

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

Agenda Item 12

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 we were all aware of the state of San Francisco and its economic recovery but the recovery was not moving as swiftly as we hoped and she commended DBI's effort in balancing its budget and towards that effort today an agenda item was to look at increasing the departments fees.

President Bito said she was sympathetic to the programs that would be affected however there were hard decisions to be made in the next weeks and months.

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 said he submitted an email that was also sent to the Mayor's office regarding an illegal subdivision of 13 units at 316-328 Alemany Boulevard.

Following is the beginning portion of Mr. Dratler's email submittal:

316-328 Alemany Boulevard building permit review

I reviewed the building permits issued by the City to the four buildings on Alemany Boulevard starting with the year 2004, the year the former garden nursery demolition permit was issued.

1. The 2004 demolition permit expedited by Jadin Consulting, Walter Wong's permit expediting firm, approved by DBI, and the Planning Department was never finalized by DBI. a. The demolition permit was expired in 2004 by DBI Inspector Darlene Hartley with no DBI field inspections.

b. Three grading permits were issued in 2004. Two permits were expired by DBI Inspector Darlene Hartley in 2004 and 2006. A grading permit for 322 Alemany Boulevard was canceled in 2004 and the permit for 316-318 Alemany remains open today.

c. How was DBI able to approve starting work on four new buildings without first finaling the demolition and grading permits?

There was extensive public comment in support of maintaining funding for the Code Enforcement Outreach Program (CEOP) and Single Room Occupancy (SRO) Collaborative.

Following is the list of speakers who provided public comment.

(Please Note: The names of the public speakers have been listed to the best of our ability.)

Jack Yee, Chinatown Community Development Center (CCDC)

Yen Fan Lou

Chen Tan Ho, CCDC

Yin Lee

Chay Ping Chan

Gwen Ho Chan
Lee Cheng Wu, SRO Family Collaborative
Selena, SRO Organizer
Lee Jing Yuen, SRO Collaborative
Jack Jang
Yan Sho Tan
Yong Yee Fon
Winnie, Community Organizer spoke on behalf of Cami Fong who could not appear
Adriana Rendon
Maria Chandres
Audrey Martinez
Fred Sherburn-Zimmer, Housing Rights Committee
Denise Wong
Alicia Sandoval, Lead Consultant Housing Rights Committee
Becky Hom, Causa Justa (Just Cause)
Maria, Causa Justa
Gloria Esteva
Dolores, Mission Rock
Juan Alejandro Garcia
Peter
Greg Johnson
Susie M.
Jason & Karen
Kathy Vaughn
Pratibha Tekkey, Central City Collaborative
Catalina Ramos, Tenant Representative
Gloria
Angelica
Mathias, CCDC

Following are some of the main points of discussion which the public members commented on:

- Everyone urged the Building Inspection Commission (BIC) to stop the budget cuts.
- Families live in 100 square foot space, and their children use their bunk beds to do homework.
- Shared restrooms do not work, and are often clogged.
- There is no language barrier when members speak to the SRO Collaborative members.
- Families of 3, 4, 5, and up live in small living space.
- SRO Families United urged managers to fix various problems.
- SRO Collaborative sponsored a family day where kids were able to play outside in a larger park area.
- Urged BIC to not allow tenant cuts, because tenants of low wage workers need help.
- One representative was a small business owner who represented the Tenderloin families who were vulnerable. Advocate for tenants.
- A bilingual speaker spoke on behalf of tenants. She spoke to their mental health issues, and the fact that people were affected by their living conditions.
- Putting money back in the CEOP program will help with providing services.
- Habitability issues can become mental health issues.

- DBI should raise fees if they need to in order to maintain funding for the CEOP program and SRO Collaborative.
- Ms. Fred Sherburn-Zimmer summarized the speaker’s points and here were her comments:
 - Disgusting that tenants have to beg for services.
 - She has worked for the Housing Rights Committee (HRC) for 23 years helping tenants.
 - HRC staff help DBI Inspectors, and it is an insult that they were told at the last BIC meeting that there would not be any cuts to the SROs.
 - She asked when DBI last raised fees.
 - Ms. Sherburn-Zimmer said to not insult the audience by saying to look at the computer or online, because they do not have computers.
 - An increase is needed for Code Enforcement, and the Department cannot handle 20K more cases so the services need to be protected.

