

File No. 230167

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date May 1, 2023

Board of Supervisors Meeting

Date _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- Memorandum of Understanding (MOU)
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 - Ethics Commission
- Award Letter
- Application
- Form 700
- Information/Vacancies (Boards/Commissions)
- Public Correspondence

OTHER (Use back side if additional space is needed)

- CEQA Determination
- Public Works Response
- COB Memo
- _____
- _____
- _____
- _____
- _____
- _____

Completed by: Victor Young

Date April 27, 2023

Completed by: _____

Date _____

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

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
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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
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LEGISLATIVE DIGEST

[Campaign and Governmental Conduct Code - Permit Prioritization]

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

Existing Law

City law requires the Department of Building Inspection, the Planning Department and the Department of Public Works to treat all permit applicants the same and to process permits in the order they are received unless such departments have made a written finding that there is a public policy basis for prioritizing the review of certain types of permits. The departments are required to adopt written permit prioritization guidelines.

Amendments to Current Law

The proposed ordinance would create an interdepartmental Permit Prioritization Task Force consisting of four members appointed by the Director of the Department of Building Inspection, Planning Director, Director of Public Works, and the President of the Board of Supervisors, respectively. The Director of the Permit Center or designee will also be a member of the Task Force and serve as its chair. The Task Force will review the departments' existing permit prioritization guidelines and recommend appropriate modifications to the department heads and oversight commissions. The goal of the Task Force will be to develop a list of permit types that each department includes in their prioritization guidelines to streamline review of prioritized project types. The proposed ordinance will require the departments' oversight commissions to approve the updated prioritization guidelines and any subsequent changes to the guidelines, and will require the departments to periodically review and modify the guidelines as necessary or appropriate. Finally, the proposed ordinance will require the departments to collect and annually report data on processing times for prioritized permits and to report on the impact prioritization has on non-prioritized permits.

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BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

Date: February 24, 2023
To: Planning Department / Commission
From: Victor Young, Clerk of the Rules Committee
Subject: Board of Supervisors Legislation Referral - File No. 230167
Campaign and Governmental Conduct Code - Permit Prioritization

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - Ordinance / Resolution
 - Ballot Measure

- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - General Plan
 - Planning Code, Section 101.1
 - Planning Code, Section 302

- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)

- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
 - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - Mills Act Contract (*Government Code, Section 50280*)
 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Victor Young at Victor.Young@sfgov.org.

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

3/22/2023

A handwritten signature in black ink, appearing to read "Victor Young".

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MEMORANDUM

Date: March 13, 2023

To: The Honorable Members, Board of Supervisors

From:  Angela Calvillo, Clerk of the Board

Subject: Campaign and Governmental Conduct Code - Permit Prioritization
(Permit Prioritization Task Force)

Board of Supervisors Rules of Order 2.21 establishes certain criteria that must be included in legislation creating and establishing, or reauthorizing, new bodies (boards/commissions/task forces/advisory bodies) and requires the Clerk of the Board to advise the Board on certain matters. In order to fulfill these requirements, the following is provided:

File No. 230167 Campaign and Governmental Conduct Code - Permit Prioritization

- Does a current body address the same or similar subject matter?

No. There are no other bodies that perform the same function as the Permit Prioritization Task Force.

- Language requiring the body to meet at least once every four months

No. Section 5.48-7, entitled "Meeting and Procedures," states the following: "(b) Following the inaugural meeting, and not counting the inaugural meeting, the EIFD Public Financing Authority No. 1 shall hold a regular meeting not less than one time per year."

- Language indicating members serve at the pleasure of the appointing authority

Yes. The Section, entitled Periodic Review and Coordination of Permit," states: "All such appointees shall be City employees and shall serve at the pleasure of their appointing authority."



- Language establishing attendance requirements

No. There are no attendance requirements listed in the Ordinance. This requirement may not apply as all members are appointees of City departments and are City employees.

