

***BIC Regular Meeting  
of  
October 18, 2023***

***Agenda Item 10***

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



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

**REGULAR MEETING**

**Wednesday, September 20, 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: 2662 497 4269**

## **DRAFT MINUTES**

### **1. Call to Order and Roll Call.**

**The regular meeting of the Building Inspection Commission was called to order at 9:09 a.m., and a quorum was certified.**

#### **COMMISSION MEMBERS PRESENT:**

Alysabeth Alexander-Tut, **Interim President**

Evita Chavez, **Commissioner**

Bianca Neumann, **Commissioner**

Earl Shaddix, **Commissioner**

Angie Sommer, **Commissioner**

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:**

Robb Kapla, **Deputy City Attorney**

**2. President’s opening remarks.**

Interim President Alexander-Tut made the following points:

- To nominate and fill positions to the subcommittees of the BIC.
- Have an extended discussion during item 7c. Director’s Finance report, covering year end finances, the budget timeline, August finances, and questions about the fee study the BIC’s authority.
- Returning to quarterly reporting of the Department’s reforms.
- Review policy on facade glass.

President Alexander-Tut said there was an incident where a member of the public received a Notice of Violation (NOV) and sent threatening messages to a DBI staff member She said that it was unacceptable and the Department and the BIC would not tolerate such acts.

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 public comment.

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

Secretary Harris stated that the Litigation Committee meets on the fourth Tuesday of every other month usually at noon and there needed to be three members.

Commissioner Neumann and Commissioner Williams volunteered for the Litigation Subcommittee.

*Commissioner Sommer made a motion, seconded by Commissioner Chavez to appoint Interim President Alexander-Tut, Commissioner Neumann, and Commissioner Williams to the Litigation Subcommittee.*

There was no public comment.

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

|  |            |
|--|------------|
| <b>Interim President Alexander-Tut</b> | <b>Yes</b> |
| <b>Commissioner Chavez</b>             | <b>Yes</b> |
| <b>Commissioner Neumann</b>            | <b>Yes</b> |
| <b>Commissioner Shaddix</b>            | <b>Yes</b> |
| <b>Commissioner Sommer</b>             | <b>Yes</b> |
| <b>Commissioner Williams</b>           | <b>Yes</b> |

*The motion carried unanimously.*

**RESOLUTION NO. BIC 054-23**

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

Members of the Nominations Subcommittee hold open session meetings to discuss and appoint members to the Board of Examiners (BOE), Code Advisory Committee (CAC), and the Access Appeals Commission (AAC) which the BIC oversees.

Secretary Harris asked Commissioners Neumann and Sommer if they were interested in continuing to serve on the Nominations Subcommittee.

Commissioner Neumann said she would step down from the Nominations Subcommittee.

Commissioner Shaddix and Commissioner Chavez volunteered for the Nominations Subcommittee.

*Commissioner Neumann made a motion, seconded by Interim President Alexander-Tut to appoint Commissioners Sommer, Shaddix, and Chavez to the Nominations Subcommittee.*

There was no public comment.

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

|  |            |
|--|------------|
| <b>Interim President Alexander-Tut</b> | <b>Yes</b> |
| <b>Commissioner Chavez</b>             | <b>Yes</b> |
| <b>Commissioner Neumann</b>            | <b>Yes</b> |
| <b>Commissioner Shaddix</b>            | <b>Yes</b> |
| <b>Commissioner Sommer</b>             | <b>Yes</b> |
| <b>Commissioner Williams</b>           | <b>Yes</b> |

*The motion carried unanimously.*

**RESOLUTION NO. BIC 055-23**

**6. Discussion and possible action to appoint Commissioners to create a Housing Code Enforcement Subcommittee, and to appoint Commissioner to serve on the subcommittee.**

Deputy City Attorney (DCA) Robb Kapla said that the first part was to discuss establishing a committee and the second part was to vote on appointing members to the subcommittee.

President Alexander-Tut proposed to create a Housing Code Enforcement Subcommittee with the goal of looking at trends happening in the Housing Division, with the intent to create policy or recommendations to the BIC regarding the Housing Code and protections of the rental housing stock of San Francisco.

Commissioner Neumann asked for further clarification of the purpose of the subcommittee.

Interim President Alexander-Tut said the committee would be more exploratory rather than the policies that go before the BIC, and discussions that were happening around the community as well as the Housing Code cycle. She said the committee would not meet every month.

