

1 [Permit Application Processing]

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3 **Ordinance amending Article III of the San Francisco Campaign and Governmental**
4 **Conduct Code by adding Chapter Four, section 3.400 to require the equal treatment of**
5 **permit applicants and the adoption of a permit processing code of conduct.**

6 Note: Additions are *single-underline italics Times New Roman*;
7 deletions are *strikethrough italics Times New Roman*.
8 Board amendment additions are double underlined.
9 Board amendment deletions are ~~strikethrough normal~~.

9 Be it ordained by the People of the City and County of San Francisco:

10 Section 1. Article III of the San Francisco Campaign and Governmental Conduct Code
11 is hereby amended by adding Chapter 4, section 3.400 as follows:

12 **CHAPTER 4 PERMIT APPLICATION PROCESSING**

13 **Sec. 3.400. PERMIT APPLICATION PROCESSING.**

14 (a) EQUAL TREATMENT OF PERMIT APPLICANTS. It shall be the policy of the Department
15 of Building Inspection, the Planning Department, the Department of Public Works and the officers and
16 employees of such departments to treat all permit applicants the same regardless of the relationship of
17 the applicant and/or the applicant's representatives to any officer or employee of the City and County
18 and regardless of whether the applicant hires a permit consultant to provide permit consulting services.
19 Intentional preferential treatment of any permit applicant and/or the applicant's representatives by any
20 officer or employee of the Department of Building Inspection, the Planning Department, or the
21 Department of Public Works shall subject the officer or employee to disciplinary action for official
22 misconduct.

23 (b) APPLICATION PRIORITY. It shall be the policy of the Department of Building Inspection,
24 the Planning Department, the Department of Public Works and the officers and employees of such
25 departments to review, consider, and process all applications, revisions, corrections and other permit-

1 related material in the order in which that type of material is received unless there is a written finding
2 of a public policy basis for not doing so, such as the involvement of public funds in the project for
3 which the permit is sought, or the response to a delay caused by an earlier procedural error in
4 processing the permit or another permit for the same project. Absent such a finding, any officer or
5 employee of the Department of Building Inspection, the Planning Department, or the Department of
6 Public Works who intentionally fails to review, consider and process all applications, revisions,
7 corrections and other permit-related material in the order in which that type of material is received
8 shall be subject to disciplinary action for official misconduct. The Department of Building Inspection,
9 the Planning Department, and the Department of Public Works shall each adopt written guidelines for
10 determining when there is a public policy basis for processing permit material out of order.

11 (c) PERMIT PROCESSING CODE OF CONDUCT. No later than 60 days after the effective
12 date of this Article, the Ethics Commission shall adopt a code of conduct for permit processing (the
13 "Permit Processing Code of Conduct") containing ethical guidelines for permit applicants, permit
14 consultants, and officers and employees of the Department of Building Inspection, the Planning
15 Department, and the Department of Public Works. The Permit Processing Code of Conduct shall be
16 posted in a conspicuous place in each department, and a copy shall be distributed to each officer of the
17 City and County who makes or participates in making decisions related to permit applications.

18 (d) EFFECTIVE DATE. The provisions of this Section shall take effect December 15, 2004.

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20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22 By: _____
23 Chad A. Jacobs
24 Deputy City Attorney
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