

File No. 091020

Committee Item No. 6

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee Land Use & Economic Development Date November 23, 2009

Board of Supervisors Meeting Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
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| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
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OTHER

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Planning Commission Rev. No. 17908</u> |
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Completed by: Linda Laws

Date November 20, 2009

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

1 [Discretionary Review; Fees.]

2
3 **Ordinance amending the San Francisco Planning Code by amending Section 311 and**
4 **312 to provide that a request for discretionary review will be heard by the Planning**
5 **Commission or its designee if the application demonstrates exceptional and**
6 **extraordinary circumstances as defined, to replace the term Residential Design**
7 **Guidelines with the term Residential Design Standards, and to repeal the ability of a**
8 **project sponsor to request discretionary review; amending Sections 352 and 355 to**
9 **allow for collection and refund of fees associated with Planning Department**
10 **Reconsideration; adopting environmental and Section 302 findings.**

11 NOTE: Additions are single-underline italics Times New Roman;
12 deletions are ~~strike-through italics Times New Roman~~.
13 Board amendment additions are double-underlined;
14 Board amendment deletions are ~~strikethrough-normal~~.

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

15 Section 1. Findings.

16 (a) Environmental Finding. The Planning Department has determined that the
17 actions contemplated in this ordinance comply with the California Environmental Quality Act
18 (California Public Resources Code Section 21000 et seq.). Said determination is on file with
19 the Clerk of the Board of Supervisors in File No. 091020 and is incorporated
20 herein by reference.

21 (b) Section 302 Findings. This ordinance will serve the public necessity,
22 convenience, and welfare for the reasons set forth in Planning Commission Resolution No.
23 17908, and said reasons are incorporated herein by reference. A copy of
24 Planning Commission Resolution No. 17908 is on file with the Clerk of the Board of
25 Supervisors in File No. 091020.

Planning Commission
BOARD OF SUPERVISORS

1 Section 2. The San Francisco Planning Code is hereby amended by amending Section
2 311, to read as follows:

3 SEC. 311. RESIDENTIAL PERMIT REVIEW PROCEDURES FOR RH, RM, AND RTO
4 DISTRICTS.

5 (a) Purpose. The purpose of this Section is to establish procedures for reviewing
6 building permit applications for lots in R Districts in order to determine compatibility of the
7 proposal with the neighborhood and for providing notice to property owners and residents
8 neighboring the site of the proposed project and to interested neighborhood organizations, so
9 that concerns about a project may be identified and resolved during the review of the permit.

10 (b) Applicability. Except as indicated herein, all building permit applications for
11 demolition and/or new construction, and/or alteration of residential buildings in RH, RM, and
12 RTO Districts shall be subject to the notification and review procedures required by this
13 Section. Subsection 311(e) regarding demolition permits and approval of replacement
14 structures shall apply to all R Districts. For the purposes of this Section, an alteration shall be
15 defined as any change in use or change in the number of dwelling units of a residential
16 building, removal of more than 75 percent of a residential building's existing interior wall
17 framing or the removal of more than 75 percent of the area of the existing framing, or an
18 increase to the exterior dimensions of a residential building except those features listed in
19 Section 136(c)(1) through 136(c)(24) and 136(c)(26).

20 (c) Building Permit Application Review for Compliance and Notification. Upon
21 acceptance of any application subject to this Section, the Planning Department shall review
22 the proposed project for compliance with the Planning Code and any applicable design
23 *guidelines standards* approved by the Planning Commission. Applications determined not to be
24 in compliance with the standards of Articles 1.2, 1.5, 2 and 2.5 of the Planning Code,
25 Residential Design *Standards Guidelines*, including design *standards guidelines* for specific areas

1 adopted by the Planning Commission, or with any applicable conditions of previous approvals
2 regarding the project, shall be held until either the application is determined to be in
3 compliance, is disapproved or a recommendation for cancellation is sent to the Department of
4 Building Inspection.

5 (1) Residential Design Standards Guidelines. The construction of new residential
6 buildings and alteration of existing residential buildings in R Districts shall be consistent with
7 the design policies and guidelines of the General Plan and with the "Residential Design
8 Standards Guidelines" as adopted and periodically amended for specific areas or conditions by
9 the City Planning Commission. The Director of Planning may require modifications to the
10 exterior of a proposed new residential building or proposed alteration of an existing residential
11 building in order to bring it into conformity with the "Residential Design Standards Guidelines"
12 and with the General Plan. These modifications may include, but are not limited to, changes in
13 siting, building envelope, scale texture and detailing, openings, and landscaping.

14 All references in this Code to the "Residential Design Guidelines" shall be deemed to mean the
15 "Residential Design Standards" set forth herein.

16 (2) Notification. Upon determination that an application is in compliance with the
17 development standards of the Planning Code, the Planning Department shall cause a notice
18 to be posted on the site pursuant to rules established by the Zoning Administrator and shall
19 cause a written notice describing the proposed project to be sent in the manner described
20 below. This notice shall be in addition to any notices required by the Building Code and shall
21 have a format and content determined by the Zoning Administrator. It shall include a
22 description of the proposal compared to any existing improvements on the site with
23 dimensions of the basic features, elevations and site plan of the proposed project including
24 the position of any adjacent buildings, exterior dimensions and finishes, and a graphic
25

1 reference scale. The notice shall describe the project review process and shall set forth the
2 mailing date of the notice and the expiration date of the notification period.

3 Written notice shall be mailed to the notification group which shall include the project
4 sponsor, relevant neighborhood organizations as described in Subparagraph 311(c)(2)(C)
5 below, all individuals having made a written request for notification for a specific parcel or
6 parcels pursuant to Planning Code Section 351 and all owners and, to the extent practical,
7 occupants, of properties in the notification area.

8 (A) The notification area shall be all properties within 150 feet of the subject lot in
9 the same Assessor's Block and on the block face across from the subject lot. When the
10 subject lot is a corner lot, the notification area shall further include all property on both block
11 faces across from the subject lot, and the corner property diagonally across the street.

12 (B) The latest City-wide Assessor's roll for names and addresses of owners shall be
13 used for said notice.

14 (C) The Planning Department shall maintain a list, available for public review, of
15 neighborhood organizations which have indicated an interest in specific properties or areas.
16 The organizations having indicated an interest in the subject lot or its area shall be included in
17 the notification group for the proposed project.

18 (3) Notification Period. All building permit applications shall be held for a period of
19 30 calendar days from the date of the mailed notice to allow review by residents and owners
20 of neighboring properties and by neighborhood groups.

21 (4) Elimination of Duplicate Notice. The notice provisions of this Section may be
22 waived by the Zoning Administrator for building permit applications for projects that have
23 been, or before approval will be, the subject of a duly noticed public hearing before the
24 Planning Commission or Zoning Administrator, provided that the nature of work for which the
25

1 building permit application is required is both substantially included in the hearing notice and
2 is the subject of the hearing.

3 (5) Notification Package. The notification package for a project subject to notice
4 under this Section 311 shall include:

5 (A) A description of the proposal compared to any existing improvements on the site
6 with dimensions of the basic features, elevations and site plan of the proposed project
7 including exterior dimensions and finishes, and a graphic reference scale.

8 (B) Information stating whether the proposed project includes horizontal, vertical, or
9 both horizontal and vertical additions.

10 (C) Information showing the relationship of the project to adjacent properties,
11 including the position and height of any adjacent building and location of windows facing the
12 subject property.

13 (D) 11 by 17 drawings at a measurable scale with all dimensions legible that shows
14 (i) both existing and proposed floor plans, (ii) specific dimensional changes to the building,
15 including parapets, penthouses, and other proposed building extensions and (iii) the location
16 and amount of removal of exterior walls.

17 (E) Floor plans where there is a new building, building expansion, or change in the
18 floor plans of an existing building.

19 (F) The name and telephone number of the project planner at the Planning
20 Department assigned to review the application.

21 (G) A description of the project review process, information on how to obtain
22 additional information about the project, and information about the recipient's rights to request
23 additional information, to request discretionary review by the Planning Commission, and to
24 appeal to other boards or commissions.
25

1 (d) Requests for Planning Commission Review. ~~A request for t~~The Planning
2 Commission or its designee shall consider a public request to exercise ~~its~~ discretionary review
3 powers over a specific building permit application if the application requesting discretionary
4 review demonstrates exceptional and extraordinary circumstances.

