



ADMINISTRATIVE BULLETIN

NO. AB-004

DATE : April 27, 2015
[Supersedes Administrative Bulletin AB-004 originally issued 10/6/06 and revision dated October 15, 2008, April 16, 2014, and September 23, 2014]

SUBJECT : Permit Processing and Issuance

TITLE : **Priority Permit Processing Guidelines**

PURPOSE : This bulletin establishes guidelines to assure that permit applicants receive equal treatment and that permits are reviewed in the order received by the Department of Building Inspection except for certain designated priority applications.

It is the intent of the Department of Building Inspection that the permit review process proceeds in an orderly, fair and efficient manner with sufficient flexibility to allow the reasonable resolution of problems that may occur on a day-to-day basis. This bulletin is issued in conjunction with similar bulletins from the Department of Public Works and the Planning Department.

REFERENCES : 2013 San Francisco Building Code, Section 106A, Permits
San Francisco Campaign and Government Conduct Code, Section 3.400
"Permit Application Processing"
Ethics Commission "Permit Processing Code of Conduct"
San Francisco Planning Department, Director's Bulletin #2006-02
Department of Public Works, Director's Order#175,487

DISCUSSION : This Administrative Bulletin provides guidelines for the implementation of legislation adopted by the Board of Supervisors to assist City permitting departments in assuring that no appearance of, or actual, preferential treatment is given to any permit applicant. Policy is adopted in accordance with the requirements of San Francisco Campaign and Government Conduct Code Section 3.400, effective December 15, 2004, and supplements the Permit Processing Code of Conduct adopted by the Ethics Commission on January 10, 2005.

These procedures relate to assignment, initial processing, review and issuance of permit applications; as well as to permit revisions, addenda, and corrections submitted to the Department of Building Inspection subsequent to initial permit application.

General Policy: In accordance with the City's adopted "Permit Application Processing" regulations, the Department of Building Inspection has determined that there is a compelling public policy basis to provide priority review and issuance for each of the following designated types of permit applications.

Department of Building Inspection employees are encouraged to exercise reasonable judgment in all permit review and issuance activities in order to fulfill our customer service responsibilities. This exercise of reasonable judgment by employees is considered an important component in meeting the intent of the legislation to avoid preferential treatment. In all cases when questions arise regarding potential issues of preferential treatment, employees are required to consult with their supervisors.

PROCEDURES :

Subject to the reasonable judgment of employees, permit applications shall be logged-in, separated into various permit types, assigned to staff for review, and reviewed in the order in which they are received, except for certain designated priority permits as detailed below. The Department of Building Inspection may assign as many different permit types as necessary to assure the efficient operation of that department. For example, the Department of Building Inspection may separate permits for one type of work, such as office tenant improvement construction, from other types of work, such as re-roofing or new building construction.

Case A addresses initial permit submittal, assignment, review and issuance. Following such initial priority action, permit applications may be placed on hold, routed to other divisions or other City agencies, issued, cancelled, or expired pursuant to other code requirements and other adopted policies and procedures.

Case B addresses issues related to priority processing of permit revisions and of other materials submitted after initial permit acceptance and review, as well as to issues related to final processing and issuance of permits.

Case A - Applications for Permits

Permit applications for the following types of work may, upon request of the permit applicant, be given priority assignment for plan review and issuance:

1. Permit applications for necessary emergency work to secure the health or safety of building users or the public, either on private property or on the public right-of-way;
2. Permit applications for work on City owned or City leased properties when such priority permit review is specified in a written agreement between the Department of Building Inspection and such other City agencies;
3. Permit applications for work consisting solely of disabled access improvements;

4. Permit applications for work consisting solely of solar photovoltaic systems;
5. Permit applications for work consisting solely of wind power generation systems;
6. Permit applications for the voluntary or mandatory upgrade of soft story, wood frame buildings to improve building performance in earthquakes;
7. Permit applications principally for maintenance or preservation of designated historic buildings and/or sites;
8. Permit applications for projects that meet an exceptionally high standard for efficiency and "green building" that (1) create at least 7 dwelling units, (2) construct more than 10,000 square feet of non-residential space, or (3) change the use of at least 25,000 square feet. Such projects must involve standardized documentation by qualified professionals and third party certification, and must obtain certification meeting or exceeding at least one of the following:
 - LEED Platinum certification using the Leadership in Energy and Environmental Design Rating System from the U.S. Green Building Council and Green Building Certification Institute; or
 - GreenPoint Rated with 150 Green Points under the GreenPoint Rated system from Build It Green; or
 - Living Building Challenge Certification or Petal Recognition or Net Zero Energy Certification from the International Living Future Institute; or
 - Certified Passive House Certification or EnerPHIT Certification by the International Passive House Institute or PHIUS+ Certification by the Passive House Institute US; or
 - Other equivalent "green building" standards that include published verification and quality assurance procedures, as approved on a case-by-case basis using the procedures described in DBI Administrative Bulletin 005.