4. Nominations Subcommittee.

- a. Update from the Nominations Subcommittee.
- b. Discussion and possible action to appoint a member to the Code Advisory Committee (CAC). (Term to Expire August 10, 2025.)

Member seeking appointment:

- Deepak Patankar, A Person qualified in the area of Historical Preservation seat

Commissioner Sommer said the Nominations Subcommittee recommended Mr. Patankar to fill the position of Historical Preservation seat with the Code Advisory Committee.

Vice President Tam made a motion, seconded by Commissioner Neumann to appoint Mr. Patankar to the seat of Historical Preservation on the Code Advisory Committee.

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. BIC 040-23

There was no public comment.

5. Discussion regarding data on permitting times.

This item was continued to the next meeting.

6. Discussion and possible action regarding Board of Supervisors Ordinance (File No. 230658) amending the Building Code to increase fees charged by the Department of Building Inspection by 15%, in addition to other requirements.

Legislative Affairs Manager Carl Nicita presented and made the following points:

- Mr. Nicita said the requested action of the BIC was to recommend approval of the Ordinance to the Budget and Appropriations Committee with the BIC's recommendation the Department would have its second of two budget hearings at the Budget and Appropriations committee the next day where recommendation would then go on to the full Board of Supervisors.
- Background: Building Code Section 110A established the fees for permits and services provided by DBI
- The proposed Ordinance would increase all DBI fees across the board by 15 percent.
- The Code Advisory Committee considered the Ordinance the week before and recommended approval to the BIC and recommended an annual review of fees.

Commissioner Shaddix asked if the commissioners could increase the percentage and what the next steps were.

Mr. Nicita said the Commission was able to recommend a different percentage which would be heard by the Budget and Appropriations Committee to be accepted or not.

Commissioners discussed increasing the percentage recommendation to the Budget and Appropriation Committee.

Deputy City Attorney Robb Kapla said this was an Ordinance to set the fee table not a line item recommendation which could not be made by the Commission.

Mr. Koskinen said discussion would be needed with the City Attorney regarding usability of certain fees, since not all fees were available to pay for Community Based Organization (CBO) services.

Public Comment:

Mr. Jerry Dratler said if DBI increased fees it would do better at increasing revenues that would help fund some of those important programs.

Mr. Dratler said that one area of improvement could be the re-inspection fees. When an inspector was denied entry that increases the workload having to send inspectors out multiple times. The Department could penalize the property owners for not making the property available.

Mr. Dratler said another area where fee income could be improved was the process of renewing an expired permit with an admin permit, the Building Code said there was a specific procedure to follow and assess fees. The misuse of administrative permits was facilitating finalizing building permits that should not be finalized, and an example was 320 Alemany Boulevard.

Ms. Fred Sherburn-Zimmer said she was in favor of increasing the fees by 25 percent and it was a shame some of these fees had not been raised before to pay for some of those programs and services

Commissioner Alexander-Tut made a motion, seconded by Commissioner Shaddix, to increase fees by 25 percent.

Secretary Harris Called for a Roll Call Vote:

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

The motion did not pass.

President Bito made a motion, seconded by Commissioner Sommer, to recommend approval of the fee increase of 15 percent.

Secretary Harris called for a Roll Call Vote:

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

The motion did not pass.

DCA Robb Kapla said there needed to be further discussion to get to a consensus or approval or disapproval of the ordinance with a majority vote.

Vice President Tam made a motion, seconded by Commissioner Shaddix, to increase fees at a minimum of 15 percent with recommendation of up to 20 percent.

Public Comment:

- Speaker said if the fees were not raised by at least 15 percent most of those community organizations would begin to lay off their workers starting July 1, 2023.
- Willy Yau said he was the acting manager of Plan Check and he had at least 30 plan checkers under his watch and wanted to make clear to the commission as a public citizen and city employee for the last 29 years doing plan checks and in the last five to six years the department had been losing its upper positions and he was working two levels below his classification and in the proposed budgets we tried to resume the top of the pyramid but in essence we have a flattened department and only had two grades of plan checkers working and pleaded to the commission if those positions could be resumed to the budget to have a fully functional plan check division.

Secretary Harris called for a Roll Call Vote:

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

The motion carried 4-2.

