

ATTACHMENT III

City and County of San Francisco

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DPW ORDER NO. 182974

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

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: REFERENCES

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 issuance of the approved permit. 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 and policies.

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' Bureau of Street-Use and Mapping (BSM) Manager or his/her designee, 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 Departments, issued, or disapproved pursuant to the Public Works Code and other adopted Orders, policies and procedures.

Rule 2 provides a listing of categories of permit types 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 concepts 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 and/or safety of building users or the public related to or occupancy of the public right of ways (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 are 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 upgrades/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 for work related to of mandatory or voluntary seismic retrofit work for soft-story structures.
8. 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.
9. 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.

10. 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 submitted materials may include but are not limited to 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 a decision of the Board of Appeals or other review or appeals body.
4. Revisions, corrections 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 for Side Sewer	Café Tables/Chairs (incl. Renewals)
Street Space Permits Additional Street Space (ADS) Permits	Underground Tank Removal	Street-Use Banners
Mobile Storage Container Utility Excavation Permits	Boring/ Monitoring Well	Minor Sidewalk Encroachment for Existing Conditions
Debris Box Sign Posting Registration	Display Merchandise (incl. Renewals)	Permit Renewals/Extensions
Street Improvement Permit for properties with no more than one or two street frontages.	Vault Encroachment Permits	Minor Sidewalk Encroachment Permits associated with “Lesser” Street Improvement Permits

GREATER COMPLEXITY
Major Encroachment Permits
Street Improvement Permits for properties with more than two street frontages.
Street Improvement Permits for properties fronting an unimproved (Article 9) PROW.

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, Bureau Manager, Deputy Bureau Manager, Permit Manager, Senior Plan Checker 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 1155 Market Street, 3rd Floor.

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 DPW Permit Manager or his/her designee. Documentation of actions that do not conform to this Order, 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.

This DPW Order rescinds and supersedes DPW Order No. 175,487, approved June 22, 2005.

10/2/2014	10/7/2014
<u>/s/ Jerry Sanguinetti</u> Sanguinetti, Jerry Bureau Manager	<u>/s/ Fuad Sweiss</u> Sweiss, Fuad Deputy Director and City Engineer
10/7/2014	
<u>/s/ Mohammed Nuru</u> Nuru, Mohammed Director, DPW	