Compliance with green building standards is to be assured through conformance with "Performance Assurance for Green Buildings" requirements note below;

9. Permit applications for projects that provide new affordable housing (meeting the affordability levels defined in Planning Code Section 315 and in the Procedures Manual adopted by the Mayor's Office of Housing) in 100% of the on-site dwelling units. Conformance with these standards shall be confirmed by Planning Department staff;
10. Permit applications to respond to a delay caused by an earlier procedural error by a City agency in processing the permit or processing another permit for the same project;
11. Permit applications submitted to comply with Notices of Violation, abatement notices, or any other official Department of Public Works, Planning Department or Department of Building Inspection enforcement or abatement notices which require immediate action; or

12. Permit applications for other work for which, in the reasonable judgment of the Director of the Department of Building Inspection, urgent or extraordinary circumstances exist that would lead to a significant public benefit or necessity, when such circumstances are documented in written findings;

13. Permit applications for the voluntary seismic upgrades of buildings subject to SFBC Section 3428.

Case B - Revisions and Addenda to Permits

Subject to the reasonable judgment of staff, revisions and other materials submitted to the Department of Building Inspection during the permit review process must be reviewed in the order in which they are received, except as detailed below. Such submittals may include revisions, corrections, addenda, and other permit materials. Exceptions to the strict chronological review and processing sequence are allowed and permit submittal documents may be given priority review, upon request of the permit applicant, when any of the following conditions is met:

1. Permits meet the priority permit qualifications of Case A, above;
2. Permit revisions are submitted pursuant to a decision of the Building Inspection Commission, Board of Appeals, Board of Supervisors, or other review or appeals body where such body has directed that the permit revisions be given priority review, or where required revisions are minor in nature and would not require substantial time to review and process;
3. Revisions, corrections or other submittals are minor in nature and would not require substantial time to review and process;
4. Revisions, addenda and other permit submittals for work in which, in the reasonable judgment of the Director of the Department of Building Inspection, urgent or extraordinary circumstances exist that would lead to a significant public benefit or necessity, when such circumstances are documented in written findings.

Documentation of Priority Processing

Priority processing for permits meeting the above criteria is to be undertaken at the request of the permit applicant. All cases of priority permit application processing shall be documented using a standard form, Documentation of Findings for Priority Permit Processing (Attachment A), that includes written findings of conformity with one of the priority types described in this bulletin. This document shall be prepared and submitted by the applicant. Department of Building Inspection, Division managers may approve the form where the permit is in clear conformity with the standards for priority processing. All other requests for priority permit processing should be reviewed and approved by a Deputy Director or other senior manager.

One copy of the form approving priority permit processing shall remain with the application, one copy shall be microfilmed or otherwise retained as part of the approved permit documents, and the original shall be retained in a chronological file in the office of the Deputy Director for Permit Services or in another designated location and shall be available for review by any person at any time during normal Department working hours. Permit applications that are approved for priority processing should be so noted in the Department of Building Inspection's permit tracking system.

Performance Assurance for Green Buildings

Where priority processing for a permit application is requested for projects that meet or exceed the qualifying green building criteria in #8 above (e.g. LEED Platinum, Green Point Rated with ≥ 150 points, Living Building Challenge, Net Zero Energy, Passive House, PHIUS+, or equivalent), such permit applications should be filed prior to the submittal of the associated permit. Application for priority on the basis of "Green Building" shall be made using the "Documentation of Findings for Priority Permit Application Processing" form in Attachment A, and must be accompanied by:

- Documentation that specifies performance criteria and elements of the project required to obtain the required green building certification (e.g. a LEED checklist); and
- Proof that the project has been registered in the applicable certification program (e.g. LEED project registration); and
- Written commitment in a form prepared by the Department of Environment to apply for formal, written review of the project at the earliest milestone where the certifying body offers "pre-certification" or similar (e.g. LEED Design Review).

Plan review fees per San Francisco Building Code Section 110A, Table law-B will be charged on an hourly basis for all SF Green Team staff time related to an individual project.

Following submittal of the application for Priority Processing, the applicant shall meet with the City's "Green Team," comprised of technical staff from the agencies reviewing the application (Department of Building Inspection, Department of Environment, and generally Planning Department), to discuss the project. No application for priority on the basis of "green building" shall be accepted without the project sponsor and the City first entering into a formal agreement regarding the specific rating system to be used, major green building features, and a schedule for potential benchmarks and routine consultations between the sponsor and City during the permitting and construction processes.