RESOLUTION NO. 041-23

7. Update on the vacancy tax for the named commercial corridors, and what DBI shows as vacant storefronts.

Permit Technician Supervisor Charles Robinson presented on the following points:

- According to Section 103A.5.1, a building shall be defined vacant or abandoned if: Unoccupied and unsecured, unoccupied and secured by boarding, unoccupied and unsafe, unoccupied and multiple code violations, unoccupied more than 30 days.
- The legislation authorizing the Vacant Commercial Storefront program was created in 2014 and then updated in March 2019.
- Proposition D in March 2020 administered by the Treasurer and Tax Collector
- DBI improvements to the VCS process had developed an application to streamline and automate the management of the program.
- New Vacancy Registry creating a new data infrastructure to track when addresses move between being vacant and occupied over time.

Commissioner Shaddix said the slide from the presentation showed the vacancies per district, rather than corridors. For example, the Third Street corridor, which would be ten blocks may show lower numbers and his hope was to have a representative from the Tax Collector's office to show the data of how the two departments were working together.

President Bito asked if the ordinance was to disincentivize commercial property owners from leaving storefronts vacant.

Deputy City Attorney (DCA) Robb Kapla said the basis of the Ordinance was to alleviate blight, and the dangerous conditions that empty storefronts could have.

President Bito and Mr. Robinson exchanged conversation regarding the empty storefronts.

DCA Robb Kapla said the original Building Code changes from 2014 to 2019 were that 2019 became specific to storefront vacancies as opposed to vacant or abandoned buildings and the DBI's jurisdiction was related to the risk that blighted buildings would be and monies collected from those registrations would be ensure enforcements and not to have dangerous conditions that would pop up. The vacancy tax was not within the Department's regulatory purview however its inventory would determine how the assessor would assess those properties but DBI was not implementing the tax nor collecting it.

The Commissioners had extensive discussion on vacant storefront properties throughout San Francisco.

President Bito made a motion, which was seconded by Vice President Tam, to continue items #10 and #11.

There was no public comment.

All commissioners were in favor of continuing the items.

RESOLUTION NO. 042-23

8. 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 said the next regular meeting of the BIC was July 19, 2023.

President Bito suggested for a future item to discuss the data on permitting times and update on the development review permit process.

Commissioner Alexander-Tut requested an overview of what the budget authority was as a Commission and clarification of the Commission’s policy or to create a policy that would address the budget authority.

DCA Robb Kapla said the Charter vests the Building Inspection Commission (BIC) with the authority to recommend the staff’s proposed budget to the Mayor, and once the BIC proposes a budget to the Mayor, the Mayor then must put a budget together for the City and make determinations after that.

There was no public comment.

9. Director’s Report.

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

Director O’Riordan presented and made the following points:

Director O’Riordan said it was a challenging budget season that required difficult decisions.

- At the core the Department was regulators charged to enforce those legal code requirements before and after a building was built.
- The Department’s work was done through the limited fees generated through permitting inspections.
- The Department would continue to ensure San Francisco’s buildings were code compliant.
- DBI was participating in a community event with the Chinese Real Estate Association of America, DBI Engineer Vivian Wang would attend to answer questions and provide information.
- Customer feedback received from Daniel Lu recognized Ronda Queen a Permit Technician with Code Enforcement services by saying, ‘thanks so much Ronda and Team DBI, I am so impressed by the immediate help and abundant care you all provide whether by phone, email, or in person. You are shining example of the kindness we treasure in our beloved city’.

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.

- 4 permits filed
 - \$40.6 million in valuation
 - 66 net units
 - Major projects with permits issued.
 - 5 issued
 - \$53 million in valuation
 - 35 net units
 - Major projects with Certificate of Occupancy
 - 1 issued
 - \$24 million in valuation
 - 94 net units
- c. Update on DBI's finances.**

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

Revenues

- 92% of the year had lapsed and Charges for Services collected was 85%

Expenditures

- Total expenditure budget was 75% spent Year-to-Date (YTD)

Permits

- YTD permits were 8% lower than the prior year

Changes

- Expenditures – CEOP and SRO programs were removed
- Revenues – 15% fee increase, peer review budgeted
- All new positions removed
- Inspection Services Admin Support Manager reduced to Manager I
- Two Building Plans Engineer to Engineer substitutions removed

Commissioner Alexander-Tut asked if Mr. Koskinen could walk through the budget process going forward.