Commissioner Neumann asked was the goal of the committee to establish guidance related to the new Housing Code cycle and an opportunity to explore those impacts on policy?

Interim President Alexander-Tut said she would like the intention to be open for new ideas based on what was happening in the Housing Division, as well as to explore suggestions that would come from other places.

Commissioner Sommer said the Code Advisory Committee (CAC) has a Housing Subcommittee and asked if these committees would be doing the same work?

President Alexander-Tut said her understanding of the CAC Housing Subcommittee was they reviewed existing items then send them to the BIC for recommendation. The new committee would be a BIC subcommittee that would focus on the trends in the Department, what folks on the ground were seeing and what the gaps in policy and Code may be.

Commissioner Williams said his understanding of the subcommittee was it had more to do with enforcement rather than the Code and to examine policy and make recommendations to the BIC, as well as to examine what was happening in the enforcement of the Housing Code and to identify areas to improve.

Interim President Alexander-Tut said without crossing the line into personnel matters that Commissioner Williams understood correctly. She said as it related to the broad interpretation to policy without crossing the line of managing staff with the advisement of counsel of where that line would be.

DCA Robb Kapla said the Commission could define the contours and scope of the subcommittee and as a reminder the BIC nor a subcommittee of the BIC could delegate or oversee staff or management. His understanding was the subcommittee was to explore ideas and bring up policy as a subcommittee that would then be presented to the BIC to discuss if it would endorse those potential policies, with no direct management of employees of the Department. The BIC runs its supervision through the Director. The Commission would decide what charge the committee would have and its duration.

Commissioner Chavez said she was interested in the idea of the Housing Code Subcommittee to have the opportunity to explore more into Housing Code Enforcement, and questioned if the subcommittee could have been of benefit in the past.

Interim President Alexander-Tut said there was a member of the public currently circulating an idea around changing the Housing Code around elevators mandates, and there was a lot of stakeholder and potential public impact around the issue. She said there was not a sponsor for the idea and the subcommittee could have an exploratory conversation.

DCA Kapla said the word enforcement should be crossed out of the subcommittee's title as it would be more broad based and not about retroactive enforcement, as it was a limiting word due to the exploratory nature of the mission.

*Commissioner Neumann proposed a motion, seconded by Commissioner Chavez, to establish the Housing Code Subcommittee with an eighteen month duration.*

Public Comment:

Mr. Juan Garcia with The Single Room Occupancy (SRO) Family United Collaborative said the SRO Collaborative supported the creation of the Housing Code Subcommittee as a mechanism of increased support for Housing Inspection Services (HIS) and all the other inspection divisions at DBI.

Mr. Garcia thanked the Commission for its commitment to the efforts of the SRO Collaborative community based code enforcement.

Commissioner Neumann and Commissioner Williams discussed whether or not there would be a sunset date for the subcommittee. The Commission agreed to remove the eighteen-month duration of the subcommittee from the motion.

*Commissioner Neumann made a motion, seconded by Commissioner Chavez to establish the Housing Code Subcommittee with an annual check-in on progress.*

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

|  |            |
|--|------------|
| <b>Interim President Alexander-Tut</b> | <b>Yes</b> |
| <b>Commissioner Chavez</b>             | <b>Yes</b> |
| <b>Commissioner Neumann</b>            | <b>Yes</b> |
| <b>Commissioner Shaddix</b>            | <b>Yes</b> |
| <b>Commissioner Sommer</b>             | <b>Yes</b> |
| <b>Commissioner Williams</b>           | <b>Yes</b> |

*The motion carried unanimously.*

**RESOLUTION NO. BIC 056-23**

Interim President Alexander-Tut, Commissioner Neumann, and Commissioner Chavez volunteered to join the Housing Code Subcommittee.

*Interim President Alexander-Tut made a motion, seconded by Commissioner Shaddix to appoint Commissioners Alexander-Tut, Neumann, and Chavez to the Housing Code Subcommittee.*

There was no public comment.

