

1 [Campaign and Governmental Conduct Code - Permit Prioritization]

2

3 **Ordinance amending the Campaign and Governmental Conduct Code to create a**
 4 **Permit Prioritization Task Force responsible for recommending permit prioritization**
 5 **guidelines to the Department of Building Inspection, the Planning Department, and the**
 6 **Department of Public Works, requiring those departments to review and update their**
 7 **permit prioritization guidelines periodically, and requiring the commissions that**
 8 **oversee each department to approve the department’s permit prioritization guidelines;**
 9 **and affirming the Planning Department’s determination under the California**
 10 **Environmental Quality Act.**

11 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 12 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 13 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
 14 **Board amendment additions** are in double-underlined Arial font.
 15 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 16 **Asterisks (* * * *)** indicate the omission of unchanged Code
 17 subsections or parts of tables.

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

19 Section 1. California Environmental Quality Act.

20 The Planning Department has determined that the actions contemplated in this
 21 ordinance comply with the California Environmental Quality Act (California Public Resources
 22 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
 23 Supervisors in File No. 230167 and is incorporated herein by reference. The Board affirms
 24 this determination.

25

1 Section 2. Findings.

2 (a) Officers and employees of the City must treat all permit applicants in an ethical,
3 fair, expeditious, and courteous manner. If the Department of Building Inspection, the
4 Planning Department, and the Department of Public Works determine to prioritize certain
5 types of permits over others, they should do so in an open and transparent way with the input
6 of departmental staff, oversight commissions, and the public.

7 (b) Requiring an open and transparent process of determining permit prioritization will
8 reduce the possibility of favoritism or the appearance of impropriety between City officials and
9 permit applicants and increase public confidence in the fairness and equity of departmental
10 policies and procedures.

11 (c) Departmental permit review performance will improve with goal setting, data
12 analysis, and increased coordination between permit review departments.

13
14 Section 3. Article III, Chapter 4, of the Campaign and Government Conduct Code is
15 hereby amended by revising Section 3.400, to read as follows:

16 **SEC. 3.400. PERMIT APPLICATION PROCESSING.**

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

1 (b) **APPLICATION PRIORITY.** It shall be the policy of the Department of
2 Building Inspection, the Planning Department, the Department of Public Works and the
3 officers and employees of such departments to review, consider, and process all applications,
4 revisions, corrections and other permit-related material in the order in which that type of
5 material is received unless there is a written finding of a public policy basis for not doing so,
6 such as the involvement of public funds in the project for which the permit is sought, or the
7 response to a delay caused by an earlier procedural error in processing the permit or another
8 permit for the same project. Absent such a finding, any officer or employee of the Department
9 of Building Inspection, the Planning Department, or the Department of Public Works who
10 intentionally fails to review, consider, and process all applications, revisions, corrections, and
11 other permit-related material in the order in which that type of material is received shall be
12 subject to disciplinary action for official misconduct. The Department of Building Inspection,
13 the Planning Department, and the Department of Public Works shall each adopt written
14 guidelines for determining when there is a public policy basis for processing permit material
15 out of order and shall periodically review such guidelines as provided in subsection (c) of this Section
16 3.400. For purposes of this ~~s~~Section 3.400, and any corresponding written guidelines,
17 expediting of work consisting primarily of disability access improvements for real property
18 shall qualify as a public policy basis for processing permit material out of order, on a priority
19 basis.

20 (c) **PERIODIC REVIEW AND COORDINATION OF PERMIT**

21 **PRIORITIZATION GUIDELINES.** The Department of Building Inspection, the Planning
22 Department, and the Department of Public Works shall review and update their respective permit
23 prioritization guidelines as provided in this subsection (c).

24 (1) Interdepartmental Permit Prioritization Task Force Review of Permit
25 Prioritization Guidelines.