- Number of seats and qualifications

There are a total of five seats appointed as follows:

- *Four members of the Task Force shall be appointed by the Director of the Department of Building Inspection, the Planning Director, the Public Works Director, and the President of the Board of Supervisors, respectively. All such appointees shall be City employees and shall serve at the pleasure of their appointing authority; the appointee of the President of the Board of Supervisors shall be an employee or official of the Board of Supervisors.*
- *The Director of the Permit Center or the Director's designee shall also be a member of the Task Force and shall serve as chair of the Task Force.*

- Term limits (i.e., commencement date? staggered terms?)

No. Term limits are not addressed, but this requirement may not apply as all members are appointees of City departments and are City employees.

- Administering department

Yes. The Permit Center shall provide administrative support to the Task Force.

- Reporting requirements

The Task Force shall recommend permit prioritization guidelines for the Department of Building Inspection, the Planning Department, and the Department of Public Works to the respective department heads and oversight commissions. The Task Force shall endeavor to align the respective departments' guidelines to achieve a common Citywide list of the types of permits each department will prioritize. Each department shall have discretion to designate department-specific priority permits. The permit prioritization guidelines shall include a goal for the amount of time required for the department's review of each priority permit type.

The Department of Building Inspection, the Planning Department, and the Department of Public Works shall collect data on the processing time for each permit type included in their



respective permit prioritization guidelines. On an annual basis at least 60 days prior to the reporting deadline to the Mayor and Board of Supervisors specified in this subsection (c)(5), such departments shall each transmit to the Director of the Permit Center data concerning the department's average processing time for each prioritized permit type in the previous calendar year. The departments may separately report the average time the department is awaiting a response from the permit applicant per prioritized permit type, where such data is available. Where data is available, such departments shall also include data concerning the impact of prioritization on permit types that are not prioritized.

The Director of the Permit Center shall compile such data and transmit an annual report to the Mayor and the Board of Supervisors no later than June 30, 2024, and every year thereafter no later than June 30.

▪ **Sunset date**

No. A sunset date is not indicated. It is suggested that the following language and sunset date be included:

- *Unless the Board of Supervisors, by ordinance, extends the term the Committee shall terminate on _____.*

From: [Schneider, Ian \(DPW\)](#)
To: [Young, Victor \(BOS\)](#); [Buckley, Jeff \(BOS\)](#)
Subject: RE: REFERRAL - BOS File No. 230167 Campaign and Governmental Conduct Code - Permit Prioritization
Date: Monday, February 27, 2023 10:58:23 AM
Attachments: [230167 FYI.pdf](#)
[image001.png](#)

Hi Victor and Jeff,

Our permit team has reviewed the legislation and has 2 comments:

Page 4, Line 16 – recommend the language be modified from “the types of permits” to “the types of permits or projects, or specified use/identified public benefit”.

Page 5, Line 19 – Confirm the date for the first annual report as it differs from the prioritization guidelines timelines. (Note: Annual reporting begins prior to first prioritization guidelines and appropriate commission approval).

Thank you,

Ian Schneider (he/him)
Government Affairs Manager | (628) 271-3126
San Francisco Public Works | City and County of San Francisco
49 South Van Ness Avenue, Suite 1600 | San Francisco, CA 94103

