

[Campaign and Governmental Conduct Code - Permit Prioritization]

Ordinance amending the Campaign and Governmental Conduct Code to create a Permit Prioritization Task Force responsible for developing a recommended Citywide list of prioritized permits and project types and 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 *strikethrough italics Times New Roman font*.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough 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. 230167 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
16 Section 3.400. For purposes of this 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 create a recommended endeavor to align the respective departments'
16 guidelines to achieve a common Citywide list of the prioritized permits and project types and
17 shall use that list to recommend changes to the departments' respective permit prioritization
18 guidelines, types of permits each department will prioritize. Each department shall have
19 discretion to designate department-specific priority permits. The permit prioritization guidelines
20 shall include a goal for the amount of time required for the department's review of each priority permit
21 type.

22 (2) Department and Commission Review and Approval of Permit Prioritization
23 Guidelines. The Building Inspection Commission, the Planning Commission, and the Public Works
24 Commission shall approve the permit prioritization guidelines and any changes to such guidelines for
25 the department each commission oversees. The department heads and oversight commissions

1 shall consider the Task Force's Citywide list of prioritized permits and project types and the
2 Task Force's recommendations in making modifications to the department's prioritization
3 guidelines. Each department shall retain discretion to designate department-specific
4 prioritized permits.

5 (3) No later than June 30, 2024, the Task Force shall approve the
6 recommended Citywide list of prioritized permits and project types, make recommendations to
7 the Department of Building Inspection, the Planning Department, and the Department of Public
8 Works for updates to their respective prioritization guidelines, and each such department and
9 oversight commission shall approve any modifications to its prioritization guidelines shall
10 complete the first review of their existing prioritization guidelines pursuant to this subsection
11 (c) no later than December 31, 2023.

12 (4) Ongoing Review of Prioritization Guidelines. Following the first review
13 process required by subsection (c)(3) of this Section 3.400, the Department of Building Inspection, the
14 Planning Department, and the Department of Public Works shall review their prioritization guidelines
15 prior to June 30, 2026 and no later than June 30 every other year thereafter and, with commission
16 approval, make any changes deemed necessary or appropriate. The Director of the Permit Center may
17 reconvene the Task Force by providing notice to the appointing authorities of the Task Force members,
18 upon determining that it is in the public interest to modify the recommended Citywide list
19 prioritized permits and project types and/or to recommend modifications to one or more of the
20 departments' prioritization guidelines.

21 (5) Data Collection and Reporting. The Department of Building Inspection, the
22 Planning Department, and the Department of Public Works shall collect data on the processing time
23 for each permit type included in their respective permit prioritization guidelines. On an annual basis at
24 least 60 days prior to the reporting deadline to the Mayor and Board of Supervisors specified in this
25 subsection (c)(5), such departments shall each transmit to the Director of the Permit Center data

1 concerning the department's average processing time for each prioritized permit type in the previous
2 calendar year. The departments may separately report the average time the department is awaiting a
3 response from the permit applicant per prioritized permit type, where such data is available. Where
4 data is available, such departments shall also include data concerning the impact of prioritization on
5 permit types that are not prioritized. Alternatively, the departments may provide the Director of
6 the Permit Center direct access to their electronic permitting systems so that the Director may
7 gather the required data. The Director of the Permit Center shall compile such data and transmit an
8 annual report to the Mayor and the Board of Supervisors no later than June 30, 2025⁴, and every year
9 thereafter no later than June 30.

10 (6) Sunset. This subsection (c) shall expire by operation of law, and the
11 Task Force shall terminate, on June 30, 2030, unless extended by ordinance. No later than
12 January 1, 2030, the Director of the Permit Center shall submit a recommendation to the
13 Board of Supervisors and the Mayor concerning reauthorization of this subsection (c). In the
14 event that this subsection expires, the City Attorney shall cause it to be removed from the
15 Campaign and Governmental Conduct Code and shall renumber the subsections of this
16 Section 3.400 to conform to the removal of subsection (c).

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

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

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

12 APPROVED AS TO FORM:
13 DAVID CHIU, City Attorney

14 By: /s/ Bradley A. Russi
15 BRADLEY A. RUSSI
16 Deputy City Attorney

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City and County of San Francisco

Tails Ordinance

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

File Number: 230167

Date Passed: May 16, 2023

Ordinance amending the Campaign and Governmental Conduct Code to create a Permit Prioritization Task Force responsible for developing a recommended Citywide list of prioritized permits and project types and 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.

May 01, 2023 Rules Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

May 01, 2023 Rules Committee - RECOMMENDED AS AMENDED

May 09, 2023 Board of Supervisors - PASSED ON FIRST READING

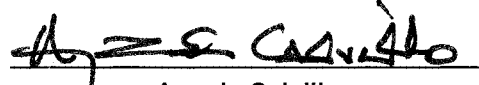
Ayes: 8 - Dorsey, Engardio, Mandelman, Preston, Ronen, Safai, Stefani and Walton
Noes: 3 - Chan, Melgar and Peskin

May 16, 2023 Board of Supervisors - FINALLY PASSED

Ayes: 7 - Dorsey, Engardio, Mandelman, Preston, Ronen, Safai and Walton
Noes: 3 - Chan, Melgar and Peskin
Excused: 1 - Stefani

File No. 230167

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 5/16/2023 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board

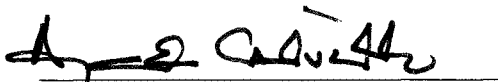
Unsigned

London N. Breed
Mayor

5/26/2023

Date Approved

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.



Angela Calvillo
Clerk of the Board

Date

OFFICE OF THE MAYOR
SAN FRANCISCO



LONDON N. BREED
MAYOR

May 26, 2023

The Honorable Members of the Board of Supervisors
Attn: Angela Calvillo, Clerk of the Board
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

RE: File 230167

President Peskin and Members of the Board of Supervisors:

I am returning File No. 230167 unsigned. San Francisco does not need another legislated task force. We need action. That's why I issued Executive Directive 23-01 in February of this year – to provide clear direction to departments to reduce permitting times by at least 50% by early next year. By creating a new task force and legislating other mandates, this ordinance adds additional bureaucracy in a permitting process that is already overly complicated. Instead, the leadership of these departments will continue to operate under the guidance of my Executive Directive 23-01 and implement these reforms now rather than wait even longer for recommendations from conversations that are duplicative in nature.

Instead of creating a new task force, we should work together to pass ordinances to remove barriers to approving and permitting housing and opening small businesses. I am working with many Supervisors to do just that, and I look forward to collaborating on policies that will actually make a difference for our City.

Sincerely,

A handwritten signature in cursive script that reads "London Breed".

London N. Breed
Mayor