The applicant's obligations under this agreement shall be memorialized as Conditions of Permit Approval, which shall become part of the approved permit documents and shall be recorded with the County Recorder's Office in a form approved by the Director. Failure of the project to meet all obligations for construction and installation of any features or uses associated with Priority status may result in (1) prohibition of approval and/or issuance of the building permit for the project if such permit has not yet been approved or issued, (2) suspension or revocation of the building permit for the project if such permit has been approved or issued but the project is not yet complete, or (3) suspension or revocation of the Certificate of Occupancy for the project if the project has been completed. Prior to any approval, issuance or reinstatement of such permit or Certificate of Occupancy, the feature or use in question or an alternate feature or use that - in the sole judgment of the City - satisfies the intent of the Project's priority status may be required. Additionally, the City reserves the right to withhold any such approval, issuance or reinstatement for a length of time equal to that which was saved through enrollment in the Priority Application Processing program. In any such situation, the project sponsor shall be responsible for all administrative costs incurred by the City along with all fees and penalties identified in Section 110A of the San Francisco Building Code.

Quality Assurance Procedures

The assignment of permit applications for priority review and these procedures shall be reviewed by the Department of Building Inspection on an annual basis to confirm that the intent of this policy is being fulfilled and to make changes as necessary to optimize the efficient and fair operation of the permit process.

Signed by:

Tom C. Hui 4/27/15
Tom C. Hui, S.E., C.B.O. Date
Director
Department of Building Inspection

Approved by Building Inspection Commission October 15, 2008, Revision approved: April 16, 2014;
November 19, 2014; April 15, 2015

- Attachment I: Documentation of Priority Permit Processing
- Attachment II: Planning Director Bulletin No. 2 (Rev. December 2014)
- Attachment III: DPW Director's Order #175,487

ATTACHMENT I



DEPARTMENT OF BUILDING INSPECTION
City & County of San Francisco
1660 Mission Street, San Francisco, CA 94103-2414

Documentation of Findings for Priority Permit Application Processing

This form shall accompany all requests for priority processing of permit applications. A copy shall be maintained in the office of the Deputy Director for Permit Services, a copy shall accompany the permit application, and a copy shall be recorded as a permit document

Note: Boldface items are to be completed by the Permit Applicant.

Received Date: _____ Time: _____

Permit Application # _____

Property Address: _____

Block and Lot: _____ / _____ Occupancy Group: _____ Use: _____

Description of Proposed Work

I hereby declare that the information provided is accurate to the best of my knowledge and that I intend to undertake and complete the project described herein in compliance with the requirements for Priority Permit Processing detailed in DB/ Administrative Bulletin AB-004.

Signature of Applicant _____ Date _____

Print Name of Applicant _____ Phone Number _____

Findings/Basis for Priority Permit Review (based on AB-004)
Case A, Case B, Other (circle one) Item # _____

Comments/Findings: _____

Approved by: _____
Signature of DBI Supervisor or Manager

Print Name and Title _____ Date _____



PLANNING DIRECTOR BULLETIN NO. 2

Planning Department Priority Application Processing Guidelines

This Bulletin provides guidelines to ensure that no preferential treatment is given to applications excepting those that have been identified as advancing specific policy goals of the City as described herein.

First Issued:
MAY 2006

Revised:
DECEMBER 2014

References:
Board of Supervisors Ordinance 115-04
Campaign and Government Conduct Code Section 3.400
Executive Directive 13-01

This Bulletin relates to the assignment and review of all applications, including revisions, addenda and corrections submitted subsequent to initial applications. In general, the various divisions of the Planning Department will process applications of all types in the chronological order received. However, under the guidelines provided herein, some applications may be prioritized in order to advance identified policy goals of the City or to remedy procedural error(s). Officers and employees of the City shall use reasonable judgment in the application of these guidelines, and shall consult with their supervisors when questions arise. These guidelines have been established in accordance with the requirements of San Francisco Campaign and Government Conduct Code Section 3.400 and with the Permit Processing Code of Conduct adopted by the San Francisco Ethics Commission.

PRIORITY TYPOLOGIES, REQUIREMENTS AND CRITERIA:

All applications received by the Planning Department shall be assigned, reviewed, and completed in the order received, except for the following types of Priority Projects:

Type 1: Applications for Affordable Housing Projects

Type 1 Applications are those for projects where 100 percent of the on-site dwelling units are affordable housing (i.e. meeting or exceeding the standards set forth in Planning Code Section 415 and in the Procedures Manual adopted by the Mayor's Office of Housing).