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

|  |            |
|--|------------|
| <b>Interim President Alexander-Tut</b> | <b>Yes</b> |
| <b>Commissioner Chavez</b>             | <b>Yes</b> |
| <b>Commissioner Neumann</b>            | <b>Yes</b> |
| <b>Commissioner Shaddix</b>            | <b>Yes</b> |
| <b>Commissioner Sommer</b>             | <b>Yes</b> |
| <b>Commissioner Williams</b>           | <b>Yes</b> |

*The motion carried unanimously.*

**RESOLUTION NO. BIC 057-23**

**7. Director’s Report.**

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

Director O’Riordan presented and discussed the following points:

- Today’s meeting will have an update from Compliance Manager Chris Vergara on the Department’s reforms initiative which launched in 2021
- Most of the reforms had been implemented as well as some of those recommended by the Controller’s Office
- Received final report regarding the glass window failures during the prior winter’s storms
- The report done by Wiss, Janney, Elstner Associates, Inc. (WJE) stated the failures were caused by maintenance issues
- Upcoming department events and outreach:
  - Quarterly Public Advisory Forum
  - Janey Chan, Technical Services Division Manager, will be speaking at the San Francisco Association of Realtors to provide information on Accessory Dwelling Units (ADU)
  - Department of Building Inspection’s Annual All-Hands Meeting

**b. Update on major projects.**

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

- Major projects are those with valuation of \$5 million or greater filed, issued, or completed.
  - 1 permit filed
  - \$60 million in valuation
  - 0 net housing units
- Major projects with permits issued.
  - 4 issued
  - \$65.6 million in valuation
  - 0 net housing units

- Major projects with Certificate of Occupancy
  - 3 completed
  - \$41 million in valuation
  - 80 net housing units

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

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

- Books close August – September
- July – August: Board of Supervisor modifies the Mayor's budget and approves the final budget
- Fund Balance: In 2020 due to the pandemic revenue dropped \$28M (33%)
  - Current position: \$77M cash, \$29M fund balance
  - Current operating deficit: \$23M per year
- Fiscal Year 2023 Summary:
  - \$3.3M shortfall of budget revenue, \$3.4M expenditure savings
  - \$27.1M use of fund balance
  - \$45.3M remaining operating fund balance
  - \$6.6M expenditure appropriation carryforward
- Fee Study:
  - Expected completion November 2023, for FY25 implementation
  - Maximum allowed fee amount is the cost to provide each service
  - Cost to provide service = staff hourly rate x hours to provide service
  - Hourly staff cost has been determined
  - Demand/volume estimates based on FY23
- August 2023 Report Revenues and Expenditures:
  - Budgeted fee revenue collected was 15%
  - 15% fee increase effective as of August 28, 2023
- Permits:
  - Year to date of permits 14% higher than the previous year
  - Year to date valuation 23% lower than the previous year

Commissioner's Question and Comments:

Commissioner Williams asked with the projections of expected revenue increase what was the basis for the expectation?

Mr. Koskinen said the Department had a large deficit and the fee study asks how much needed to be charged in order to meet \$80 million of expenditures. The plan was to propose one-third roughly each year for three years and assuming demand for the Department's permits stayed the same, then the fifteen



to twenty percent increase was working.

Commissioner Williams said with the data that had been gathered was there a comparable city to go over their processes.

Mr. Koskinen said part of the fee study was a comparison to other jurisdictions and those fee structures may be different from our Department, as they charge for different things and the majority of those other jurisdictions were general fund supported. For example, our city builds in Code Enforcement to its fees where other jurisdictions would not. The priority was the fee study report and the analysis would come some time after.

Commissioner Shaddix said for clarification of the city grant on page eight showed a deficit of \$1.8 million and on page twelve the city grant showed \$359,000 deficit.

Mr. Koskinen said page eight was a look back at Fiscal Year (FY) 2022-2023 and page twelve looked ahead to FY 2023-2024 and the budgets for the two years were different and the budget was higher in FY23 because the Community Based Organization (CBO) had not billed for everything the previous year. In FY24 the budget was approved for \$4.8 million, and when the CBO does bill the Department the \$359,000 would be used then.

Commissioner Chavez asked if it was correct that some of the funds to the CBO was from the City and not DBI?

Mr. Koskinen said the CBO was not part of the fee study, because it was a transfer from the General Fund and the Department did not have to increase fees to pay for the CBO FY2023-2024 since it had its own funding source and was entered into the budget system as an ongoing expense.

Commissioner Chavez said how would the fee study interact with the fees the Department had waived, and where was the largest fee discrepancy within the Department.

