

MEMORANDUM

June 8, 2017

TO: MEMBERS, PORT COMMISSION
Hon. Willie Adams, President
Hon. Kimberly Brandon, Vice President
Hon. Leslie Katz
Hon. Doreen Woo Ho

FROM: Elaine Forbes
Executive Director

SUBJECT: Request approval of Executive Director's nominations of Hilary Hubbard, Paul Switenki, Joe Igber, Noelle Yuen, and Ken Lindberg for appointment to the five member Port Building Code Review Board

DIRECTOR'S RECOMMENDATION: Approve Nominations and Resolution

Introduction and Background

Section 105A of the Port of San Francisco Building Code (the "Code" or "Port Building Code") establishes a five-member Port Building Code Review Board ("Review Board") to hear and adjudicate appeals of (1) the granting, disapproval, denial, suspension or revocation of any permit under the Code, (2) written Code interpretations made by the Port's Chief Harbor Engineer ("CHE") and (3) orders of abatement. The Code specifies that the Review Board shall consist of five members selected by the Port Executive Director and approved by the Port Commission.

On September 11, 2007 the Port Commission adopted Resolution 07-70 which established the Review Board and appointed five individuals to serve as Review Board members. The term of each Review Board member is limited to a maximum of three years. However, members may be re-nominated to additional terms, subject to the same selection and approval process. On March 11, 2014, the Port Commission adopted resolution No. 14-14 approving the nominations of the current Review Board members (Patrick Buscovich, Hilary Hubbard, Paul Switenki, Edward X. Qi, and John J. Sims.) At this time, the three-year terms of all existing members have expired and the Port Commission must now approve five new members to serve on the Review Board.

THIS PRINT COVER CALENDAR ITEM NO. 10B

Review Board Organization

Section 105A.1.1 of the Code requires that the Review Board be composed of five members who “shall have technical skills and/or working experience related to construction.” The Review Board is required to have a minimum of three technical members, who shall be a registered and/or licensed California structural engineer, architect, and utilities engineer, which may be an electrical, mechanical, fire protection engineer or certified building official. Three members, including a minimum of two technical members, are required to form a quorum.

The Review Board conducts meetings once annually, at a minimum.

Limitations on Review Board Authority

Port Building Code Section 105A.1 limits the appeals heard by the Review Board to the following matters:

1. The granting or denying of any permit, or the revoking or refusing to revoke any permit under the current edition of the Port Building Codes; or
2. Any written interpretation of the CHE involving construction methods, assemblies or materials or where safety is involved; or
3. Any order of abatement resulting from a CHE Hearing and any notice of violation order issued pursuant to Section 102A of the Port Building Code.

Under Section 105A.1.2 of the Code, the Review Board’s review of an appeal is limited to a review of the record for any error by the CHE, whose decision the Review Board may reverse only upon a finding of such error. The Review Board has no authority to waive requirements of the Code.

The Code specifies that appeals from the CHE decisions in enforcement of barrier free design or physical accessibility shall be administratively processed through the San Francisco Department of Building Inspection (“DBI”) Access Appeals Commission.

Nominations to Review Board

After staff’s recruitment of qualified candidates, the Port Executive Director now nominates and recommends that the Port Commission confirm the following five individuals* for appointment to the Port Building Code Review Board positions: Hilary Hubbard (renominated)*, Paul Switenki (renominated)*, Joe Igber*, Noelle Yuen*, and Ken Lindberg.

* Designated Technical Members

The resumes of these nominees for Review Board membership are attached in Exhibit I.

Upon the Port Commission's approval, these individuals will be appointed to the Review Board for a three-year term, effective immediately.

Summary

Under the Port Building Code, the Port Building Code Review Board serves an important function for conducting appeals of Code-related decisions and discussing building code-related issues relevant to the Port. Members of the Port Building Code Review Board are selected by the Executive Director and approved by the Port Commission. The term limits of the current Review Board members have expired. Therefore, staff requests that the Port Commission approve and re-appoint the following two members: Hilary Hubbard, Paul Switenki; and approve and appoint the following three new members: Joe Igber, Noelle Yuen, and Ken Lindberg, to serve as Review Board members for a maximum term of three years.

Prepared by: Neil Friedman
Chief Building Inspector

For: Rod Iwashita
Chief Harbor Engineer

Attachment

Exhibit I: Resumes of Nominees

**PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

RESOLUTION NO. 17-27

WHEREAS, the 2016 Port of San Francisco Building Code provides for the creation of a Port Building Code Review Board to hear appeals from the Chief Harbor Engineer's decisions and interpretations based upon the Port Building Code, as specified in Section 105A.1 of the Port Building Code; and

WHEREAS, Section 105A.1.1 of the Port Building Code provides for the Port Executive Director to select and nominate the members of the Port Building Code Review Board subject to approval by the Port Commission; and

WHEREAS, the Port Commission previously appointed the members of the Port Building Code Review Board on March 11, 2014, pursuant to Resolution 14-14, and the terms of those members have expired; and

WHEREAS, the Port Executive Director, pursuant to Section 105A.1.1 of the Port Building Code, has re-nominated Hilary Hubbard and Paul Switenki for additional terms on the Port Building Code Review Board, and has nominated Joe Igber, Noelle Yuen, and Ken Lindberg as new successor members of the Port Building Code Review Board, all of whom are qualified; and

WHEREAS, Section 105A.1.1 of the Port Building Code limits the term of each individual member of the Port Building Code Review Board to a maximum period of three years; now, therefore be it

RESOLVED, that the Port Commission hereby approves the Executive Director's nomination of, and appoints, the following individuals to serve as members of the Port Building Code Review Board for a term of three years: 1) Hilary Hubbard, 2) Paul Switenki, 3) Joe Igber, 4) Noelle Yuen, and 5) Ken Lindberg; and, be it further

RESOLVED, that these members of the Port Building Code Review Board shall have the responsibility and authority to adjudicate issues and hear appeals arising from the Port Building Code in accordance with, and as limited by, Section 105A of the current edition of the Port of San Francisco Building Code.

I hereby certify that the foregoing resolution was adopted by the San Francisco Port Commission at its meeting of, June 13, 2017.

Secretary

Exhibit I

Resumes of Nominees