bito asked for clarification from Director O'Riordan on the Code Advisory Committee's (CAC) recommendation #5.

Director O'Riordan said the recommendation concerned him and suggested that the legislation stayed with the language of the Building Code rather than what the CAC recommended.

Commissioner Neumann said the murkiness in the Ordinance concerned her as well and the Code should refer to a document such as Administrative Bulletin (AB) 32 that referred to what the minimum requirements were.

Deputy City Attorney Peter Miljanich said the Building Code controlled though it did sometimes refer to specific Administrative Bulletins and this Ordinance did site other Administrative Bulletins and those were a way to describe the requirement hierarchy for the site permit so there was the option to recommend the legislation make reference to AB 32.

There was extensive discussion between the Commissioners and DBI staff regarding the CAC recommendations.

President Bito said that she supported what Supervisor Safai was trying to accomplish; However, there was much consideration for the amendments and feedback from DBI and the CAC.

President Bito made a motion that the Ordinance consider the CAC recommendations minus #2 and amend #5 to say meets minimum Code standards as outlined in AB 32, and recommends to refer to DBI to amend #1 of the site permit that the word complete needed to be revised so it read clearly that the review process was happening concurrently with other departments.

DCA Miljanich asked to clarify if the motion was to recommend approval with modifications.

President Bito said this was not a motion to approve or disapprove, but to recommend as the Ordinance advanced. She then asked Deputy City Attorney Miljanich if the Ordinance would advance whether the BIC approved or disapproved it, and DCA Miljanich said that was correct the Ordinance would continue to the Land Use Committee whether the BIC recommended approval or not.

President Bito made a motion for the Land Use Committee to consider the recommendations made by the BIC as follows: To approve the ordinance with modifications: DBI’s amendment #1 (but not #2), plus the CAC’s amendments #1, #3, #4, and modified #5, which was seconded by Vice President Tam.

Secretary Harris called for a Roll Call Vote:

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

The motion carried unanimously.

RESOLUTION NO. BIC 039-23

3. Adjournment.

Vice President Tam made a motion to adjourn, which was seconded by President Bito.

The meeting was adjourned at 4:48 p.m.

Respectfully submitted,

Monique Mustapha, Assistant BIC Secretary

Edited By: Sonya Harris, BIC Secretary