Mr. Koskinen said the Department would absorb the waived fees as they were not estimated to reach a devastating amount and the Department charges the least for inspections, which was an item the Mayor's Office was concerned about as well. Plan check fees were higher than Issuance fees which inspections were part of, although inspectors had more overhead work and less time to do actual inspections. Plan check fees were expected to go up; however, issuance fees needed to go up more.

Commissioner Sommer asked was the amount the Department was allowed to put in its fund balance capped?

Mr. Koskinen said there was not a legal limit but a general reasonableness such as if the Department saved \$500 million and we were sued. If it was said that we were taxing rate payers and why does the Department have so much money we would probably lose, but the rate line was observation of past practices of what the maximum reserves had been.

Commissioner Neumann questioned was the Department allowed to collect fees to cover the cost of the CBO programs, and was there a way to draw the line between the recovering grant programs and permitting fees?

DCA Robb Kapla said there were discussions in the past of what fees the Department could recover from such as permit fees that may have been associated with the types of properties that had enforcement issues that resulted from grant projects, but it was a tricky area where a bathroom remodel may face a surcharge for unrelated services.

DCA Kapla said there was a small universe of fees that could be increased, but there was no way to make up difference.

Mr. Koskinen said part of it was the apartment license fees and hotel license fees that would potentially

fund those programs and the fee increase for those would have to be very, very significant to recover \$5 million. However, the question would be posed to the Department's consultant and City Attorneys, but the increase amount would have been roughly seventy percent.

Interim President Alexander-Tut said what was the Department's internal timeline for figuring the budget out.

Mr. Koskinen said in November enhancements are requested to form a proposal and around January staff begins to learn of other costs the budget may or can be affected by, and working to balance the numbers from that standpoint.

Interim President Alexander-Tut asked several questions regarding the fee study and budget timeline and how it was to be approved.

Mr. Koskinen explained the Department worked closely with the Mayor's Office during budget season, and during the Mayor's phase of the budget approval process was when the Department's wish list could be added or subtracted.

Interim President Alexander-Tut said how were new programs built in to the fee study or budget.

Mr. Koskinen said it depended on if there were new cost that came along with the program, rarely programs were funded legislatively and if a new program needed new staff that cost would be proposed in the budget.

Interim President Alexander-Tut said could the Board of Supervisors (BOS) pass legislation that the CBO programs would be mandated to the Department and a fee associated.

Mr. Koskinen said the authority to charge a fee would be a change to the Building Code in which the BOS would have to approve.

Interim President Alexander-Tut said the Code Advisory Committee (CAC) recommended the Department revisit fees annually and would require a consultant yearly as well, so how would the Department operationalize fee consideration on an annual basis.

Mr. Koskinen said he had developed a fee model and was working with a consultant who would either add it to their model or say that his was fine to work with, and then whichever model was used language would then need to be added to the Building Code to have fees adjusted.

Interim President Alexander-Tut said she would like to receive a full analysis of the fee study once it was completed so the entire BIC could read over it rather than a slide deck presentation.

Mr. Koskinen said only fee supporting expenditures were part of the fee study not the CBO programs.

Commissioner Williams said was there an analysis done for the across the board of fifteen percent.

Mr. Koskinen said there was no analysis, however the last time the Department changed its fees was in 2015 and the recent increase of fifteen percent across the board would not lead to over recovery.

#### **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:

San Francisco Board of Supervisors Ordinance in Effect

**Ordinance 139-23:** Temporary amnesty program for unpermitted awnings that streamlines application process to legalize awnings and waives applicable fees.

**Ordinance 154-23:** Site permit application process limiting the scope of review of site permits and

requiring simultaneous interdepartmental review of electronically submitted applications for site permits.

**Ordinance 174-23:** Fifteen percent across the board increase to DBI fees.

**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. 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. 230703:** Ordinance amending the Electrical Code to require electrical and communicates work installations be performed by contractors with specific certifications under the California Labor Code.

**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 determination under the California Environmental Quality Act.

**File No. 230112:** Hearing on strategies for apartment building fire prevention and support for victims, including current City protocols and resources available for those facing displacement; and requesting the San Francisco Fire Department and the Human Services Agency to report.

**AB 1114:** Requirements for housing development approvals, effective January 1, 2024. Determine completeness of permit application no later than 15 business days after DBI received the application. For projects with 25 units or fewer DBI shall complete the review within 30 business days. For projects with 26 units or more DBI shall complete review within 60 business days.

Commissioner’s Questions and Comments:

Commissioner Neumann said would the Department be reimbursed for the fees that were waived for the awning program.