Mr. Koskinen said the Department was in the Board of Supervisor's phase of the budget, and they were holding hearings with a high level look at the budget. He also gave a similar presentation that was given to the BIC where he discussed the current financial position, the fund balance, projected use, and exhaustion for the next two years of the fund balance. There was a third party budget analyst that was formulating recommendations of the Department's budget.

Commissioner Alexander-Tut said she fundamentally believed that the Housing Code was the Department's core service and as a San Franciscan it was confusing to have to have this conversation. Three quarters of the city's residents were renters and many people lived in dilapidated housing and the

Housing Code does not exist everywhere and people do not know it unless it is taught.

Commissioner Alexander-Tut said the rest of the city was engaged in Racial Equity conversations that were mandated by the Racial Equity Task Force, and it was approaching a phase of how the city's services were perceived by its residents and how departments were promoting racial equity in its services, and we were not sure if language and cultural competency was a core service.

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

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

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. 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 department to approve the department's permit prioritization guidelines.

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

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 non-conforming status for awnings that do not comply with the Planning Code.

File 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. 230745: Ordinance amending the Building Code to increase fees charged by the Department of Building Inspection by 15 percent.

AB 1114 (Supervisor Haney): Making post-entitlement permits non-discretionary (ministerial).

AB 468 (Quirk-Silva): Making any building used as a habitable space subject to State Housing Law regardless of zoning designation or approved use.

e. Update on Inspection Services.

Chief Building Inspector of Inspection Services Matthew Greene presented the following Building Inspection Division Performance Measures for May 1, 2023 to May 31, 2023:

• Building Inspections Performed	, 5,173
• Complaints Received	377
• Complaint Response within 24-72 hours	377
• Complaints with 1st Notice of Violation sent	56
• Complaints Received & Abated without NOV	198

- Abated Complaints with Notice of Violations 40
- 2nd Notice of Violations Referred to Code Enforcement 17

Chief Building Inspector of Inspection Services Matthew Greene presented the following Building Inspection Division Performance Measures May 1, 2023 to May 31, 2023:

- Housing Inspections Performed 1,029
- Complaints Received 427
- Complaint Response within 24-72 hours 410
- Complaints with Notice of Violations issued 159
- Abated Complaints with NOVs 422
- # of Cases Sent to Director's Hearing 36
- Routine Inspections 215

Chief Building Inspector of Inspection Services Matthew Greene presented the following Building Inspection Division Performance Measures for May 1, 2023 to May 31, 2023:

- # Housing of Cases Sent to Director's Hearing 74
- # Complaints of Order of Abatements Issues 10
- # Complaint of Cases Under Advisement 0
- # Complaints of Cases Abated 133
- Code Enforcement Inspections Performed
- # of Cases Referred to BIC-LC 0
- # of Case Referred to City Attorney 0

Chief Building Inspector of Inspection Services Matthew Greene said Code Enforcement Outreach Programs are updated on a quarterly as follows for the 3rd quarter:

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

There was no public comment.

10. Discussion and possible action on the annual performance evaluation for the BIC Secretary.

- a. Public Comment on all matters pertaining to the Closed Session.
- b. Possible action to convene a Closed Session.
- c. **CLOSED SESSION:** Pursuant to Government Code Section 54957(b) and the San Francisco Administrative Code Section 67.10(b).
Secretary to the Building Inspection Commission – Ms. Sonya Harris
- d. Reconvene in Open Session to vote on whether to disclose any or all discussions held in Closed Session (Administrative Code Section 67.10(b).

There was no public comment.

This item was continued to the next meeting.

11. Review and approval of the minutes of the Special Joint City Planning Commission and Building Inspection Commission Meeting of May 11, 2023.

There was no public comment.

This item was continued to the next meeting.

12. Adjournment.

President Bito made a motion, seconded by Vice President Tam, to adjourn the meeting.

The meeting adjourned at 1:21 p.m.

RESOLUTION NO. BIC 043-23

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS	
President Bito suggested for a future item to discuss the data on permitting times, and update on the development review permit process. – Bito	Page 6
Commissioner Alexander-Tut requested an overview of what the budget authority was as a Commission, and clarification of the Commission’s policy or to create a policy that would address the budget authority. – Alexander-Tut	Page 6

Respectfully submitted,

Monique Mustapha, Assistant BIC Secretary

Edited By: Sonya Harris, BIC Secretary