Type 1 Applications shall be made using a standard form provided by the Planning Department that includes written findings prepared by the applicant. The application for priority processing should be filed prior to the submittal of the associated permit and/or entitlement application(s).

Type 1A: Applications for Market-Rate Housing that Exceeds Affordability Requirements

Type 1A Applications are those for projects where either (1) at least 20 percent but less than 100 percent of the on-site dwelling units are affordable housing or (2) at least 30 percent of the number of on-site units are constructed off-site as affordable housing. For Type 1A projects, "affordable housing" means housing that meets or exceeds the standards set forth in Planning Code Section 415 and in the Procedures Manual adopted by the Mayor's Office of Housing,

Type 1A Applications shall be made using a standard form provided by the Planning Department that includes written findings prepared by the applicant. The application for priority processing should be filed prior to the submittal of the associated permit and/or entitlement application(s).

Type 2: Applications for City Projects

Type 2 Applications are those made by City Departments for (1) physical work on City owned or leased properties or (2) non-physical plans, programs or policies of the City and County of San Francisco. Type 2 Applications may also include projects that are public-private partnerships or projects located on publicly-owned sites.

The Director of Planning shall take into account the capacity of the Priority Application Processing program when considering any Type 2 Application. Specifically, on an as-needed basis but no less than half-yearly, the Director of each City Agency sponsoring a Type 2 Application shall provide the Director of Planning with a rank-ordering of the relative priority of all projects from that Agency that have been filed or will be filed in the near future.

Type 3: Applications for Green Buildings

Type 3 Applications are for projects of an exceptionally high standard for "green building" that (1) create at least 7 dwelling units, (2) construct more than 10,000 square feet of non-residential space, or (3) change the use of at least 25,000 square feet. These projects require standardized documentation by qualified professionals and must meet or exceed at least one of the following third party certifications:

- LEED Platinum certification using the LEED Building Rating System adopted under the Leadership in Energy and Environmental Design program of the U.S. Green Building Council; or
- GreenPoint Rated with 150 Green Points under the GreenPoint Rated system developed by Build It Green; or
- Living Building Challenge Certification, Petal Recognition or Net Zero Energy Certification from the International Living Future Institute; or
- Certified Passive House Certification or EnerPHIT Certification by the International Passive House Institute or PHIUS+ Certification by the Passive House Institute US; or
- other equivalent "green building" standards that include published verification and quality assurance procedures when approved on a case-by-case base by the Director.

Applications for priority processing as Type 3 Applications should be filed prior to the submittal of the associated permit and/or entitlement application(s). **Before filing, applicants should contact the Green Building Program at the Department of the Environment in order to coordinate an in-person review and discussion of the project and application with the City's "Green Team."** Comprised of technical staff from City agencies with relevant expertise, the Green Team prepares a recommendation to the Planning Director as to the application's compliance with this Bulletin.

Type 3 Applications shall be made using a standard form provided by the Planning Department that includes written findings prepared by the applicant and must be accompanied by:

- documentation that specifies performance criteria and elements of the project required to obtain the required green building certification (e.g. a LEED checklist); and
- a processing fee as required by the Department of the Environment; and
- proof that the project has been registered in the applicable certification program (e.g. LEED project registration); and
- a written commitment to apply for formal, written review of the project at the earliest milestone where the certifying body offers "pre-certification" or similar (e.g. LEED Design Review).

No Type 3 Application shall be accepted into the program without the project sponsor and the City first entering into a formal agreement regarding the specific rating system to be used, major green building features, and a schedule for potential benchmarks and routine consultations between the sponsor and City during the permitting and construction processes.

Type 4: Applications for Projects Consisting Solely of Seismic Retrofit Work

Type 4 Applications are those for work on existing structures performed solely for the purpose of enhanced seismic safety. Work performed as part of a Type 4 Applications may be undertaken on either a voluntary basis or a mandatory basis (e.g. in response to the City's Mandatory Soft Story Retrofit Ordinance). No Type 4 Application shall be accepted into the program if it involves work beyond that which is essential for seismic strengthening (e.g. building expansions, changes of use, façade improvements).

Applications for priority processing as Type 4 Applications should be filed prior to the submittal of the associated permit and/or entitlement application(s). Type 4 Applications shall be made using a standard form provided by the Planning Department that includes written findings prepared by the applicant.

Type 5: Applications for Certain Medical Projects Subject to the HCSMP

Type 5 Applications are those for medical projects that have been reviewed under the Health Care Services Master Plan (HCSMP) and recommended for incentives by the San Francisco Health Commission. Review under the HCSMP is required only for (1) new medical projects of at least 10,000 gross square feet or (2) expansions of existing medical projects by at least 5,000 gross square feet.

