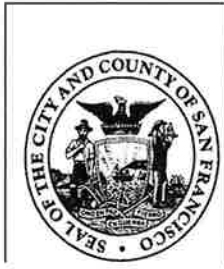


***BIC Regular Meeting
of
September 20, 2023***

Agenda Item 11



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

REGULAR MEETING

Wednesday, August 16, 2023 at 10:00 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: 2662 091 2279

DRAFT MINUTES

- 1. The regular meeting of the Building Inspection Commission was called to order at 10:04 a.m.
Call to Order and Roll Call.**

COMMISSION MEMBERS PRESENT:

Alysabeth Alexander-Tut, **Interim President**

Evita Chavez, **Commissioner, Excused**

Bianca Neumann, **Commissioner**

Earl Shaddix, **Commissioner**

Angie Sommer, **Commissioner, Excused**

Kavin Williams, **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**

CITY ATTORNEY REPRESENTATIVE:

Peter Miljanich, **Deputy City Attorney**

2. President's opening remarks.

Interim President Alexander-Tut said she visited the Permit Center the week before and invited the Commission to do the same and thanked Director Patrick O'Riordan, Assistant Director Christine Gasparac, and Permit Center Manager Gustavo Bojorquez. The digital system and the helpdesk and the shared infrastructure between the departments is an incredible development. The cultural change is not automatic and the Permit Center's leadership and vision for collaboration is clear, and so is the expectation. Especially noteworthy were the monthly reports each department is given that leads to action on the floor.

Interim President Alexander-Tut said the goals for the meeting were to hear from the Director and the Executive leadership team and the BIC would hear items regarding economic recovery, the Department's goal of public excellence and those goals were aligned with Good Government -- Transparency and restoring public trust and deepening the culture of ethics. Also, the Commission is charged with hiring the department's Director and the Commission Secretary and issuing their performance reviews which was one of the agenda items.

Interim President Alexander-Tut said at the last meeting the public may have heard requests for in depth items on housing, budget, and subcommittees. Those items would be moved to the September meeting.

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 there were operational changes the Department could implement that would improve DBI's operational controls and increase DBI revenue.

Mr. Dratler submitted a presentation to the Commission and is on file if requested. Following are the first three items:

Proposed changes

- Don't let DBI inspectors drive to a job site without prescheduling the inspection in PTS.
- This change would allow DBI to charge re-inspection fees when inspectors are denied entry.
 - Jobsite visits are costly, and the cost of a re-inspection should be borne by the party who denies the inspector entry.
- DBI should not allow expired building permits to be renewed on a \$1.00 administrative permit. The cost of renewing a building permit is greater than \$1.00.
 - This practice circumvents DBI's building permit renewal process and deprives DBI of the ability to recover the cost of renewing a building permit.

4. Director's Report.

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

Assistant Director Christine Gasparac presented and made the following points:

- Ms. Gasparac thanked Interim President Alexander-Tut for taking the time to tour the Permit Center to learn more about the improvements the Department was making to the Over-the-Counter permitting process. She said the staff appreciated the opportunity to share their work with you and that all of the Commissioners were invited to do the same.

- Ms. Gasparac addressed the fire that occurred on August 1, 2023 at 300 Octavia in Hayes Valley and said the Department issued a Notice of Violation to the property owner requiring they secure the necessary permits, demolish the wood and steel framework, clear debris, and secure the site. On August 8, 2023 when that work had not proceeded DBI issued an Emergency Order requiring the property owner to move faster and in response to the Emergency Order. The property owner quickly hired a contractor, secured a demolition permit and began taking the framework and construction scaffolding.
- Ms. Gasparac said Octavia Boulevard was a major artery that needed to reopen as soon as possible. Demolition crews worked late to bring the damaged scaffolding down to a safe height and the roadway was reopened before noon that Friday. The demolition work and debris hauling continued over the weekend.
- Ms. Gasparac thanked on-call Building Inspector Trevor Byrne who bird-dogged the demolition and dedicated some late nights and early mornings to ensure the project stayed on track.
- Ms. Gasparac said on July 28, 2023 DBI staff was informed a structure being built on the roof of the Twitter building without a permit, a complaint was opened and an inspector attempted to gain access to the building to investigate, but was not allowed to enter. Since the structure was visible from the street the inspector wrote a Notice of Violation and subsequently the Department received dozens of complaints. DBI inspectors returned to the building and were granted access to view the area where they observed the structure being removed. The property owner's representatives obtained the necessary demolition permit to cover the investigation fees, abate the Notice of Violation and the issue was resolved.
- Ms. Gasparac shared a thank you note from a customer praising the work of Acting Chief Building Inspector Kevin Birmingham as follows:

“Kevin took everything and reviewed all the permits and signatures and inspection letters and so forth and handled it so quickly and issued our CFC's and it was done within a week. So I'm writing to thank you for having a chief in there who knows what he is doing, just like you did. As you know, I run my jobsites by the book and I do all that the inspectors want and I take no shortcuts and I always go the extra mile, so it was especially relieving to have someone like Kevin sort through everything and treat us with service and respect. My clients and I are very appreciative of that. Again, thanks for having Kevin in there.”