Mr. Nicita said unfortunately the Department would not be reimbursed for those waived fees.

#### **e. Update on Inspection Services.**

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

|   |       |
|---|-------|
| • Building Inspections Performed                        | 5,057 |
| • Complaints Received                                   | 459   |
| • Complaint Response within 24-72 hours                 | 459   |
| • Complaints with 1st Notice of Violation sent          | 82    |
| • Complaints Received & Abated without NOV              | 220   |
| • Abated Complaints with Notice of Violations           | 34    |
| • 2nd Notice of Violations Referred to Code Enforcement | 20    |

Acting Deputy Director of Inspection Services Matthew Greene presented the following Housing

Inspection Division Performance Measures August 1, 2023 to August 31, 2023:



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



Acting Deputy Director of Inspection Services Matthew Greene said Code Enforcement Outreach Programs are updated on a quarterly as follows for the 1<sup>st</sup> quarter:



Chief Housing Inspector Jamie Sanbonmatsu introduced Senior Housing Inspector Luis Barahona.

Senior Inspector Barahona presented the following Housing Inspection Services (HIS) case update:

A tenant complained about ceiling damage in their bathroom in a building on O'Farrell Street on Friday, March 31, 2023.

He showed several photos of the damage before the work was done, along with the repaired work afterwards. In addition, he explained the process of the Housing Inspector Ng doing an initial inspection, issuing a Notice of Violation (NOV), doing a re-inspection after the damage was repaired.

There was no public comment.

## 8. Update regarding DBI reforms.

Compliance Manager Christopher Vergara presented the following points:

- Department of Building Inspection Reforms Initiative was launched May 2021 and augmented September 2021 by the Controller’s Office assessment
- Areas of reform included, management, human resources, record management, management information services (MIS), inspection and permit services
- The following were the recommendations from the Controller’s Office:
  - Ethical Tone
  - Whistleblower Program
  - Compliance Program
  - Permit Tracking System (PTS) improvements
  - Supervisory Quality Assurance Reviews
  - Internal Certifications
  - Fees and Penalties review
  - Public Outreach and Education
- Within the Compliance Program the reforms were either in development, completed, or ongoing:
  - In development:
    - Annual Risk Assessment
    - Identify Permit Application deviations
  - Ongoing:
    - Training on Permit Plan reviews and Inspections
  - Completed:
    - Operating Procedures and Policies (OPP)
    - Adherence to Statement of Incompatible Activities, Code of Professional Conduct, and DBI Policies
- Other completed reforms:
  - Standardized interview, hiring and onboarding processes. Established a standard of posting a recruitment for a minimum of two weeks.
  - Instituted pre-inspections for enhanced quality compliance
  - Improved our complaint information webpage with details for customers on how to report concerns
  - Developed a process for reporting repeat code violators to appropriate state licensing boards
  - Conducted cybersecurity assessment training for MIS managers
  - Completed secure share implementation for records management

**Commissioner’s Questions and Comments:**

Commissioner Neumann said some of the items seemed measurable and asked for an update in the future and said was the Department seeing engagement with the whistleblower system, for example.

Mr. Vergara said there had been some engagement with the whistleblower program because it helped improve the Department’s processes and gave insight to what the public saw of DBI. The majority of complaints were misunderstandings of the internal processes of what went where and in response DBI developed a comprehensive investigation where the issue was outlined, then attached a complaint data sheet to show the work that had been done to address the complaint. This has made some good headway with customers and it showed that DBI was not so complex, along with how the department did its work. The internal complaints are filtered through the Controller’s Office, but they were geared more towards personnel issues.

Interim President Alexander-Tut said what was timeline for the department to realize some of the tracking tools for the annual risk assessment.

Mr. Vergara said his primary focus was to track the in and out of district inspections and preferred it had been rolled out last fiscal year; however, MIS had a lot of projects and it continues to be in progress.

Mr. Vergara said there was some details in the works but it was not possible to pull a report from it and there would be an update as the department made progress.

Acting Chief Building Inspector Matthew Greene said the permit tracking system and the complaint tracking system were part of the same Oracle database.

Interim President Alexander-Tut said were there further conversations regarding penalty fees from the Controller's office.

Director O'Riordan said the penalty fees were mandated by the State and Building Codes and the Department was not in discussion of making any adjustments.