Applications for priority processing as Type 5 Applications should be filed prior to the submittal of the associated permit and/or entitlement application(s). Type 5 Applications shall be made using a standard form provided by the Planning Department that includes written findings prepared by the applicant; they must be accompanied by official documentation that the project has been recommended for incentives by the Health Commission.

Type 6: Other Applications

Type 6 Applications are those involving any of the following:

- a. Necessary emergency work to secure the health or safety of building users or the public, either on private property or on the public right-of-way, as determined by the Director.
- b. Work consisting solely of disabled access improvements.
- c. Work consisting solely of maintenance or repair of designated historic buildings and/or sites that are subject to the requirements of Article 10, or defined as Category I or II buildings in Article 11, of the Planning Code.
- d. Work consisting solely of the installation of on-site renewable energy systems, such as solar photovoltaic, solar hot water, cogeneration, wind turbine generators or other renewable energy features.
- e. Applications for which the entire scope was previously delayed due to procedural errors by a City agency.

- f. Work solely to comply with official Department of Public Works, Planning Department, or Department of Building Inspection actions to abate public nuisances as identified by those Departments.
- g. Revisions and corrections that are minor in nature and would not require more than one staff-hour to review and process.
- h. Submittals of applications, revisions and addenda pursuant to decisions of the Planning Commission, the Board of Appeals, the Board of Supervisors, or other similar review or appeals body that are minor in nature.
- i. Applications for other projects for which, in the sole judgment of the Director of Planning, urgent or extraordinary circumstances exist such that priority review of the application would lead to a significant public benefit, when requested in writing and accompanied by written findings.

Some Type 6 Applications may be reviewed and approved at the Planning Information Center (PIC), and in those instances no special procedures are required. In other instances, applications for priority processing as Type 6 applications shall be made using a standard form provided by the Planning Department that includes written findings prepared by the applicant.

BENEFITS AND EXPECTATIONS FOR QUALIFYING APPLICATIONS:

For **Type 1 and Type 1A** Applications, there shall be a target timeline of one week for application assignment¹ and two weeks for application review². Subsequent review of Type 1 Applications (e.g. revisions, technical studies, addenda) shall be prioritized ahead of all other applications, including other types of Priority Applications. Subsequent review of Type 1A applications shall be prioritized ahead of all other applications, excepting Type 1 Applications, based on the percentage by which the applicable affordable housing requirements have been exceeded. The project's obligations with respect to affordable housing shall be memorialized as deemed appropriate by the Director of Planning, and may include the recordation of a Notice of Special Restrictions with the County Recorder's Office.

For **Type 4, 5 and 6** Applications, there shall be a target timeline of two weeks for application assignment and a target timeline of three weeks for initial review. Subsequent review (e.g. revisions, technical studies, addenda) shall be processed with as little delay as possible, based on staff availability.

Type 2 Applications shall be processed as proscribed for Type 4, 5 and 6 Applications except that owing to their potential for complexity, Type 2 applications shall not be subject to the three-week initial review timeline and rather shall have an initial review occur as quickly as feasible given the nature of the particular application.

Type 3 Applications shall be processed as proscribed for Type 4, 5 and 6 applications, except that final certification or other third-party verification that the project has obtained the intended green building certification shall be secured and provided to the City within twelve months of issuance of the first certificate of occupancy for the project (or other completion document if such certificate is not issued).

Every project is expected to meet all obligations for construction and/or installation of any features and/or uses associated with its Priority status. Failure of the project to do so will be addressed pursuant to Article 1.7 of the Planning Code and may result in (1) prohibition of approval and/or issuance of the building permit for the project if such permit has not yet been approved or issued; (2) suspension or revocation of the building permit for the project if such permit has been approved and/or issued but the project is not yet complete, or (3) suspension or revocation of the Certificate of Occupancy for the project if the project has been completed. Prior to any approval, issuance or reinstatement of such permit or Certificate of Occupancy, the feature or use in question or an alternate feature or use that - in the sole judgment of the City - satisfies the intent of the Project's priority status: may be required. Additionally, the City reserves the right to withhold any such approval, issuance or reinstatement for a length of time equal to that which was saved through enrollment in the Priority Application Processing program. In any such situation, the project sponsor shall be responsible for all administrative costs incurred by the City along with all penalties identified in Article 1.7 of the Planning Code.

For all types of applications, if the volume of qualified Priority Applications and the level of the Department's staffing preclude meeting the proscribed time limits for assignment and/or initial review, the applicant will be informed that the Priority Application Program has reached its capacity and will have the option to proceed with review under normal timelines, or to not proceed with the project until staff becomes available for Priority Application processing.