- Ms. Gasparac thanked Mr. Birmingham as well for providing a high level of service to the Department's customers and a job well done.

b. Update on major projects.

Assistant Director Christine Gasparac gave an update on major projects for July 2023 as follows:

- Major projects are those with valuation of \$5 million or greater filed, issued, or completed.
 - 2 permits filed (2019 average – 10.4)
 - \$85.8 million in valuation
 - 0 net units
- Major projects with permits issued.
 - 3 issued (2019 average – 6.2)

- \$29.8 million in valuation
- 0 net units
- Major projects with Certificate of Occupancy
 - 1 completed (2019 average – 5.0)
 - \$6.5M million in valuation
 - 0 net units

c. Update on DBI's finances.

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

Revenues:

- 8% of the year had elapsed
- DBI is monitoring revenues and would develop projections at 6 months

Expenditures:

- Too early to project year end revenue and expenditures. In September there would be an update on final accounting of Fiscal Year (FY) 2023

Permits:

- Year to Date (YTD) permits were 10% higher than the prior year
- YTD valuation was 41% lower than last year

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. 230447: Ordinance amending the Building and Planning Codes to create a temporary amnesty program for unpermitted awnings that streamlines the application program to legalize awnings, waives applicable fees, and confers legal nonconforming status for awnings that do not comply with the Planning Code.

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. 230658: Ordinance amending the Building Code to increase fees charged by the Department of Building Inspection by 15 percent.

File No. 230559: 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 Business Signs and new awning installations applied for during the months of May 2023 and May 2024, and to indicate that the Planning Code, Building, and Fire Code waivers are keyed to permit application in May rather than permit issuance in May.

File No. 230764: Ordinance amending the Planning Code to change the way that the City sets, imposes, and collects the various development impact fees that are required; and amending the Building Code to allow payment of development impact fees, with the exception of fees deposited in the Citywide

Affordable Housing Fund, to be deferred until issuance of the first certificate of occupancy and repealing the fee deferral surcharge.

File No. 230703: Ordinance amending the Electrical Code to require electrical and communications work installations be performed by contractors with specific certifications under the California Labor Code; and affirming the Planning Department’s determination under the California Environmental Quality Act.

File No. 230862: Ordinance amending the Building Code to allow the Department of Building Inspection to waive the annual registration fee for vacant or Abandoned Commercial Storefronts; and affirming the Planning Department’s determinations under the California Environmental Quality Act.

e. Update on Inspection Services.

Acting Deputy Director of Inspection Services Matthew Greene presented the following Building Inspection Division Performance Measures for July 1, 2023 to July 31, 2023:

• Building Inspections Performed	4,722
• Complaints Received	404
• Complaint Response within 24-72 hours	402
• Complaints with 1st Notice of Violation sent	58
• Complaints Received & Abated without NOV	230
• Abated Complaints with Notice of Violations	32
• 2nd Notice of Violations Referred to Code Enforcement	29

Acting Deputy Director of Inspection Services Matthew Greene presented the following Housing Inspection Division Performance Measures July 1, 2023 to July 31, 2023:

• Housing Inspections Performed	905
• Complaints Received	392
• Complaint Response within 24-72 hours	384
• Complaints with Notice of Violations issued	143
• Abated Complaints with NOVs	464
• # of Cases Sent to Director's Hearing	36
• Routine Inspections	138

Acting Deputy Director of Inspection Services Matthew Greene presented the following Code Enforcement Services Performance Measures for July 1, 2023 to July 31, 2023:

• # Housing of Cases Sent to Director’s Hearing	64
• # Complaints of Order of Abatements Issues	8
• # Complaint of Cases Under Advisement	0
• # Complaints of Cases Abated	116
• Code Enforcement Inspections Performed	463
• # of Cases Referred to BIC-LC	0
• # of Case Referred to City Attorney	0

Acting Chief Building Inspector of Inspection Services Matthew Greene said Code Enforcement Outreach Programs are updated on a quarterly as follows for the 4th quarter:

Mr. Jerry Dratler said July building permits were up 10 percent and the value was down 40 percent and said that raised the question why building permit fees are based on the value of the work, and not the cost of the service provided. He also said it spoke to the fact that the department was an enterprise.

Commissioner’s Questions and Comments:

Interim President Alexander-Tut asked Mr. Greene to walk the Commissioners through the Inspection Services presentation because there were new items listed.