5 Exceptional and extraordinary circumstances occur where the standard application of adopted
6 design standards to a project does not enhance or conserve neighborhood character, or balance the
7 right to develop the property with impacts on nearby properties or occupants. These circumstances
8 may arise due to complex topography, irregular lot configuration, unusual context, or other conditions
9 not addressed in the design standards. shall be considered by the Planning Commission if An
10 application for discretionary review must be received by the Planning Department no later than
11 5:00 p.m. of the last day of the notification period as described under Subsection (c)(3) above,
12 subject to guidelines adopted by the Planning Commission.

13 ~~The project sponsor of a building permit application may request discretionary review by the~~
14 ~~Planning Commission to resolve conflicts between the Director of Planning and the project sponsor~~
15 ~~concerning requested modifications to comply with the Residential Design Guidelines.~~

16 (1) Scheduling of Hearing. The Zoning Administrator shall set a time for hearing
17 requests for discretionary review by the Planning Commission or its designee within a
18 reasonable period.

19 (2) Notice. Mailed notice of the discretionary review hearing ~~by the Planning~~
20 ~~Commission~~ shall be given not less than 10 days prior to the date of the hearing to the
21 notification group as described in Paragraph 311(c)(2) above. Posted notice of the hearing
22 shall be made as provided under Planning Code Section 306.8.

23 (e) Demolition of Dwellings, Approval of Replacement Structure Required. Unless
24 the building is determined to pose a serious and imminent hazard as defined in the Building
25 Code an application authorizing demolition in any R District of an historic or architecturally

1 important building or of a dwelling shall not be approved and issued until the City has granted
2 final approval of a building permit for construction of the replacement building. A building
3 permit is finally approved if the Board of Appeals has taken final action for approval on an
4 appeal of the issuance or denial of the permit or if the permit has been issued and the time for
5 filing an appeal with the Board has lapsed with no appeal filed.

6 (1) The demolition of any building whether or not historically and architecturally
7 important may be approved administratively where the Director of the Department of Building
8 Inspection or the Chief of the Bureau of Fire Prevention and Public Safety determines, after
9 consultation with the Zoning Administrator, that an imminent safety hazard exists, and the
10 Director of the Department of Building Inspection determines that demolition or extensive
11 alteration of the structure is the only feasible means to secure the public safety.

12 (f) Wireless Telecommunications Services Facility as Accessory Use, Notification
13 and Review Required. Building permit applications for new construction of a wireless
14 telecommunications services facility as an accessory use under Article 2 of the Planning Code
15 in RH and RM Districts shall be subject to the notification and review procedures required by
16 this Section.

17 Section 3. The San Francisco Planning Code is hereby amended by amending Section
18 312, to read as follows:

19 SEC. 312. NEIGHBORHOOD COMMERCIAL PERMIT REVIEW PROCEDURES FOR ALL
20 NC DISTRICTS.

21 (a) Purpose. The purpose of this Section is to establish procedures for reviewing
22 building permit applications for lots in NC Districts in order to determine compatibility of the
23 proposal with the neighborhood and for providing notice to property owners, occupants and
24 residents neighboring the site of the proposed project and to interested neighborhood
25

1 organizations, so that concerns about a project may be identified and resolved during the
2 review of the permit.

3 (b) Applicability. Except as indicated herein, all building permit applications for
4 demolition, new construction, changes in use to a formula retail use as defined in Section
5 703.3 of this Code or alterations which expand the exterior dimensions of a building shall be
6 subject to the notification and review procedures required by Subsection 312(d). Subsection
7 312(f) regarding demolition permits and approval of replacement structures shall apply to all
8 NC Districts. For the purposes of this Section, addition to a building of the features listed in
9 Section 136(c)(1) through 136(c)(24) and 136(c)(26) shall not be subject to notification under
10 this Section.

11 (c) Changes of Use. All building permit applications for a change of use to a bar, as
12 defined in Section 790.22, a liquor store, as defined in Section 790.55, a walkup facility, as
13 defined in Section 790.140, other large institutions, as defined in Section 790.50, other small
14 institutions, as defined in Section 790.51, a full-service restaurant, as defined in Section
15 790.92, a large fast food restaurant, as defined in Section 790.90, a small self-service
16 restaurant, as defined in Section 790.91, a self-service specialty food use, as defined in
17 Section 790.93, a massage establishment, as defined in Section 790.60, an outdoor activity,
18 as defined in Section 790.70, an adult or other entertainment use, as defined in Sections
19 790.36 and 790.38, or a fringe financial service use, as defined in Section 790.111, shall be
20 subject to the provisions of Subsection 312(d).

21 (d) Building Permit Application Review for Compliance and Notification. Upon
22 acceptance of any application subject to this Section, the Planning Department shall review
23 the proposed project for compliance with the Planning Code and any applicable design
24 standards guidelines approved by the Planning Commission. Applications determined not to be
25 in compliance with the standards of Articles 1.2, 1.5, 2 and 2.5 of the Planning Code, including

1 design standards guidelines for specific areas adopted by the Planning Commission, or with any
2 applicable conditions of previous approvals regarding the project, shall be held until either the
3 application is determined to be in compliance, is disapproved or a recommendation for
4 cancellation is sent to the Department of Building Inspection.

5 (1) Neighborhood Commercial Design Standards Guidelines. The construction of new
6 buildings and alteration of existing buildings in NC Districts shall be consistent with the design
7 policies and guidelines of the General Plan as adopted and periodically amended for specific
8 areas or conditions by the Planning Commission. The Director of Planning may require
9 modifications to the exterior of a proposed new building or proposed alteration of an existing
10 building in order to bring it into conformity with the General Plan. These modifications may
11 include, but are not limited to, changes in siting, building envelope, scale texture and detailing,
12 openings, and landscaping.

13 (2) Notification. Upon determination that an application is in compliance with the
14 development standards of the Planning Code, the Planning Department shall cause a notice
15 to be posted on the site pursuant to rules established by the Zoning Administrator and shall
16 cause a written notice describing the proposed project to be sent in the manner described
17 below. This notice shall be in addition to any notices required by the Building Code and shall
18 have a format and content determined by the Zoning Administrator. It shall include a
19 description of the proposal compared to any existing improvements on the site with
20 dimensions of the basic features, elevations and site plan of the proposed project including
21 the position of any adjacent buildings, exterior dimensions and finishes, a graphic reference
22 scale, existing and proposed uses and commercial or institutional business name, if known.
23 The notice shall describe the project review process and shall set forth the mailing date of the
24 notice and the expiration date of the notification period.

1 Written notice shall be mailed to the notification group which shall include the project
2 sponsor, relevant neighborhood organizations as described in Subparagraph 312(d)(2)(C)
3 below, all individuals having made a written request for notification for a specific parcel or
4 parcels pursuant to Planning Code Section 351 and all owners and, to the extent practical,
5 occupants, of properties in the notification area.

6 (A) The notification area shall be all properties within 150 feet of the subject lot in
7 the same Assessor's Block and on the block face across from the subject lot. When the
8 subject lot is a corner lot, the notification area shall further include all property on both block
9 faces across from the subject lot, and the corner property diagonally across the street.

10 (B) The latest City-wide Assessor's roll for names and addresses of owners shall be
11 used for said notice.

12 (C) The Planning Department shall maintain a list, updated every six months with
13 current contact information, available for public review, and kept at the Planning Department's
14 Planning Information Counter, and reception desk, as well as the Department of Building
15 Inspection's Building Permit Counter, of neighborhood organizations which have indicated an
16 interest in specific properties or areas. The organizations having indicated an interest in the
17 subject lot or its area shall be included in the notification group for the proposed project.

18 Notice to these groups shall be verified by a declaration of mailing signed under penalty of
19 perjury. In the event that such an organization is not included in the notification group for a
20 proposed project as required under this subsection, the proposed project must be re-noticed.

21 (3) Notification Period. All building permit applications shall be held for a period of
22 30 calendar days from the date of the mailed notice to allow review by residents, occupants,
23 owners of neighboring properties and by neighborhood groups.