QUALITY ASSURANCE PROCEDURES:

The timing and priority of assignment and processing of applications shall be subject to ongoing review to confirm that the intent of this policy is fulfilled and to make changes as necessary to optimize the efficient and fair review of applications submitted to the Department.

Approved:



John Rahaim
Director of Planning



SAN FRANCISCO
PLANNING
DEPARTMENT

FOR MORE INFORMATION:
Call or visit the San Francisco Planning Department

Central Reception
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

TEL: **415.558.6378**
FAX: **415 558-6409**
WEB: <http://www.sfplanning.org>

Planning Information Center (PIC)
1660 Mission Street, First Floor
San Francisco CA 94103-2479

TEL: **415.558-6377**
*Planning staff are available by phone and at the PIC counter
No appointment is necessary.*



**SAN FRANCISCO
 PLANNING
 DEPARTMENT**

Application for Priority Application Processing

This form shall be used for requests for Priority Application Processing as set forth in Director's Bulletin No. 2. Please submit completed applications to the Office of the Planning Director.

For Staff Use Only

Case and/or Permit Application Nos. Date Received Time Received

PROPERTY ADDRESS:		BLOCK(S) & LOT(S):
ZONING:	HEIGHT/BULK DISTRICT:	SUD/HISTORIC DISTRICT (if any)
DESCRIPTION OF PROPOSED WORK (ATTACH ADDITIONAL PAGES IF NECESSARY):		

Basis for Priority Application Review

Check Type 1 [100% affordable housing] 1A [<100% affordable housing] 3 [green] 4 [seismic] 5 [HCSMP] 6 [other]

FINDINGS OF CONSISTENCY WITH DIRECTOR'S BULLETIN NO. 2 (ATTACH ADDITIONAL PAGES IF NECESSARY):

Applicant's Declaration

I hereby declare that the information I have provided is accurate to the best of my knowledge. Should this application be accepted, and should the project described herein be implemented, I commit to complete the project in full compliance with the requirements described in Director's Bulletin No. 2 for the particular type of application indicated above. I understand that failure to do so may subject the project to penalties and/or other remedies articulated in Planning Code Article 1.7 and/or Director's Bulletin No. 2.

 SIGNATURE OF APPLICANT

 DATE

 NAME OF APPLICANT (PRINT)

 PHONE NUMBER AND EMAIL ADDRESS

For Staff Use Only

Check One: **ACCEPTED** **REJECTED**

 Signature and Printed Name of Staff *[Zoning Administrator's Office or Director's Office staff only]*

 Date

ATTACHMENT III

Department of Public Works
Office of the Director
City Hall, Room 348
I. Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4645

DPW ORDER NO. 175,487

**ESTABLISHING POLICY AND GUIDELINES FOR DEPARTMENT OF PUBLIC WORKS PERMIT
PROCESSING PRIORITY.**

I: PURPOSE

The purpose of this Order is to establish guidelines to ensure that permit applicants receive equal treatment, that permits are reviewed in the order received by the Department of Public Works, or reviewed in conformity to a policy that allows for alternative, priority processing of applications. This Order is in accordance with the requirements of San Francisco Campaign and Government Conduct Code Section 3.400, effective December 15, 2004, and supplements the Permit Processing Code of Conduct adopted by the Ethics Commission on January 10, 2005. This Director's Order recognizes the need for a policy that addresses such priority, necessity, efficiency and/or practical feasibility necessary to deliver customer service founded upon a basis of equal treatment to all applicants.

II: REFERENCE

San Francisco Public Works Code

Standing Director's Orders

Ordinance 115-04, Amends San Francisco Campaign and Government Conduct Code, Section 3.400 "Permit Application Processing."

III: MANDATE OF POLICY

This Director's Order provides guidelines for the implementation of legislation adopted by the Board of Supervisors to ensure that DPW, as a City Permitting Department, conducts its operations so that no appearance or actual preferential treatment is given to any permit applicant while allowing for a policy that considers priority, necessity, efficiency, and practical feasibility in the issuance of permits.

IV: PROCEDURAL APPLICABILITY

These procedures relate to assignment of permit applications and initial processing as well as to permit revisions and/or corrections submitted to the Department of Public Works through to the final permit issuance. The Department of Public Works recognizes that strict chronological review is infeasible for all permits following initial acceptance and, further, that employees need to exercise reasonable discretion in all permit review and issuance activities in order to fulfill the Department's customer service responsibilities.

When questions arise regarding this process, employees shall consult with their supervisors. Adherence to this Order allows alternatives to the strict chronological order of permit processing and issuance.

