

1 [Continuation or Acceleration of Noticed Hearings.]

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3 **Ordinance amending the San Francisco Planning Code by amending Section 306.4 to**
 4 **provide that once a discretionary review or conditional use case has been noticed for**
 5 **public hearing on an official meeting agenda, the hearing date may not be continued or**
 6 **accelerated without the Department consulting with the principal opponents, if known,**
 7 **and making a good-faith effort to select a mutually agreeable hearing date and to**
 8 **provide that the Planning Commission may not continue the case the day of the**
 9 **hearing except under extraordinary and unforeseen circumstances; and by amending**
 10 **the San Francisco Business and Tax Regulations Code by amending Section 14 to**
 11 **impose the same limitations on continuances and accelerations of hearing dates for**
 12 **matters at the Board of Appeals.**

13 Note: Additions are *single-underline italics Times New Roman*;
 14 deletions are ~~*strikethrough italics Times New Roman*~~.
 15 Board amendment additions are double underlined.
 16 Board amendment deletions are ~~strikethrough normal~~.

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

17 Section 1. The San Francisco Planning Code is hereby amended by amending Section
 18 306.4, to read as follows:

19 SEC. 306.4. CONDUCT OF HEARINGS.

20 (a) Reports and Recommendations. In all actions for amendments to the
 21 Planning Code or General Plan or conditional uses, the Zoning Administrator or the Planning
 22 Department shall make necessary investigations and studies and submit the findings to the
 23 Director of Planning prior to the hearing of the Planning Commission, or in actions on
 24 conditional use applications in NC Districts, prior to the consent calendar or public hearing of
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1 the Commission. The report and recommendation of the Director of Planning shall be
2 submitted at least one week prior to the hearing.

3 (b) Record. A record shall be kept of the pertinent information presented at
4 the hearing on any action for an amendment, conditional use or variance, and such record
5 shall be maintained as a part of the permanent public records of the Planning Department. A
6 verbatim record may be made if permitted or ordered by the Planning Commission in the case
7 of actions for amendments or conditional uses, and by the Zoning Administrator in the case of
8 variance actions.
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10 (c) Continuations or Accelerations of Hearing Date. The Planning
11 Commission in the case of actions for amendments, discretionary review, or conditional uses,
12 and the Zoning Administrator in the case of variance actions, shall determine the instances in
13 which cases scheduled for hearing may be continued or taken under advisement. In such
14 cases, new notice need not be given of the further hearing date, provided such date is
15 announced at the scheduled hearing. With respect to discretionary review and conditional use
16 cases, once the case has been noticed for public hearing on the Commission's official
17 meeting agenda, it may not be continued or the hearing date accelerated without the
18 Commission Secretary or Department staff consulting in advance with, in the case of
19 discretionary review cases, the discretionary review requestor or requestors and, in the case
20 of conditional use cases, with the principal opponent or opponents, if known, or their
21 designated representative and making a good-faith attempt to select a mutually agreeable
22 hearing date. Requests for continuances made the day of the hearing may be granted by the
23 Commission only upon extraordinary and unforeseen circumstances.
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1 (d) Decision. The decision of the Planning Commission or the Zoning
2 Administrator shall be in accordance with the provisions for each type of case in Sections 302
3 through 305 and 340.

4 (1) In the case of variances, the decision of the Zoning Administrator shall,
5 unless deferred upon the request or consent of the applicant, be rendered within 60 days from
6 the date of conclusion of the hearing or, where no hearing is involved, within 60 days from the
7 date of filing; failure of the Zoning Administrator to act within the prescribed time shall entitle
8 the applicant to cause the matter to be placed before the Planning Commission for decision at
9 its next following regular meeting.
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11 (2) In the case of actions for amendments to the Planning Code or
12 conditional uses, the decision of the Planning Commission shall be rendered within 90 days
13 from the date of conclusion of the hearing; failure of the Commission to act within the
14 prescribed time shall be deemed to constitute disapproval.
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16 (3) In the case of proposed amendments to the Planning Code initiated by
17 the Board of Supervisors under Section 302(b), or modifications to proposed amendments
18 made by the Board under Section 302(d) of this Code, the decision of the Planning
19 Commission shall be rendered within 90 days from the date of referral of the proposed
20 amendment or modification by the Board to the Commission. Failure of the Commission to act
21 within the prescribed time shall be deemed to constitute disapproval, except that the Board
22 may, by resolution, extend the prescribed time within which the Commission is to render its
23 decision.
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1 Section 1. The San Francisco Business and Tax Regulations Code is hereby amended
2 by amending Section 14, to read as follows:

3 SEC. 14. HEARING AND DECISION.

4 The Board of Appeals shall hear the applicant, the permit holder or other
5 interested parties, as well as a representative of the department from whose action the appeal
6 is taken. After said hearing and such further investigations as the Board may deem
7 necessary, but not later than 60 days or a reasonable time after the filing with it of the first
8 appeal, the Board may concur in the action of the department authorized to issue, transfer or
9 revoke the permit, or may overrule the action of said department and order that the permit be
10 granted, restored, denied, or permitted to be transferred, as the case may be.

11 Any immediately adjacent property owner who requested discretionary review of
12 a permit by the Planning Commission and prevailed, in whole or in part, shall have the status
13 of a party under this Article or the Board's rules in any appeal of the permit to the Board of
14 Appeals by the project sponsor. Status of a party includes, but is not limited to, the right to
15 any notices provided to parties, the right to receive service of papers filed by other parties to
16 the appeal, equal time for an oral presentation including rebuttal time, service of the Board's
17 decision, and the right to request a rehearing; provided, however, that if there is more than
18 one such adjacent property owner, the Board of Appeals may, at its discretion, limit the time
19 for oral presentation to three minutes for each adjacent property owner and a combined total
20 of three minutes rebuttal for all adjacent property owners.

21 Once a case has been noticed for public hearing on the Board's official meeting
22 agenda, it may not be continued or the hearing date accelerated without the Department staff
23 consulting in advance with all parties to the appeal and making a good-faith attempt to select
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1 a mutually agreeable hearing date. Requests for continuances made the day of the hearing
2 may be granted by the Commission only upon extraordinary and unforeseen circumstances.

3 APPROVED AS TO FORM:
4 LOUISE H. RENNE, City Attorney

5 By: _____
6 JUDITH A. BOYAJIAN
7 Deputy City Attorney

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