24 (4) Elimination of Duplicate Notice. The notice provisions of this Section may be
25 waived by the Zoning Administrator for building permit applications for projects that have

1 been, or before approval will be, the subject of a duly noticed public hearing before the
2 Planning Commission or Zoning Administrator, provided that the nature of work for which the
3 building permit application is required is both substantially included in the hearing notice and
4 is the subject of the hearing.

5 (e) Requests for Planning Commission Review. ~~A request for t~~The Planning
6 Commission or its designee shall consider a public request to exercise ~~its~~ discretionary review
7 powers over a specific building permit application if the application requesting discretionary
8 review demonstrates exceptional and extraordinary circumstances.

9 Exceptional and extraordinary circumstances occur where the standard application of adopted
10 design standards to a project does not enhance or conserve neighborhood character, or balance the
11 right to develop the property with impacts on nearby properties or occupants. These circumstances may
12 arise due to complex topography, irregular lot configuration, unusual context, or other conditions not
13 addressed in the design standards. shall be considered by the Planning Commission if An application
14 for discretionary review must be shall be considered by the Planning Commission if received by the
15 Planning Department no later than 5:00 p.m. of the last day of the notification period as
16 described under Subsection (d)(3) above, subject to guidelines adopted by the Planning
17 Commission.

18 ~~The project sponsor of a building permit application may request discretionary review by the~~
19 ~~Planning Commission to resolve conflicts between the Director of Planning and the project sponsor~~
20 ~~concerning requested modifications to comply with relevant design guidelines of the General Plan.~~

21 (1) Scheduling of Hearing. The Zoning Administrator shall set a time for hearing
22 requests for discretionary review by the Planning Commission or its designee within a
23 reasonable period.

24 (2) Notice. Mailed notice of the discretionary review hearing ~~by the Planning~~
25 ~~Commission~~ shall be given not less than 10 days prior to the date of the hearing to the

1 notification group as described in Paragraph 312(d)(2) above. Posted notice of the hearing
2 shall be made as provided under Planning Code Section 306.8.

3 (f) Demolition of Dwellings, Approval of Replacement Structure Required. Unless
4 the building is determined to pose a serious and imminent hazard as defined in the Building
5 Code an application authorizing demolition in any NC District of an historic or architecturally
6 important building or of a dwelling shall not be approved and issued until the City has granted
7 final approval of a building permit for construction of the replacement building. A building
8 permit is finally approved if the Board of Appeals has taken final action for approval on an
9 appeal of the issuance or denial of the permit or if the permit has been issued and the time for
10 filing an appeal with the Board has lapsed with no appeal filed.

11 (1) The demolition of any building whether or not historically and architecturally
12 important may be approved administratively where the Director of the Department of Building
13 Inspection or the Chief of the Bureau of Fire Prevention and Public Safety determines, after
14 consultation with the Zoning Administrator, that an imminent safety hazard exists, and the
15 Director of the Department of Building Inspection determines that demolition or extensive
16 alteration of the structure is the only feasible means to secure the public safety.

17 (g) Wireless Telecommunications Services Facility as Accessory Use, Notification
18 and Review Required. Building permit applications for new construction of a wireless
19 telecommunications services facility as an accessory use under Article 7 of the Planning Code
20 in all NC Districts shall be subject to the notification and review procedures required by this
21 Section.

22 Section 4. The San Francisco Planning Code is hereby amended by amending Section
23 352, to read as follows:

24 SEC. 352. COMMISSION AND ZONING ADMINISTRATOR HEARING APPLICATIONS.

25 (a) Conditional Use (Section 303), Planned Unit Development (Section 304),

1	Estimated Construction Cost	Initial Fee
2	No construction cost, excluding	
3	extension of hours	\$785.00
4	No construction cost, extension of hours	\$1,206.00
5	Estimated Construction Cost	Initial Fee
6	\$1.00 to \$9,999.00	\$1,206.00
7	\$10,000.00 to \$999,999.00	\$1,206.00 plus 0.557% of cost over \$10,000.00
8	\$1,000,000.00 to \$4,999,999.00	\$6,722.00 plus 0.664% of cost over \$1,000,000.00
9	\$5,000,000.00 to \$9,999,999.00	\$33,315.00 plus 0.557% of cost over \$5,000,000.00
10	\$10,000,000.00 to \$19,999,999.00	\$61,176.00 plus 0.290% of cost over \$10,000,000.00
11	\$20,000,000.00 or more	\$90,213.00
12		
13		
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15		
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17		

(b) Variance (Section 305)

18	Estimated Construction Cost	Initial Fee
19	\$0.00---\$9,999.00	\$782.00
20	\$10,000.00--\$19,999.00	\$1,741.00
21	\$20,000.00 and greater	\$3,476.00
22		
23		
24		
25		

Variance fees are subject to additional time and material charges, as set forth in Section 350c.

1 (c) Downtown (C-3) District Review (Section 309) and Coastal Zone Permit (Section
 2 330) Applications Commission Hearing Fee Schedule:

3 Estimated Construction Cost	Initial Fee
4 \$0.00 to \$9,999.00	\$244.00
5 \$10,000.00 to \$999,999.00	\$244.00 plus 0.112% of cost over \$10,000.00
6 \$1,000,000.00 to \$4,999,999.00	\$1,352.00 plus 0.133% of cost over \$1,000,000.00
7 \$5,000,000.00 to \$9,999,999.00	\$6,684.00 plus 0.111% of cost over \$5,000,000.00
8 \$10,000,000.00 to 9 \$19,999,999.00	\$12,234.00 plus 0.058% of cost over \$10,000,000.00
10 \$20,000,000.00 or more	\$18,063.00

14 (1) Applications with Verified Violations of this Code: The Planning Department shall
 15 charge \$191.00 as an initial fee, plus time and materials as set forth in Section 350(c).

16 (2) Where an applicant requests two or more approvals involving a conditional use,
 17 planned unit development, variance, Downtown (C-3) District Section 309 review, certificate of
 18 appropriateness, permit to alter a significant or contributory building both within and outside of
 19 Conservation Districts, or a coastal zone permit review, the amount of the second and each
 20 subsequent initial fees of lesser value shall be reduced to 50 percent.

21 (3) Minor project modifications requiring a public hearing to amend conditions of
 22 approval of a previously authorized project, not requiring a substantial reevaluation of the prior
 23 authorization: \$896.00

24 (4) The applicant shall be charged for any time and materials beyond the initial fee
 25 in Section 352(a), as set forth in Section 350(c).

1 (5) An applicant proposing significant revisions to a project for which an application
2 is on file with the Planning Department shall be charged time and materials to cover the full
3 costs in excess of the initial fee.

4 (6) For agencies or departments of the City and County of San Francisco, the initial
5 fee for applications shall be based upon the construction cost as set forth above.

6 (d) Discretionary Review Requests: \$300.00; provided, however, that the fee shall
7 be waived if the discretionary review request is filed by a neighborhood organization that: (1)
8 has been in existence for 24 months prior to the filing date of the request, (2) is on the
9 Planning Department's neighborhood organization notification list, and (3) can demonstrate to
10 the Planning Director or his/her designee that the organization is affected by the proposed
11 project. Such fee shall be refunded to the individual or entity that requested discretionary
12 review in the event the Planning Commission denies the Planning Department's approval or
13 authorization upon which the discretionary review was requested.

14 (1) Mandatory ~~d~~Discretionary ~~r~~Reviews (Planning Commission or Planning Department
15 initiated): \$3,223.00.

16 (e) Institutional Master Plan (Section 304.5).

17 (1) Full Institutional Master Plan or Substantial Revision: \$11,492.00 plus time and
18 materials if the cost exceeds the initial fee as set forth in Section 350(c).

19 (2) Abbreviated Institutional Master Plan: \$2,103.00 plus time and materials if the
20 cost exceeds the initial fee as set forth in Section 350(c).

21 (f) Land Use Amendments and Related Plans and Diagrams of the San Francisco
22 General Plan: Fee based on the Department's estimated actual costs for time and materials
23 required to review and implement the requested amendment, according to a budget prepared
24 by the Director of Planning, in consultation with the sponsor of the request.
25

1 (g) General Plan Referrals: \$3,103.00 plus time and materials if the cost exceeds
2 the initial fee as set forth in Section 350(c).