V: GUIDELINES FOR PERMIT PROCESSING AND ISSUANCE

Permit applications shall be entered into the permit database, assigned to staff for review, and reviewed in the order in which they are received in accordance with Rule 1, except as detailed for priority permits as set forth under Rule 2, 3, and 4A & 4B. A determination by Department of Public Works' Senior Staff as to whether priority permit review is acceptable will be made upon request by project sponsors, their representatives, or at such times as the Department becomes aware of a potential priority situation, such as clerical error or cases of less complexity, whereas the applicant's request is not required.

DEFINITIONS:

Rule 1 All permits shall be processed and approved in the chronological order of date and time received.

Following an initial review in accordance with the guidelines established in this Order, permit applications may be placed on hold, routed to other divisions of DPW or other City agencies, issued, or disapproved pursuant to the Public Works Code and other adopted Orders, policies and procedures.

Rule 2 Provides a listing of categories of permits eligible for consideration for priority review.

Rule 3 Addresses issues related to the priority and review of revisions and of other materials submitted after initial permit acceptance and review, as well as issues related to final processing and issuance of permits.

Rule 4A Recognizes the concept of "lesser" permit complexity review requirements and "greater" permit review complexity, including listing types of permits.

Rule 4B Allows consideration be given due to the availability of qualified and/or authorized personnel to review and issue permits.

DETAILED INFORMATION:

Rule 1 Permit application, data entry, assignment to staff, and review shall be chronologically assigned for plan review and processing by Department of Public Works staff based on date/time of permit filing, except as detailed in cases below.

Rule 2 Permit applications for the following types of work may be given priority assignment for plan review and issuance. Each such case must be individually evaluated and approved in writing by the DPW Director or his/her designee:

1. Permits for necessary emergency work to secure the health or safety of building users or the public related to or occupying the public right-of-way (PROW).
2. Permits for construction work that utilizes public funds for any part of such work.
3. Permit for work on City-owned or leased properties when such priority permit review is specified in a written agreement between the Department of Public Works and such other City agencies.
4. Permits for work consisting solely for disabled access improvements.
5. Permits for maintenance or preservation of designated historic publicly owned areas.
6. Permits for work in the PROW in conjunction with buildings that meet or exceed LEED rating high efficiency "green" building under the Leadership in Energy and Environmental Design program of the U.S. Green Building Council).
7. Permits to respond to delay caused by an earlier procedural error by DPW in processing the permit or processing another permit for the same project.
8. Permits submitted to comply with Notices of Violation, Orders of Abatement, or any Notices to Repair, other official Department of Public Works enforcement, or abatement notices.
9. Permits for other work for which there is a significant public benefit or necessity.

Rule 3 Revisions and other materials submitted to the Department of Public Works during the permit review process must be reviewed in the order in which such types of materials are received. Such submittal materials include revisions, corrections, addenda, and other materials related to an active permit. Certain exceptions to the strict chronological review and processing sequence are allowed when:

1. Procedural errors by DPW cause a processing delay in the permit review.
2. Materials lost or misplaced by DPW are being replaced.

3. Permit revisions are submitted pursuant to decision of the Board of Appeals or other review or appeals body.
4. Revisions, connections or other submittals are minor in nature and do not unreasonably delay the review, consideration, or processing of other such materials that are in queue.
5. Revisions for permits for work for which there is a significant public benefit or necessity.

Rule 4A Applications related to the use of the public right-of-way (PROW) encompass more than 22 distinct permits where the process time between review and issuance may vary from minutes to years. "Less" complex permits may be reviewed and issued prior to "greater" complexity as a matter of Department efficiency and service to the public. The following categories classify several DPW permits into the appropriate "lesser" and "greater" groupings based upon typical review times. Permits not listed are subject to Rules 1, 2, and/or 3.

LESSER COMPLEXITY		
Temporary Occupancy	Excavation Side Sewer	Cafe Tables/Chairs Renewals
Street Space Occupancy Additional Street Occupancy	Underground/Tank Removal	Street-Use Banners
Mobile Storage Container Municipal Excavation Permits	Boring/ Monitoring Well	Minor/Sidewalk Encroachment Related to Existing Conditions
Debris Box Sign Posting Registration	Display Merchandise Renewal	Permit Renewals/Extensions

GREATER COMPLEXITY
Major Encroachment
Sidewalk Underground Vault Encroachment

Rule 4B DPW employees may possess various professional licenses necessary to perform the duties of their job classification. Also, DPW employees are granted differing levels of authority to process and approve a variety of permits. Rule 4B recognizes that the availability of licensed or authorized person may restrict the Department's ability to process and approve a variety of permits in strict chronological order. Thus, this policy allows that permits may be processed and issued considering the availability of authorized personnel to do so.