From: Young, Victor (BOS) <victor.young@sfgov.org>
Sent: Friday, February 24, 2023 3:58 PM
To: Arntz, John (REG) <john.arntz@sfgov.org>; Short, Carla (DPW) <Carla.Short@sfdpw.org>; O'Riordan, Patrick (DBI) <patrick.oriordan@sfgov.org>; Hillis, Rich (CPC) <rich.hillis@sfgov.org>
Cc: Steinberg, David (DPW) <david.steinberg@sfdpw.org>; Schneider, Ian (DPW) <ian.schneider@sfdpw.org>; Thomas, John (DPW) <John.Thomas@sfdpw.org>; Liu, Lena (DPW) <lena.liu@sfdpw.org>; Lee, Patty (DBI) <patty.lee@sfgov.org>; Nicita, Carl (DBI) <carl.nicita@sfgov.org>; Sider, Dan (CPC) <dan.sider@sfgov.org>; Teague, Corey (CPC) <corey.teague@sfgov.org>; Tam, Tina (CPC) <tina.tam@sfgov.org>; Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>; Jain, Devyani (CPC) <devyani.jain@sfgov.org>; Rodgers, AnMarie (CPC) <anmarie.rodgers@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Navarrete, Joy (CPC) <joy.navarrete@sfgov.org>; Watty, Elizabeth (CPC) <elizabeth.watty@sfgov.org>
Subject: REFERRAL - BOS File No. 230167 Campaign and Governmental Conduct Code - Permit Prioritization

Greetings:

The attached matter is being forwarded to your department for informational purposes (attached). If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102

or email at victor.young@sfgov.org.

Victor Young

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, City Hall., Room 244

San Francisco CA 94102

phone 415-554-7723 | fax 415-554-5163

victor.young@sfgov.org | www.sfbos.org



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MEMORANDUM

TO: John Arntz, Director, Department of Elections
Carla Short, Interim Director, Public Works
Patrick O'Riordan, Director, Department of Building Inspection
Rich Hillis, Director, Planning Department

FROM: Victor Young, Assistant Clerk *Victor Young*

DATE: February 24, 2023

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed legislation:

File No. 230167

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

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cc: David Steinberg, Public Works
Ian Schneider, Public Works
John Thomas, Public Works
Lena Liu, Public Works
Patty Lee, Department of Building Inspection
Carl Nicita, Department of Building Inspection
Dan Sider, Planning Department
Corey Teague, Planning Department
Tina Tam, Planning Department
Lisa Gibson, Planning Department
Devyani Jain, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department

Joy Navarrete, Planning Department
Elizabeth Watty, Planning Department



City and County of San Francisco

Master Report

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 230167 **File Type:** Ordinance **Status:** 30 Day Rule

Enacted: _____ **Effective:** _____

Version: 1 **In Control:** Rules Committee

File Name: Campaign and Governmental Conduct Code - Permit Prioritization **Date Introduced:** 02/14/2023

Requester: _____ **Cost:** _____ **Final Action:** _____

Comment: _____ **Title:** Ordinance amending the Campaign and Governmental Conduct Code to create a Permit Prioritization Task Force responsible for recommending permit prioritization guidelines to the Department of Building Inspection, the Planning Department, and the Department of Public Works, requiring those departments to review and update their permit prioritization guidelines periodically, and requiring the commissions that oversee each department to approve the department's permit prioritization guidelines; and affirming the Planning Department's determination under the California Environmental Quality Act.

Sponsor: Safai

History of Legislative File 230167

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	02/14/2023	ASSIGNED UNDER 30 DAY RULE	Rules Committee	03/16/2023	

1 [Campaign and Governmental Conduct Code - Permit Prioritization]

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Existing Law

City law requires the Department of Building Inspection, the Planning Department and the Department of Public Works to treat all permit applicants the same and to process permits in the order they are received unless such departments have made a written finding that there is a public policy basis for prioritizing the review of certain types of permits. The departments are required to adopt written permit prioritization guidelines.