3 (h) Redevelopment Plan Review: The Director of Planning shall prepare a budget to
4 cover actual time and materials expected to be incurred, in consultation with the
5 Redevelopment Agency. A sum equal to 1/2 the expected cost will be submitted to the
6 Department, prior to the commencement of the review. The remainder of the costs will be due
7 at the time the initial payment is depleted.

8 (i) Reclassify Property or Impose Interim Zoning Controls: \$6,611.00.

9 (1) The applicant shall be charged for any time and materials as set forth in Section
10 350(c).

11 (2) Applications with Verified Violations of this Code: The Planning Department shall
12 charge time and materials as set forth in Section 350(c).

13 (j) Setback Line, Establish, Modify or Abolish: \$2,672.00.

14 (k) Temporary Use Fees \$391.00 as an initial fee, plus time and materials if the cost
15 exceeds the initial fee, as set forth in Section 350(c).

16 (l) Amendments to Text of the Planning Code: \$13,209.00 as an initial fee, plus
17 time and materials if the cost exceeds the initial fee as set forth in Section 350(c).

18 (m) Zoning Administrator Conversion Determinations Related to Service Station
19 Conversions: \$2,609.00 as an initial fee, plus time and materials if the cost exceeds the initial
20 fee. (Section 228.4):

21 (n) Conditional Use Appeals to the Board of Supervisors:

22 (1) \$500.00 for the appellant of a conditional use authorization decision to the Board
23 of Supervisors; provided, however, that the fee shall be waived if the appeal is filed by a
24 neighborhood organization that: (1) has been in existence for 24 months prior to the appeal
25 filing date, (2) is on the Planning Department's neighborhood organization notification list, and

1 (3) can demonstrate to the Planning Director or his/her designee that the organization is
2 substantially affected by the proposed project.

3 (2) Such fees shall be used to defray the cost of an appeal to the Planning
4 Department. At the time of filing an appeal, the Clerk of the Board of Supervisors shall collect
5 such fee and forward the fee amount to the Planning Department.

6 Section 5. The San Francisco Planning Code is hereby amended by amending Section 355,
7 to read as follows:

8 Section 5. The San Francisco Planning Code is hereby amended by amending Section
9 355, to read as follows:

10 SEC. 355. PERMIT APPLICATIONS.

11 (a) Building permit applications for a change in use or alteration of an existing
12 building, to be collected by Central Permit Bureau; provided, however, that the fees charged
13 for Planning Department approval over-the-counter for the replacement of windows, roofs,
14 siding, and doors shall be reduced to 1/2 the fee set forth below.

Estimated Construction Cost	Initial Fee
\$0.00 to \$9,999.00	\$305.00
\$10,000.00 to \$49,999.00	\$306.00 plus 3.196% of cost over \$10,000.00
\$50,000.00 to \$99,999.00	\$1,585.00 plus 2.136% of cost over \$50,000.00 plus \$81.00 Discretionary Review Surcharge and \$267.00 Categorical Exemption Stamp Fee
\$100,000.00 to	\$2,654.00 plus 2.337% of cost over \$100,000.00 plus

1	\$499,999.00	\$81.00 Discretionary Review Surcharge and \$267.00
2		Categorical Exemption Stamp Fee
3	\$500,000.00 to	\$12,003.00 plus 0.591% of cost over \$500,000.00 plus
4	\$999,999.00	\$81.00 Discretionary Review Surcharge and \$267.00
5		Categorical Exemption Stamp Fee
6	\$1,000,000.00 to	\$14,959.00 plus 0.232% of cost over \$1,000,000.00 plus
7	\$4,999,999.00	\$81.00 Discretionary Review Surcharge and \$267.00
8		Categorical Exemption Stamp Fee
9	\$5,000,000.00 to	\$24,240.00 plus 0.004% of cost over \$5,000,000.00 plus
10	\$99,999,999.00	\$81.00 Discretionary Review Surcharge and \$267.00
11		Categorical Exemption Stamp Fee
12	\$100,000,000.00 or	\$28,041.00 plus \$81.00 Discretionary Review Surcharge
13	more	and \$267.00 Categorical Exemption Stamp Fee
14		

15 (1) Applications with Verified Violations of this Code: The Planning Department shall
16 charge time and materials as set forth in Section 350(c).

17 (2) Back-Check Fee for Permit Revisions: \$191.00 for the initial fee, plus time and
18 materials as set forth in Section 350(c), to be collected at time of permit issuance.

19 (3) Shadow Impact Fee for New Construction or Alteration Exceeding 40 Feet in
20 Height (Section 295): Additional \$438.00 plus time and materials as set forth in Section
21 350(c).

22 (4) Public Notification Fee for Projects Requiring Public Notice Pursuant to Section
23 311: \$45.00, plus \$3.03 per envelope (subject to increase based on envelope and postage
24 costs). The City's reprographics department will print and mail public notices.

1 (5) Public Notification Fee for Projects Requiring Public Notice Pursuant to Section
2 312: \$45.00, plus \$0.89 per envelope (subject to increase based on envelope and postage
3 costs). The City's reprographics department will print and mail public notices.

4 (6) For projects with a construction cost of \$100,000,000.00 or more, the applicant
5 shall be charged the permit fee for a project with a \$100,000,000.00 construction cost.

6 (7) Permits for solar panels and over-the-counter permits for solar equipment
7 installation shall be \$129.00 per permit.

8 (b) Building Permit Applications for a New Building:

Estimated Construction Cost	Initial Fee
\$0.00 to \$99,999.00	\$1,734.00, plus \$81.00 Discretionary Review Surcharge and \$267.00 Categorical Exemption Stamp Fee
\$100,000.00 to \$499,999.00	\$1,735.00 plus 2.337% of cost over \$100,000.00 plus \$81.00 Discretionary Review Surcharge and \$267.00 Categorical Exemption Stamp Fee
\$500,000.00 to \$9,999,999.00	\$11,084.00 plus 0.746% of cost over \$500,000.00 plus \$81.00 Discretionary Review Surcharge and \$267.00 Categorical Exemption Stamp Fee
\$1,000,000.00 to \$4,999,999.00	\$14,815.00 plus 0.287% of cost over \$1,000,000.00 plus \$81.00 Discretionary Review Surcharge and \$267.00 Categorical Exemption Stamp Fee
\$5,000,000.00 to \$99,999,999.00	\$26,296.00 plus 0.005% of cost of \$5,000,000.00 plus \$81.00 Discretionary Review Surcharge and \$267.00

	Categorical Stamp Fee
\$100,000,000.00 or more	\$31,047.00 plus \$81.00 Discretionary Review Surcharge and \$267.00 Categorical Exemption Stamp Fee

(c) Demolition Applications, to be collected by Central Permit Bureau: \$1,351.00.

(d) Fire, Police, Entertainment Commission, State Alcohol and Beverage Control and Health Department Permit Applications Referral Review: \$114.00 initial fee collected by the other Departments in conjunction with current fee collections, plus time and materials as set forth in Section 350(c).

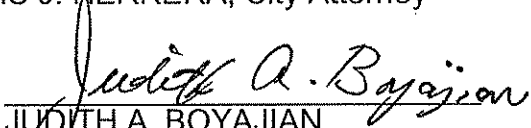
(e) Sign Permit Applications, to be collected by Central Permit Bureau: \$119.00.

(f) Requests for Planning Department Reconsideration: \$300.00; provided, however, that the fee shall be waived if the reconsideration request is filed by a neighborhood organization that: (1) has been in existence for 24 months prior to the filing date of the request, (2) is on the Planning Department's neighborhood organization notification list, and (3) can demonstrate to the Planning Director or his/her designee that the organization is affected by the proposed project. Such fee shall be refunded to the individual or entity that requested reconsideration in the event the Planning Department determines that the Planning Code and/or adopted design standards were not appropriately applied to the subject building permit application under reconsideration.

Section 6. Report to the Board of Supervisors. Within 24 months after the operative date of this ordinance, the Planning Department shall present a report to the Board of Supervisors about the results of the Discretionary Review reform trial period. At that time, the Board may choose to introduce legislation to repeal or change the Discretionary Review reform legislation, or take no action should it feel that the reform has been successful during

1 the 24 month trial period. This Report shall be given subsequent to and shall include a
2 summary of a hearing before the Planning Commission on the same topic.