DOCUMENTATION OF FINDINGS OF BASIS FOR PRIORITY PERMIT PROCESSING

All rules for priority permit processing, except procedural correction, lost document replacement, and Rules 4A and 4B, shall be documented [See Attachment A], including written findings demonstrating conformity to one of the listed provisions. The documentation may be approved only by the Director of the Department of Public Works, a Senior Manager, Deputy Bureau Manager or other designated Staff person. The documentation of priority permit processing shall be maintained in a chronological file at the DPW Permit Manager's Office located presently in Room 460, 875 Stevenson Street. Records are available for review to any member of the public or staff at any time during regular business upon request.

QUALITY ASSURANCE PROCEDURES

The assignment of permit applications for review by Department of Public Works staff shall be subject to periodic monthly review, by a Senior Staff person, Bureau Representative or persons designated by the Director. Documentation of actions that do not conform to this Order, or other procedures issued by the Director, or other official policies of the City shall be investigated and, if deemed appropriate by the Director, disciplinary action shall be taken as detailed in the Civil Service Rules.

APPROVED:

Edwin M. Lee
Director of Public Works

RECOMMENDED:

Barbara L. Moy
Bureau Manager
Street Use and Mapping

RECOMMENDED:

Robert P. Beck
Deputy Director for Engineering

APPROVED: JUNE 22, 2005

EDWIN M. LEE, DIRECTOR

- Attachment A: Document of Priority Permit Processing
- Attachment B: SF Campaign and Governmental Conduct Code Section 3.400
- Attachment C: Permit Processing Code of Conduct

Attachment A

DEPARTMENT OF PUBLIC WORKS
City and County of San Francisco
875 Stevenson Street, Room 460

Documentation of Findings for Priority Permit Processing

A copy of this form shall be maintained in the DPW Permit Office as part of the permanent records of the findings for priority permit processing at 875 Stevenson Street, Room 460.

Received on Date: _____ Time _____

Permit Application# _____

Property Address: _____

Block and Lot: _____ / _____ Permit Type: _____ Use: _____

Description of Proposed Work:

Findings/Basis for Priority Permit Review:

Other (circle one) Rule 2, or Rule 3

Item#: _____

Comments:

Priority Permit Review Requested by: _____

Approved By: _____

Print name: _____ Title: _____

Attachment B

Editor's Note:

The provision quoted in this attachment was amended after the approval of this Administrative Bulletin. For the convenience of the user, the amended version is presented below.

THE SAN FRANCISCO CAMPAIGN AND GOVERNMENTAL CONDUCT

CODE CHAPTER 4: PERMIT APPLICATION PROCESSING

Sec. 3.400. Permit Application Processing.

SEC. 3.400. PERMIT APPLICATION PROCESSING.

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

(b) **APPLICATION PRIORITY.** It shall be the policy of the Department of Building Inspection, the Planning Department, the Department of Public Works and the officers and employees of such departments to review, consider, and process all applications, revisions, corrections and other permit-related material in the order in which that type of material is received unless there is a written finding of a public policy basis for not doing so, such as the involvement of public funds in the project for which the permit is sought, or the response to a delay caused by an earlier procedural error in processing the permit or another permit for the same project. Absent such a finding, any officer or employee of the Department of Building Inspection, the Planning Department, the or Department of Public Works who intentionally fails to review, consider and process all applications, revisions, corrections and other permit-related material in the order in which that type of material is received shall be subject to disciplinary action for official misconduct. The Department of Building Inspection, the Planning Department, and the Department of Public Works shall each adopt written guidelines for determining when there is a public policy basis for processing permit material out of order. For purposes of this section, and any corresponding written guidelines, expediting of work consisting primarily of disability access improvements for real property shall qualify as a public policy basis for processing permit material out of order, on a priority basis.

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

Attachment C

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

Permit Processing Code of Conduct
(Adopted by Ethics Commission January 10, 2005)

Preamble

The people of San Francisco are entitled to fair and equitable processes for the review and approval of permit applications by City departments. To this end and pursuant to Section 3.400(c) of the San Francisco Campaign and Governmental Conduct Code, the Ethics Commission adopts this Permit Processing Code of Conduct to guide the Department of Building Inspection, the Planning Department and the Department of Public Works, and members of the public who use their services.

For the Staff

As an employee or officer working on matters related to permits issued by the Department of Building Inspection, the Planning Department or the Department of Public Works, I will be honest in my dealings with permit applicants, permit consultants, members of the public and my colleagues. I will enforce compliance with Building, Planning and Public Works Codes and requirements in a consistent manner.

For the Public

I will be sensitive to the fact that officers and employees of the City must adhere to laws and rules that govern their conduct and I will respect their procedures. I will provide full, clear and accurate information to the officers and employees of the City.