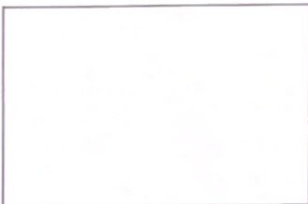
Amendments to Current Law

The proposed ordinance would create an interdepartmental Permit Prioritization Task Force consisting of four members appointed by the Director of the Department of Building Inspection, Planning Director, Director of Public Works, and the President of the Board of Supervisors, respectively. The Director of the Permit Center or designee will also be a member of the Task Force and serve as its chair. The Task Force will review the departments' existing permit prioritization guidelines and recommend appropriate modifications to the department heads and oversight commissions. The goal of the Task Force will be to develop a list of permit types that each department includes in their prioritization guidelines to streamline review of prioritized project types. The proposed ordinance will require the departments' oversight commissions to approve the updated prioritization guidelines and any subsequent changes to the guidelines, and will require the departments to periodically review and modify the guidelines as necessary or appropriate. Finally, the proposed ordinance will require the departments to collect and annually report data on processing times for prioritized permits and to report on the impact prioritization has on non-prioritized permits.

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Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor [] inquires..."
- 5. City Attorney Request
- 6. Call File No. [] from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the Board on []

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Safai

Subject:

Campaign and Government Conduct Code - Permit Prioritization

Long Title or text listed:

Ordinance to create a Permit Prioritization Task Force responsible for recommending permit prioritization guidelines to the Department of Building Inspection, Planning Department and Department of Public Works, require these departments to review and update their permit prioritization guidelines.

Signature of Sponsoring Supervisor: []

From: [Buckley, Jeff \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [PEARSON, ANNE \(CAT\)](#); [RUSSI, BRAD \(CAT\)](#)
Subject: FW: Priority Processing Legislation
Date: Tuesday, February 14, 2023 2:04:56 PM
Attachments: [01654446.DOCX](#)
[01653392.DOCX](#)
[Introduction Form - Prioritization Form.pdf](#)

Hello,

Please see attached intro form and legislation that deals with priority processing for permit issuing departments. Let me know if you have any questions.

-Jeff

From: [Russi, Brad \(CAT\)](#)
To: [BOS Legislation, \(BOS\)](#); [Buckley, Jeff \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Cc: [PEARSON, ANNE \(CAT\)](#)
Subject: RE: Priority Processing Legislation
Date: Tuesday, February 14, 2023 2:12:49 PM
Attachments: [image002.png](#)
[01653392.DOCX](#)

I approve as to form and I added my signature. Thanks.

Bradley Russi

Deputy City Attorney
Office of City Attorney David Chiu
(415) 554-4645 Direct
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

Attorney-Client Communication - Do Not Disclose
Confidential Attorney Work Product - Do Not Disclose

This email may contain privileged or confidential information. If you are not the intended recipient, please reply to this email to inform me of your receipt and then destroy all copies.

From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Sent: Tuesday, February 14, 2023 2:10 PM
To: Buckley, Jeff (BOS) <jeff.buckley@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Pearson, Anne (CAT) <Anne.Pearson@sfcityatty.org>; Russi, Brad (CAT) <Brad.Russi@sfcityatty.org>
Subject: RE: Priority Processing Legislation

Hello,

We are seeking the approval of Deputy City Attorney Brad Russi for use of his electronic signature and approval as to form. Kindly confirm that the attached ordinance is approved as to form, and the /s/ next to his name in the signature line of the ordinance has the same effect as his signature, by reply of this email.

Thank you,

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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From: Buckley, Jeff (BOS) <jeff.buckley@sfgov.org>

Sent: Tuesday, February 14, 2023 2:05 PM

To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>

Cc: PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; RUSSI, BRAD (CAT) <Brad.Russi@sfcityatty.org>

Subject: FW: Priority Processing Legislation

Hello,

Please see attached intro form and legislation that deals with priority processing for permit issuing departments. Let me know if you have any questions.

-Jeff

[Campaign and Governmental Conduct Code - Permit Prioritization]

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

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

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

Section 1. California Environmental Quality Act.

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

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. _____, creating the Task Force. The Director of the Permit Center or the
10 Director’s designee shall also be a member of the Task Force and shall serve as chair of the Task
11 Force. The 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 **(ed) 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, the and 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: BRADLEY A. RUSSI
19 Deputy City Attorney

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25