3 APPROVED AS TO FORM:
4 DENNIS J. HERRERA, City Attorney

5 By: 
6 JUDITH A. BOYAJIAN
Deputy City Attorney

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LEGISLATIVE DIGEST

[Discretionary Review; Fees.]

Ordinance amending the San Francisco Planning Code by amending Section 311 and 312 to provide that a request for discretionary review will be heard by the Planning Commission or its designee if the application demonstrates exceptional and extraordinary circumstances as defined, to replace the term Residential Design Guidelines with the term Residential Design Standards, and to repeal the ability of a project sponsor to request discretionary review; amending Sections 352 and 355 to allow for collection and refund of fees associated with Planning Department Reconsideration; adopting environmental and Section 302 findings.

Existing Law

Planning Code Section 311 establishes procedures for reviewing certain building permit applications in Residential zoning districts in order to determine compatibility of the proposal with the neighborhood, and for providing notice to property owners and residents neighboring the site and to interested neighborhood organizations so that concerns about a project may be identified and resolved during the review of the permit. Section 312 establishes similar review procedures and notice provisions for certain building permit applications in Neighborhood Commercial zoning districts.

Sections 311 and 312 give neighborhood residents, interested neighborhood organizations, or others 30 days to request the Planning Commission to exercise discretionary review (DR) over the project. If a request for DR is received within the 30-day period, the Commission must hold a public hearing to hear the matter. The project sponsor also has the right to request DR by the Planning Commission to resolve conflicts between the Planning Director and the sponsor concerning the project.

Amendments to Current Law

The proposed legislation amends Planning Code Sections 311 and 312 to eliminate the mandatory scheduling of a DR hearing before the Planning Commission upon receipt of a request for DR and instead allows some DR requests to be reviewed and heard administratively. It also eliminates the right of a project sponsor to request DR. Staff-initiated DRs and mandatory DRs required by the Commission will not be affected. In order to have a Commission hearing, a request by the public for DR must demonstrate "exceptional and extraordinary circumstances," which is defined as occurring "where the standard application of adopted design standards to a project does not enhance or conserve neighborhood character, or balance the right to develop the property with impacts on nearby properties or occupants." These circumstances may arise "due to complex topography, irregular lot configuration, unusual context, or other conditions not addressed in the design standards."

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Planning Code Section 352 is amended to provide that the existing \$3,223 DR fee will be assessed only for Planning Commission or Planning Department staff-initiated DRs. Section 355 is amended to add a \$300 fee for requests for reconsideration by the Department. This fee will be waived if the reconsideration request is filed by a neighborhood organization that "(1) has been in existence for 24 months prior to the filing date of the requests, (2) is on the Planning Department's neighborhood organization notification list, and (3) can demonstrate to the Planning Director or his/her designee that the organization is affected by the proposed project." The \$300 fee, if paid, will be refunded to the individual or entity that requested reconsideration in the event that the Department determines the Planning Code and/or adopted design standards were not appropriately applied to the project.

The legislation requires that the Planning Department present a report to the Board of Supervisors within 24 months of the operative date of the ordinance about the results of this DR reform legislation. This report will summarize the hearing before the Planning Commission on the same topic, that will be held prior to presenting the report to the Board.

Background Information

On July 17, 2008, the Planning Commission endorsed the Planning Department's Action Plan, which includes reforming the DR process. The reform proposal, which the Commission will implement during a two-year trial period, was initiated by the Commission on April 2, 2009 and approved by the Commission at a public hearing held on June 18, 2009. This legislation is part of the reform package.

The DR authority is codified in Section 26 of the San Francisco Business & Tax Regulations Code, which authorizes the agency granting or revoking any permit to take into consideration the effect of the proposal upon surrounding property and residents and to "exercise its sound discretion as to whether said permit should be granted, transferred, denied or revoked." The Commission currently exercises this authority by holding a public hearing to consider requests by the public for DR of a particular project prior to action by the Planning Department and the Department of Building Inspection on the building permit. Several independent audits and reports have suggested that the current DR process does not produce consistent or fair results, creates conflict in neighborhoods, has created unrealistic expectations on the part of filers and project sponsors, makes the development process more lengthy and costly for all involved, and takes time away from the Commission to address larger planning issues.

In developing the proposal to improve the DR process, Planning Department staff had extensive public outreach, researched the processes of other jurisdictions, reviewed case trends, and used professional experience. Staff also reviewed the Board of Supervisor's Budget Analyst audit dated June 2002, the Matrix Consulting report dated February 2008, and the SPUR/AIA report dated September 2007. The reform proposal adopted by the Commission includes many aspects which do not require Code changes to implement, such as strengthening pre-application meeting requirements, improving the Department's internal

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design review process, improving public information and access, adopting timelines, and ensuring that the Commission hear matters that are identified as representative of a broader policy issue or are otherwise exceptional. As one part of a phased implementation of reforms to the DR process, the proposed legislation will allow the Commission to control its time, improve the process, and better utilize Department staff while continuing to engage the public in land use development issues.



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 17908

HEARING DATE: JUNE 18, 2009

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Case No.: 2009.0227TU
Project Sponsor: Planning Commission
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elizabeth.watty@sfgov.org
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Planning Information: 415.558.6377

Recommendation: Recommend Adoption of the Planning Code Amendments to Sections 311, 312, 353, and 355 to implement a two-year trial of Phase One Discretionary Review Reform to the Board of Supervisors.

ADOPTING PLANNING CODE AMENDMENTS TO REVISE PLANNING CODE SECTIONS 311(d) AND 312(e) TO STATE THAT A REQUEST FOR DISCRETIONARY REVIEW WILL BE HEARD BY THE PLANNING COMMISSION OR ITS DESIGNEE IF THE APPLICATION DEMONSTRATES EXCEPTIONAL AND EXTRAORDINARY CIRCUMSTANCES, TO REMOVE THE OPTION FOR PROJECT SPONSORS TO REQUEST DISCRETIONARY REVIEW AND RELY INSTEAD ON STAFF INITIATED DISCRETIONARY REVIEW FOR UNSUPPORTED PROJECTS, TO CHANGE ALL REFERENCES IN THE PLANNING CODE TO THE "RESIDENTIAL DESIGN GUIDELINES" TO MEAN THE "RESIDENTIAL DESIGN STANDARDS", AND TO MAKE CHANGES TO THE FEE SCHEDULE IN PLANNING CODE SECTIONS 352 AND 355 TO CLARIFY THAT THE MANDATORY DISCRETIONARY REVIEW FEE SCHEDULE APPLIES TO PLANNING DEPARTMENT INITIATED DISCRETIONARY REVIEW AND TO ALLOW FOR THE COLLECTION AND REFUND OF FEES ASSOCIATED WITH PLANNING DEPARTMENT RECONSIDERATION.

WHEREAS, the Planning Commission derives its discretionary review (DR) authority from San Francisco's Municipal Code under the Business & Tax Regulations Code, Article 1 Permit Procedures, Section 26 (a):

"Subject to Subsection (b) below, in the granting or denying of any permit, or the revoking or the refusing to revoke any permit, the granting or revoking power may take into consideration the effect of the proposed business or calling upon surrounding property and upon its residents, and inhabitants thereof; and in granting or denying said permit, or revoking or refusing to revoke a permit, may exercise its sound discretion as to whether said permit should be granted, transferred, denied or revoked" (emphasis added); and

WHEREAS, the Planning Commission's discretionary powers were first interpreted on May 26, 1954 by Dion R. Holm in City Attorney Opinion No. 845, where Holm cautioned that the authority granted to the Commission by Section 26 of the Business & Tax Regulations Code should be reserved for "exceptional cases":

"I think it is entirely plain, on the authority of the above enunciated general principles, that the reservation of authority in the present ordinances to deal in a special manner with exceptional cases is unassailable upon constitutional grounds. The possibility of abuse of the power granted does not disprove its existence; that possibility exists even in reference to powers that are conceded to exist. An occasional wrong decision by the granting authority is of less importance to the community than the unrelieved arbitrariness of an iron-clad ordinance. This is, however, a sensitive discretion and one which must be exercised with the utmost restraint" (emphasis in original); and

WHEREAS, this Opinion was reaffirmed on April 30, 1979 by City Attorney George Agnost in Opinion No. 79-29, where he cited the importance of discretion in the land-use decision making process:

"The chief difficulty in establishing a zoning plan is to make it effective and at the same time avoid arbitrariness. Human wisdom cannot foresee the exceptional cases that can arise in its administration. With the great increase and concentration of population problems have developed, and constantly are developing, which require and will continue to require, additional restrictions in respect to the use and occupation of private lands in urban communities. (Village of Euclid v. Ambler Realty Co., 272 U.S. 365; Bassett on Zoning, New York Russell Sage Foundation (1940))...Sound administration requires that some person or agency be invested with discretion to determine whether the erection of a building of a particular kind or for a particular use, when considered in the context of circumstance and locality, constitutes a subversion of the general purposes of the ordinance."