Mr. Greene said the overall inspections performed by the building inspectors in the specific month included complaints and investigations. The Department received complaints via 311 or through the department website.

Mr. Greene continued to explain the process in which inspectors received a complaint and filed Notices of Violations (NOV). He said complaints filed without a NOV are inspected but are either inaccurate or unverifiable and then closed.

President Alexander-Tut asked for the Department to speak on the Community Outreach programs.

Acting Chief Housing Inspector Luis Barahona presented the following points:

The community outreach programs are community based programs that the Department works with multi-family units that were not Single Room Occupancy (SRO) and the meaning of total persons reached out to was any flyers or communication and contact made within a community including any activity done for outreach purposes.

The counseling and cases number was any cases through outreach, office time or phone calls the public was in contact with the community programs to receive assistance with code violations.

The cases resolved number represented the number of customers who either through their counseling actions were able to get the complaint resolved as well as any cases that may have been referred to DBI where an inspector had to go out and do an inspection.

Internally, the Department has statistics of the number of cases that had been referred to the Department.

5. Discussion regarding kitchen/bathroom remodel Over the Counter (OTC) online instant permits.

Deputy Director of Permit Services Neville Pereira gave a presentation and made the following points:

- Some over the counter permits do not require plans, and DBI offers them online to licensed contractors.
- In October 2020, DBI expanded its online instant permits with the launch of online reroofing permits.
- In May 2021, DBI expanded instant online permits to include some kitchen and bath remodels
- Licensed B and B2 contractors only and must register with DBI
- Type of projects, do not require plans, has no structural changes, R-3 residential buildings only, 1-2 unit buildings only, no active complaints, and no historical buildings.
- 13 percent of no-plans over the counter permits issued in 2023 had been instant online permits for re-roofing or kitchen/bath remodels.
- Plan to increase outreach by using marketing tools such as customer communications, permit center monitors, and Public Advisory Forum.

Commissioner's Comments and Questions:

Commissioner Williams said why was the online permitting system not available to homeowners.

Mr. Pereira said at the onset it was to reduce the volume during the pandemic when it was rolled out and the Department was seeking to make more of its services available online.

Commissioner Shaddix asked was the 6,245 total OTC the total number of people who actually submitted online.

Mr. Pereira said that number was a combined number of walk-ins and online and 13 percent of that number was online.

Commissioner Shaddix said what was the common reason someone would fall out of the online permitting system.

Mr. Pereira said the majority of the department's industry professionals are used to walking in, and getting their permits done that way. However, there was a growing number of professionals that were utilizing the online permitting system and it is still growing.

Commissioner Neumann said that smaller building owners were often times reluctant to do those types of remodels, because of the complex application system. She asked if the Department was planning to make the process easier for those customers.

Mr. Pereira said in his experience he had no issues with rolling out those advances in other jurisdictions, and the Department was currently working to knock down the barriers that existed in the city to make the online services available to other property owners.

Interim President Alexander-Tut asked how many of the walk-in customers could have been done online.

Mr. Pereira said there were many types of permits that could be applied for online such as electrical, plumbing, roofing, kitchen and bath permits and others such as stucco permits could be done online.

Interim President Alexander-Tut said she wondered how many customers would apply online if they knew the process had changed significantly in terms of homeowners, and property owners who think the process was out of their reach and was there any outreach for that demographic.

Mr. Pereira said as the Department opens up the process and made changes outreach would be done as well.

Public Comment:

Mr. Jerry Dratler said he supported all of the online activity that supported the online process and he wanted to talk about the hot water heater permits. He said that he has had to replace the water heater in his home a few times over the last thirty years and was charged for a permit, but said when he searched the Permit Tracking System he was not able to find a plumbing permit for his property.

Mr. Dratler said there were two issues with the missing permits, revenue loss for the city and inspections were very important because of the gas pipes. He said the Department needed controls and to provide a simple and efficient process and hot water heaters would be a good place to start looking.

6. Discussion regarding Permit Tracking System (PTS) enhancements.

Deputy Director of Permit Services Neville Pereira gave a presentation and made the following points:

- As of July 27, 2023 the Department rolled out a new enhancement to the Permit Tracking System (PTS).
- The enhancement allows the system to keep up with the recent requirements of reporting and would lead to more transparency.
- The department found the reason why it was taking so long was limited by the system itself, because there were information attributes that were missing.
- Previously the system was not able to add new lines to the status of the application, the customer can see the status updates online.
- Empowers DBI managers to balance workloads and assignments, measure plan review times, accountability to meet deadlines including the ten day recheck target to keep projects moving.