1 (A) Establishment of Permit Prioritization Task Force. There is hereby
2 established an interdepartmental Permit Prioritization Task Force (“Task Force”) consisting of five
3 members. Four members of the Task Force shall be appointed by the Director of the Department of
4 Building Inspection, the Planning Director, the Public Works Director, and the President of the Board
5 of Supervisors, respectively. All such appointees shall be City employees and shall serve at the
6 pleasure of their appointing authority; the appointee of the President of the Board of Supervisors shall
7 be an employee or official of the Board of Supervisors. The appointing authorities for the Task Force
8 shall make their initial appointments no later than 60 days after the effective date of the ordinance in
9 Board File No. 230167, creating the Task Force. The Director of the Permit Center or the Director’s
10 designee shall also be a member of the Task Force and shall serve as chair of the Task Force. The
11 Permit Center shall provide administrative support to the Task Force.

12 (B) Powers and Duties of Task Force. The Task Force shall recommend
13 permit prioritization guidelines for the Department of Building Inspection, the Planning Department,
14 and the Department of Public Works to the respective department heads and oversight commissions.
15 The Task Force shall endeavor to align the respective departments’ guidelines to achieve a common
16 Citywide list of the types of permits each department will prioritize. Each department shall have
17 discretion to designate department-specific priority permits. The permit prioritization guidelines shall
18 include a goal for the amount of time required for the department’s review of each priority permit type.

19 (2) Commission Review and Approval of Permit Prioritization Guidelines. The
20 Building Inspection Commission, the Planning Commission, and the Public Works Commission shall
21 approve the permit prioritization guidelines and any changes to such guidelines for the department
22 each commission oversees.

23 (3) The Department of Building Inspection, the Planning Department, and the
24 Department of Public Works shall complete the first review of their existing prioritization guidelines
25 pursuant to this subsection (c) no later than December 31, 2023.

1 (4) Ongoing Review of Prioritization Guidelines. Following the first review
2 process required by subsection (c)(3) of this Section 3.400, the Department of Building Inspection, the
3 Planning Department, and the Department of Public Works shall review their prioritization guidelines
4 prior to June 30, 2026 and no later than June 30 every other year thereafter and, with commission
5 approval, make any changes deemed necessary or appropriate. The Director of the Permit Center may
6 reconvene the Task Force by providing notice to the appointing authorities of the Task Force members,
7 upon determining that it is in the public interest to recommend modifications to one or more of the
8 departments' prioritization guidelines.

9 (5) Data Collection and Reporting. The Department of Building Inspection, the
10 Planning Department, and the Department of Public Works shall collect data on the processing time
11 for each permit type included in their respective permit prioritization guidelines. On an annual basis at
12 least 60 days prior to the reporting deadline to the Mayor and Board of Supervisors specified in this
13 subsection (c)(5), such departments shall each transmit to the Director of the Permit Center data
14 concerning the department's average processing time for each prioritized permit type in the previous
15 calendar year. The departments may separately report the average time the department is awaiting a
16 response from the permit applicant per prioritized permit type, where such data is available. Where
17 data is available, such departments shall also include data concerning the impact of prioritization on
18 permit types that are not prioritized. The Director of the Permit Center shall compile such data and
19 transmit an annual report to the Mayor and the Board of Supervisors no later than June 30, 2024, and
20 every year thereafter no later than June 30.

21 **(~~e~~d) PERMIT PROCESSING CODE OF CONDUCT.** No later than 60 days after the
22 effective date of this Article, the Ethics Commission shall adopt a code of conduct for permit
23 processing (the "Permit Processing Code of Conduct") containing ethical guidelines for permit
24 applicants, permit consultants, and officers and employees of the Department of Building
25 Inspection, the Planning Department, and the Department of Public Works. The Permit

1 Processing Code of Conduct shall be posted in a conspicuous place in each department, and
2 a copy shall be distributed to each officer of the City and County who makes or participates in
3 making decisions related to permit applications.

4
5 Section 4. Effective Date. This ordinance shall become effective 30 days after
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
8 of Supervisors overrides the Mayor's veto of the ordinance.

9
10 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
11 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
12 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
13 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
14 additions, and Board amendment deletions in accordance with the "Note" that appears under
15 the official title of the ordinance.

16 APPROVED AS TO FORM:
17 DAVID CHIU, City Attorney

18 By: /s/
19 BRADLEY A. RUSSI
20 Deputy City Attorney

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