WHEREAS, on November 4, 1986, the voters of San Francisco passed Proposition M, which requires the City to find that all proposed projects and demolitions are consistent with the eight priority policies set forth in Planning Code Section 101.1; and

WHEREAS, on November 2, 1989, the Commission adopted the first guidelines for residential design, which were revised and incorporated into Planning Code Section 311(c)(1) on December 4, 2003. These Guidelines eliminated the arbitrariness of an iron-clad ordinance, and allowed for project's to be approved, modified, or denied by the Department based on consistency with these Guidelines. The Commission has the authority to delegate their approval function to the Planning Department under the San Francisco Charter, Section 4.105; and

WHEREAS, the "Residential Design Guidelines" are considered by many Project Sponsors to be a "guide" rather than a required set of design standards that must be applied to all new construction and alterations of residential properties in R Districts. In an effort to underscore the mandatory application of these Codified design principles in the review of every residential building permit in R Districts, the Department seeks to modify the Planning Code to change all references of the "Residential Design Guidelines" to "Residential Design Standards"; and

WHEREAS, the Discretionary Review process is intended to take a second look at projects that meet the applicable Design Standards, unsupported projects shall follow the staff-initiated Discretionary Review process and shall pay the full cost-recovery fee.

WHEREAS, on July 17, 2008, the Planning Commission endorsed the Planning Department's Action Plan, with one of its six objectives to "enable the Planning Commission to focus on higher-level policy issues", and suggesting "reform [of] the Discretionary Review Process, with the public, the Planning Commission, and staff as intended beneficiaries" as a means of achieving this objective. In response to the endorsement of this item of the Department's Action Plan, the Department formed an internal working group with the goal of developing a draft proposal to reform the Discretionary Review process; and

WHEREAS, the Department's internal working group reviewed the Board of Supervisor's Budget Analyst's audit, the Matrix Consulting report, and the SPUR/AIA report, all of which recommended reforms to the Discretionary Review process. All three reports concluded that the current Discretionary Review process often resulted in arbitrary and inconsistent outcomes, and took time away from the Commission that could be used for addressing projects with greater City-wide impacts as well as policy-related matters; and

WHEREAS, the Commission may wish to delegate its review authority of Discretionary Review applications that demonstrate "exceptional and extraordinary circumstances" to a designee of its choice in Phase Two implementation; and

WHEREAS, a change in the Code to allow for the Planning Commission to delegate its authority over Discretionary Review applications does not eliminate the public's right to a hearing by the Board of Appeals; and

WHEREAS, currently Sections 311 and 312 of the Planning Code mandate a hearing before the Planning Commission if a Discretionary Review application is filed by 5:00 p.m. of the last day of the notification period. In order for the Commission to hold a public hearing only for those projects that could meet the exceptional and extraordinary standards, and to delegate review of applications for this determination to staff, Planning Code Sections 311 and 312 will need to be amended; and

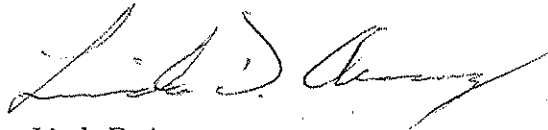
WHEREAS, Section 352(d) of the Planning Code does not currently clarify that the fee for Planning Department-Initiated Discretionary Reviews is the Mandatory Discretionary Review fee; and

WHEREAS, Section 355 of the Planning Code does not include a clause for reimbursement if a request for Reconsideration shows that the Planning Department applied the Planning Code or Design Standards inappropriately; and

MOVED, that the Planning Commission hereby adopts this Resolution to amend the Planning Code Sections 311, 312, 352, and 355, in accordance with the requirements of Planning Code Section 302, to state that a request for discretionary review will be heard by the Planning Commission or its designee if the application demonstrates exceptional and extraordinary circumstances, to allow the Planning Commission the flexibility to delegate their authority to review Discretionary Review applications that

show "exceptional and extraordinary circumstances" – as defined under the Commission's Policy as potential Phase Two implementation– to a designee of its choice, to change all Planning Code references of the "Residential Design Guidelines" to "Residential Design Standards", and to make changes to the fee schedule, as submitted and attached hereto as Attachment III and approved as to form by the City Attorney.

I hereby certify that the foregoing Motion was ADOPTED by the Commission at its meeting on June 18, 2009.



Linda D. Avery

Commission Secretary

AYES: Miguel, Antonini, Borden, Sugaya

NOES: Moore

ABSENT: Olague, Lee

ADOPTED: June 18, 2009



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: JUNE 18, 2009

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Date: June 11, 2009
Case No.: 2009.0227TU
Project Sponsor: Planning Commission
Staff Contacts: Elaine Forbes, (415) 558-6417
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Re: Discretionary Review Reform

BACKGROUND

Following public outreach described in detail in the April 2, 2009 Case Report, the Planning Department presented a Motion seeking adoption of the Intent to Initiate Planning Code Text Changes and a Resolution seeking adoption of a Planning Commission Policy for Discretionary Review Reform. On April 2, 2009, the Planning Commission adopted the Intent to Initiate the Planning Code Text Changes, and moved the Policy Resolution to the call of the chair.

CURRENT PROPOSAL

The Planning Department recommends phased implementation to reform the Discretionary Review process, with Phase One being the subject of this hearing, and Phase Two being initiated by the Commission no sooner than twenty four months (2 years) after the implementation of Phase One.

Phase One will:

- Strengthen pre-application meeting requirements, broaden the project types that require Pre-application, and make consistent the scope and type of information exchanged at those meetings to improve communication between project sponsors and their neighbors;
- Improve the Department's internal design review process to provide balanced, transparent, and consistent application of the Code and Design Standards;
- Improve public information about the Discretionary Review process in general, and provide access to project-specific information on-line;
- Define "exceptional and extraordinary circumstances" in the context of Discretionary Review;

- Use the definition to allow only those projects that could meet exceptional and extraordinary standards to proceed to a Commission hearing (applications where the standard was not met could be appealed to the Board of Appeals);
- Ensure that cases heard by the Commission are identified either as one-of-a-kind, or a representative of a policy issue that should be incorporated into Design Standards;
- Offer interested parties the option of "Reconsideration" whereby they can request that the Department re-examine the project without having to find exceptional and extraordinary circumstances, because they believe the Department made an error. If the Department misapplied the Code or Design Standards, the project would be modified and the fee of \$300 would be refunded to the requestor;
- Adopt timelines for review, response and hearing of Discretionary Review applications; and
- Specify a 24-month (2-year) trial period; and at the 18-month point initiate a public evaluation of the efficacy and effectiveness of Phase One reforms, and at the two year mark, the Commission would continue, modify, or discontinue the policy.

Phase One would become effective in its entirety upon adoption of the Planning Code Text Amendments by the Board of Supervisors, with an approximate effective date in September of 2009. Following Commission adoption of the proposed policy resolution (see Attachment I), staff will formalize and initiate Phase One changes that do not require legislative change, which are to implement the improved pre-application process, internal design review process, provide better DR information, adhere to the timeline policy for DR requests, identify policy issues for the Commission's consideration, and use Commission decisions intended as precedent-setting as policy guidance for review of future projects.

During this interim period between Commission policy endorsement and legislative change (approximately 4 to 5 months), all Discretionary Review Requests will be brought to the Planning Commission with a section in each report outlining whether the request could meet the exceptional and extraordinary standard to proceed to a DR hearing. This allows the Residential Design Team (RDT) and the Commission to ensure that staff's application of the proposed definition of "exceptional and extraordinary circumstances" reflects the desire of the Commission.