Public Comment:

Mr. Jerry Dratler read a presentation and submitted it to the BIC, and is on file if requested. Following are the first three items:

- I fully support incremental improvements to the PTS system that improve reporting transparency and accountability.
 - However, this effort is undermined by the lack of data integrity in the PTS system.
- Almost two years go the City Controller issued a 56-page report on DBI's permitting and inspections process and key report findings and recommendations have not been implemented.
- I can't see how the BIC can fulfill its oversight responsibility without insisting on the implementation of the two principal report findings.

Commissioner's Comments and Questions:

Interim President Alexander-Tut said how would the new enhancements to the PTS be used to conduct monitoring that may identify fraud.

Mr. Pereira said the enhancements that were made were primarily targeted toward performance and efficiency measures within plan check assignment and approval process to report what was assigned and what was done, measures to check for fraud were outside the scope of the recent enhancements.

Interim President Alexander-Tut asked if the comment sections in the status updates of PTS have the ability to be changed.

Mr. Pereira said the information once entered was locked and there was no capability to go back to it and make changes.

Commissioner Williams said he had a question about internal management and that Mr. Pereira mentioned a ten-day deadline that created a measure of accountability that also created an alert. He asked how did the alert work if the deadline had passed or was approaching.

Mr. Pereira said PTS was monitored by five different teams plan reviewers of engineers and/or inspectors with a team leader and the enhanced process was to meet with the team lead on a weekly basis to ensure the lead knew what projects had been submitted and what had been done on it. During the Plan Review Division meeting each team lead advises of the available hours of work for new work, and it was monitored on a weekly basis to ensure the integrity of the work that was being put out.

Assistant Director Christine Gasparac said the way the Department verifies if the plan check was appropriate was when the pre plan-check process was implemented part of the process was having two experienced plan checkers to assess the number of hours the plan checkers would take, and if the plan checker took one hour rather than the assessed possible six hours the team lead and managers would have the ability to examine that along with some other upcoming checks and balances.

7. 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.**

The next regular meeting of the Building Inspection Commission would be September 20, 2023.

Commissioner Shaddix said he wanted a follow up on the vacancy tax report and possibly having a representative from the tax collector's department present on how the databases were colliding.

Interim President Alexander-Tut said to be sure an item to vote on creating a Housing Subcommittee was on the agenda for the next meeting, as well as voting on members for the committee.

There was no public comment.

8. Review and approval of the minutes of the Regular Meeting of July 19, 2023.

Commissioner Shaddix made a motion, seconded by Commissioner Neumann, to approve the meeting minutes of July 19, 2023.

The motion carried unanimously.

There was no public comment.

RESOLUTION NO. BIC 050-23

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

a. Public Comment on all matters pertaining to the Closed Session.

There was no public comment.

b. Possible action to convene a Closed Session.

Interim President Alexander-Tut made a motion, seconded by Commissioner Neumann, to convene a Closed Session.

Secretary Harris Called for a Roll Call Vote:

Interim President Alexander-Tut	Yes
Commissioner Chavez	Excused
Commissioner Neumann	Yes
Commissioner Shaddix	Yes
Commissioner Sommer	Excused
Commissioner Williams	Yes

The motion carried unanimously.

RESOLUTION NO. BIC 051-23

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)).

Interim President Alexander-Tut made a motion, seconded by Commissioner Shaddix to reconvene in Open Session and not disclose any discussions held in Closed Session, except to note that the BIC completed the performance evaluation process for the BIC Secretary, Ms. Sonya Harris, and voted to initiate the process to (1) Update the job specifications and salary levels for the position of BIC Secretary, and (2) Create a new position titled Director of Commission Affairs.

Secretary Harris Called for a Roll Call Vote:

Interim President Alexander-Tut	Yes
Commissioner Chavez	Excused
Commissioner Neumann	Yes
Commissioner Shaddix	Yes
Commissioner Sommer	Excused
Commissioner Williams	Yes

The motion carried unanimously.

RESOLUTION NO. BIC 052-23

10. Adjournment.

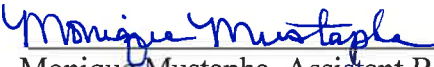
Commissioner Neumann made a motion, seconded by Interim President Alexander-Tut, to adjourn the meeting.

The meeting was adjourned at 12:06 p.m.

RESOLUTION NO. BIC 053-23

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS	
Commissioner Shaddix said he wanted a follow up on the vacancy tax report, and possibly have a representative from the Tax Collector’s department present on how the databases were colliding. –Shaddix	Page 8
Interim President Alexander-Tut requested an item to vote on creating a Housing Subcommittee, as well as voting the members to the committee. – Alexander-Tut	Page 8

Respectfully submitted,


Monique Mustapha, Assistant BIC Secretary


Edited By: Sonya Harris, BIC Secretary