Commissioner Neumann said last year the Commission had a conversation regarding penalty fees that stemmed from the San Bruno property incident.

DCA Robb Kapla said there was comprehensive legislation on Planning and Building Code for certain violations including demolitions that was in the legislative update, and it was in effect at the time of this meeting.

Interim President Alexander-Tut asked how many people were currently on the enhanced compliance list?

Mr. Greene said there was one other person added to the list besides Santos that would be presented to the Director in the future.

There was no public comment.

## **9. Update on the findings and recommendations into the March 2023 glass failures in San Francisco high-rise buildings.**

Deputy Director of Permitting Services Neville Pereira presented the following points:

- Legislation was passed to allow DBI to require buildings 15+ stories post 1998 to perform a façade inspection and submit a report within six months of DBI notification
- Structural Subcommittee and Code Advisory Committee recommended investigation for more targeted actions
- DBI hired Wiss, Janney, Elstner Associates, Inc. (WJE) to investigate the glass failures and provide recommendations for potential inclusion in the Façade Inspection program
- WJE found 30 breakages were likely caused by issues that could have been identified and mitigated prior to the storms
- Key Recommendations:

- City: Update the Façade Inspection and Maintenance Program (FIMP) to require a supplemental visual inspection of all glazed openings at the five-year point between periodic façade inspections for fifteen or more stories, with spandrel glass or history of breakage in past five years, unrepaired issues which may result in a falling hazard.
- Next Steps:
  - Code Advisory Committee reviewed WJE report and recommendations
  - Publish Information Sheet & notify owners of six-month deadline
  - Consider broader changes to Façade Inspection and Maintenance Program (legislative changes would be required)

There was no public comment.

Commissioner's Questions and Comments:

Commissioner Chavez said she read that the upcoming winter would be as brutal as the year before and was the Department working with building owners to prepare.

Mr. Pereira said the windows had pre-existing conditions to the high winds from the storm and those conditions were what the building owner needed to get ahead of next winter.

Commissioner Williams said if the building owners were conducting the five year visual inspections of the windows as recommended?

Mr. Pereira said there was not a consistent response from the building owners if they responded at all.

Commissioner Neumann said how would the Ordinance File No. 230373 amending the Building Code affect inspections for buildings under three or four stories with respect to the California Environmental Quality Act (CEQA) report.

Mr. Pereira said the Ordinance referred to the existing façade program and there was no guidance to look into.

Commissioner Neumann said were there recommendations in the report to possibly update the Building Code?

Mr. Pereira discussed some of the findings from the report and how those may or may not be translated into the Building Code.

Interim President Alexander-Tut said what was the difference between a mandate and a recommendation in the report.

Mr. Pereira said no mandates came out of the report and the Engineers were only allowed to make recommendations for the Department to then make mandates.

DCA Kapla said the report itself created recommendations that would turn in to mandates.

## 10. 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 Building Inspection Commission (BIC) would be October 18, 2023 and a Litigation Committee meeting was tentatively scheduled for October 10, 2023, and depending upon completion of the fee study for the Department a Special Meeting may need to be scheduled.

Commissioner Williams requested to schedule a Commissioner retreat for the beginning of the year to discuss the Board’s priorities for the year.

**11. Review and approval of the minutes of the Regular Meeting of August 16, 2023.**

*Commissioner Neumann made a motion, seconded by Commissioner Shaddix, to approve the Regular meeting minutes of August 16, 2023.*

*The motion carried unanimously.*

There was no public comment.

**RESOLUTION NO. BIC 058-23**

**12. Adjournment.**

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

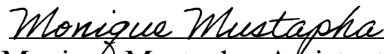
The meeting was adjourned at 12:08 p.m.

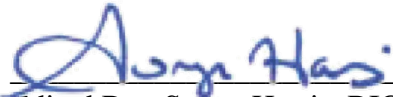
**RESOLUTION NO. BIC 059-23**

| <b>SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS</b>  |         |
|---|---------|
| Interim President Alexander-Tut said she would like to receive a full analysis of the fee study once it was completed so the entire BIC could read over it rather than a slide deck presentation. – Alexander-Tut | Page 9  |
| Commissioner Williams requested to schedule a Commissioner retreat for the beginning of the year to discuss the Board’s priorities for the year. – Williams   | Page 15 |



Respectfully submitted,

  
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Monique Mustapha, Assistant BIC Secretary

  
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Edited By: Sonya Harris, BIC Secretary