Phase Two. The Planning Commission may or may not choose to proceed with Phase Two options after reviewing and weighing the results of Phase One through a public process.

Phase Two may include the following:

- Story Pole policy;
- Hearing Officer or other delegation of Discretionary Review requests;
- Codification of the DR process; and
- Changes to the cost burden between the DR requestor, the project sponsor and the building permit surcharge.

CHANGES FROM THE APRIL 2, 2009 PROPOSAL

Attachment IV to this report includes Commission and public recommendations staff received on or after the April 2, 2009 Commission hearing, and staff responses to these recommendations. The resulting changes do not significantly modify Phase One recommendations (see April 2, 2009 Case Report). However, staff has clarified several issues as a result of Commission and public feedback as shown in Attachment IV. The most notable clarifications relate to (1) the trial period timeline for Phase One Implementation (evaluation to begin 18-months after the effective date of the Text Changes, with a 24-month trial period), (2) mechanisms for communication with the Commission to keep the Commission appraised throughout the trial period and identify and resolve policy issues related to Design Standards, (3) the pre-application requirements, and (4) recommendations for a sunset provision.

PROCEDURES DURING THE "INTERIM PERIOD" (APPROXIMATELY 4 TO 5 MONTHS)

During the Interim Period (following adoption of the DR Reform Policy, but prior to the effective date of the legislation) staff will implement the following procedures:

Formalizing Communication with the Commission for Oversight and to Resolve Policy Issues and Improve Design Standards

- All Discretionary Review requests will be brought to the Planning Commission with a section in each report outlining whether the request could meet the "exceptional and extraordinary circumstances" standard to proceed to a DR hearing. This allows the Residential Design Team (RDT) and the Commission to ensure that staff's application of the proposed definition of "exceptional and extraordinary circumstances" reflects the desire of the Commission.

Staff has already begun to track the decisions of the RDT and those of the Commission to ensure that staff is applying standards supported by the Commission. The Chart on the following page is an excerpt of the tracking spreadsheet, and shows that of nine recent public DR cases heard by the Commission, there has been strong agreement between the RDT and the Planning Commission both whether to approve or modify a project, and whether the case exhibits exceptional and extraordinary circumstances. (Two of the cases were withdrawn, and two were old enough to predate the requirement for RDT review with respect to DR reform.)

In addition to analyzing publically-requested DR outcomes, the Department will track the disposition of staff-initiated DRs. Both will provide guidance for application of the Design Standards, and can identify either emerging issues, or point to elements of the Standards that are lacking or that need updating.

DISPOSITION OF PUBLIC DR CASES APRIL – JUNE 2009

CASE #	ADDRESS	DEPT. RECOMMENDATIONS			COMMISSION				ACTION	POLICY	
		STAFF	ROT	DR POLICY	ACTION	VOTE	DATE	DR POLICY	ACCORD?	ACCORD?	
1	2009.0158D	66 ELLSWORTH ST	no DR & approve	no DR & approve	no hearing	no DR & approve	*+6-0	04/09/09	no hearing	TRUE	TRUE
2	2008.1383D	3944 21ST ST	no DR & approve	no DR & approve	no hearing	no DR & approve	*+6-0	04/23/09	no hearing	TRUE	TRUE
3	2008.0388D	2608 POST ST	no DR & approve			WITHDRAWN		05/07/09		no decision	no decision
4	2008.1065Dx4	145 BUENA VISTA TR	no DR & approve			WITHDRAWN		05/14/09		no decision	no decision
5	2008.0327D	2012 14TH AV	no DR & approve	no DR & approve	no hearing	no DR & approve	*+6-0	05/14/09	no hearing	TRUE	TRUE
6	2006.0401D	395 ATHENS ST	no DR & approve	no DR & approve	no hearing	no DR & approve	*+6-0	05/21/09	no hearing	TRUE	TRUE
7	2009.0256D	1760-70 FILBERT ST	DR & modify	n/a	n/a	DR & modify	*+6-0	05/28/09	n/a	TRUE	no decision
8	2007.0129Dx3	100 32ND AV	no DR & approve	n/a	n/a	DR & modify	*+4-2	06/04/09		no decision	no decision
9	2008.0285D	109 ALPINE TE	no DR & approve	no DR & approve	no hearing	no DR & approve	*+4-0	06/04/09	no hearing	TRUE	TRUE
PENDING											
10	2009.0230D	138-25th AV	no DR & approve					06/18/09			
11	2009.0337D	574 NATOMA ST	no DR & approve					06/18/09			
12											

PROCEDURES DURING THE “TRIAL PERIOD” (24 MONTHS AFTER EFFECTIVE DATE, WITH PUBLIC HEARINGS BEGINNING ABOUT 18 MONTHS AFTER EFFECTIVE DATE)

Specific reporting procedures and oversight during trial period are as follows:

- o DR Decisions included in Commission packets
- o Weekly updates about DR under the Director’s Report
- o Quarterly hearings on policy-related topics
 - ZA bulletins
 - Brown bag discussions
- o Commission review of Phase One results to be initiated 18-months after the effective date of the Ordinance. The Commission would continue, modify, or discontinue the policy following the evaluation.

The reporting procedures and oversight listed above will provide the Commission and staff the opportunity to engage and improve the Design Standards. Specifically, staff will:

- Use Commission’s decisions on DR, including staff initiated DRs, that the Commission designates as precedent setting, as policy guidance for review of future projects.
- Recommend amendments to Design Standards in ZA bulletins as applicable to reflect the Commission’s policy guidance which will be reviewed during quarterly hearings. Staff also will prepare global amendments to the Design Standards every two years to incorporate bulletins.

- Identify emerging planning issues and/or areas in the Design Standards that require clarification and work with the Commission for appropriate responses during quarterly hearings.
- Track outcomes of cases appealed to the Board of Appeals and Board of Supervisors for relevant policy and procedural feedback.

The Planning Department has also included language in the Policy Resolution to clarify that when a project already requires an entitlement that will be heard by the Planning Commission, one may not file a Discretionary Review Application. If a project is already before the Commission, the Project Sponsor already has a greater burden of proof. By clarifying this in the Policy, it reduces the burden of proof for these cases from the DR Requestor to the Project Sponsor who is already requesting an entitlement.

CLARIFICATION OF PRE-APPLICATION REQUIREMENTS

The Department received a recommendation to include all residential, NC and mixed-residential zoning districts in requirements for pre-application since there are many different types of zoning designations as a result of Eastern Neighborhoods Area Plan. The Department agrees and has modified the Draft Pre-Application Packet (Attachment VIII) to indicate that pre-application is required for all projects that meet the pre-application triggers (10-foot horizontal addition, 7-foot vertical addition, or new construction) and require Section 311 or 312 Notification. A pre-application meeting is required to be conducted in advance of submitting a building permit, conditional use, variance, or other entitlement applications. This change to the pre-application requirement ensures that neighbors are provided the opportunity to discuss their concerns about the physical implications of projects located in residential, neighborhood commercial, or mixed-used districts prior to public notification.

The Department also received a recommendation to change the triggers for pre-application requirement and believes further discussion required. The rationale for the re-application triggers are as follows: the 7' ht. increase was intended to capture vertical additions that would add a floor of occupancy to an existing building; and the 10' horizontal addition was intended to capture all additions that may have a significant negative impact to adjacent properties. This was extrapolated from the Code standard for permitted obstructions Section 136(c)25 which principally permits a 12' horizontal addition into the required rear yard for districts that require a 45% rear yard. More analysis is required before a proposal for change is made. There was general consensus on these triggers from the 2004 DR Reform effort. The DR Reform group will continue discussions and review if any DRs are filed on projects that did not trigger the pre-application requirement, and will report back to the Commission at the first quarterly report.

OPTIONS FOR SUNSET OF THE 2-YEAR TRIAL PERIOD

Staff strongly supports the concept of a 24 month (2 years) trial period for DR reforms so that the Commission can evaluate with the public whether the reforms are successful. Department

staff has amended the Commission Resolution adopting the DR Reform policy with suggested language from the Neighborhood Network as follows:

"It is the policy of the Planning Commission that this program be implemented on a trial basis, not to exceed 24 months, without the Commission's evaluation of the program and decision to continue, modify or discontinue the program"

The Department has received suggestions to include a legislative sunset in the proposed amendments to Planning Code Sections 311 and 312. The Department suggests that the DR Reform legislation should not be subject to a legislated sunset provision since the Commission and the public (neighborhood organizations, design professionals, and project sponsors) should decide the success of the program and a legislative sunset requires the Board of Supervisors to make that determination. DR Reform will be brought before the Commission for formal evaluation 18 months from the effective date of the proposed legislation. At that time, the Commission may introduce policy or legislative changes to modify or discontinue the program. We feel that the decision to retain or delegate the Planning Commission's authority to hear Discretionary Review Applications should remain with the Planning Commission, not with the Board of Supervisors.

However, as an option to the request for a legislative sunset in Sections 311 and 312, the Department recommends the following amendment:

Within 24 months after the effective date of the DR Reform legislation, the Planning Department shall present a report to the Board of Supervisors about the results of the DR Reform trial period. At that time, the Board may choose to introduce legislation to repeal or change the DR Reform legislation, or take no action should they feel that the Reform has been successful during the 24 month trial period. This Report shall be subsequent to and shall include a summary of a hearing before the Planning Commission on the same topic.

This amendment would provide the Board of Supervisors the information needed to decide if Sections 311 and 312 require amendments to modify or discontinue the program. However, if the program is working, the suggested amendment allows the Board of Supervisors to take no action, whereas a legislative sunset would require Board of Supervisor action to continue the program.

ENVIRONMENTAL REVIEW

The proposal to amend Planning Code Sections 311, 312, 352, and 355 would result in no physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c)(2) of the CEQA Guidelines.

REQUIRED COMMISSION ACTION

In order for Discretionary Review Reform to proceed as proposed, the Commission must adopt the Policy Resolution and recommend adoption of the Planning Code Text Changes to the Board of Supervisors.

BASIS FOR RECOMMENDATION

The Department feels that the proposal, as outlined in the Policy Resolution and Planning Code Text Changes, (Attachment I & II, respectively) maintains the benefits of the existing process while advancing the key goals to improve the Discretionary Review process. The proposal provides for more community engagement in the development process, improves communication and the quality of customer service provided to the general public and project sponsors, and creates a more systematic, transparent, predictable development process. Design throughout the residential neighborhoods will be improved by the heightened level of scrutiny applied to projects and by the renaming of the "Residential Design Guidelines" to the "Residential Design Standards". Overall, the Department's Discretionary Review Reform proposal should provide improvements for all interested parties, which is the goal of the Department's Action Plan.

<p>RECOMMENDATIONS: Adopt the Commission's Policy on Discretionary Review</p> <p> Recommend Adoption of the Planning Code Text Changes related to Discretionary Review to the Board of Supervisors.</p>
--

Attachments:

Attachment I – Resolution to Establish Commission Policy for Discretionary Review Reform

Attachment II – Resolution to Recommend Adoption of Planning Code Amendments to Sections 311, 312, 352 and 355 to Implement Phase One Discretionary Review Reform

Attachment III – Proposed Amendments to Sections 311, 312, 352 and 355

Attachment IV – Commission and Public Comments Received on or after April 2, 2009, and Department Responses

Attachment V – Quantitative Metrics for the Residential Design Standards to Trigger Residential Design Team Review

Attachment VI – Policy topics for the Commission’s Consideration

Attachment VII – Executive Summary from April 2, 2009 Case Report

Attachment VIII – Draft Pre-application Packet

PAR Planning Association for the Richmond

3145 Geary Blvd., # 205 - San Francisco CA 94118-3316
Temporary Voice Mail~(415) 668-8914~ Fax (415) 586-6606 -- www.sfpar.org

October 23, 2009

Members, Land Use and Economic Development Committee
San Francisco Board of Supervisors
City Hall, Room 235
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Attention: Linda Laws, Committee Secretary

Dear Supervisors Maxwell, Mar, and President Chiu:

The purpose of this letter is to convey PAR's support for the legislation that has been proposed by the Planning Commission in Board of Supervisors File No. 091020:

- to amend Sections 311 and 312 of the Planning Code to provide that discretionary review will be heard by the Planning Commission or its designee if the application demonstrates "exceptional and extraordinary circumstances" as defined therein;
- to replace the term "Residential Design Guidelines" with the term "Residential Design Standards";
- to repeal the ability of a project sponsor to request discretionary review; and
- to make various other amendments regarding fees, Section 302 findings and environmental findings.

We regret we were unable to convey this support of that proposed legislation to you personally at the informational hearing you held on the 19th of this month.

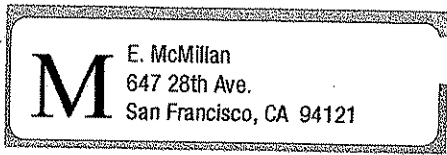
Sincerely,



Raymond R. Holland
President

Cc: Members, PAR Board of Directors

RECEIVED
2009 OCT 26 AM 11:40
RY



#091020

26 Oct. 2009

LAND USE COMMITTEE
HON. SOPHIE MAXWELL
HON. FRIE MAR
HON. DAVID CHIU, PRESIDENT, BOARD OF SUPERVISORS

RECEIVED
DEPT OF ENVIRONMENT
& PLANNING
2009 OCT 28 AM 10:53

RE: D.R. DISCRETIONARY REVIEW
PLANNING COMMISSION

PLEASE RETAIN D.R. DISCRETIONARY REVIEW BY THE
PLANNING COMMISSION AS MANDATED IN THE CURRENT
CITY CHARTER AND IN THE PREVIOUS ONE TOO.

IT IS ABSOLUTELY ESSENTIAL THAT THE VOICE
OF THE PEOPLE (THE PUBLIC) BE HEARD AND NOT DELEGATED
TO A LOWER ECHELON CITY EMPLOYEE.

SHOULD THE APPOINTED (BY THE MAYOR AND THE BOARD OF
SUPERVISORS) PLANNING COMMISSIONERS FIND IT SO ONEROUS
THEN LET THEM RESIGN - OR, BETTER YET - NOT ACCEPT THIS POSITION.

DO NOT BE SWAYED, UPHOLD THE CITY CHARTER AND ALLOW
PERSONS TO PETITION FOR RELIEF TO THE APPROPRIATE
AUTHORITY. THE PLANNING COMMISSIONERS.

SMITH

EDITH McMILLAN
647-28th AVE.
SAN FRANCISCO, CA 94125
752-5200

P.S. DO NOT ALLOW THE FILING FEE
BECOME PROHIBITIVELY EXPENSIVE.

P.P.S. I AM DISOBT 30 CANNOT ATTEND
THE MEETING AND THEREFORE
THIS LETTER.

CASE AS NEEDED

m

E. McMillan
647 28th Ave.
San Francisco, CA 94121

18 Nov. 2009

LAND USE COMMITTEE
OF THE BOARD OF SUPERVISORS
HON. SUPERVISOR SOPHIE MAXWELL
HON. SUPERVISOR ERIC MAR (MILPITAS DIST. #1)
HON. PRESIDENT DAVID CHIU

RE: DISCRETIONARY
REVIEW 23 Nov. 2009

UPHOLD THE CITY CHARTER. UPHOLD THE WILL OF THE PEOPLE, DO NOT BE ROULED BY SEMANTICS BY PLANNING PERSONNEL. THEIR PROPOSAL IS A CENSORING - A GRAB FOR POWER - AND A LESSENING OF WORK INEVITABLY CLAIMED AFTER A 2 YEAR "EXPERIMENT" THAT IT WAS A "RESOUNDING SUCCESS" HA! IF SO YOU ARE BEING MISLED AS WELL AS SUBVERTING THE WILL OF THE PEOPLE

THE CHARTER PROVISION MANDATING DIVERSITY OF 7 PLANNING COMMISSIONERS DOES NOT TRANSLATE TO ONE CITY PLANNING EMPLOYEE CENSORING AN APPLICATION FOR RELIEF. THE PLANNING DEPT. DIRECTOR, STAFF + COMMISSION JUST WANT TO SHIFT THE WORKLOAD ONTO THE BOARD OF APPEALS WHICH YOU WILL THEN HAVE TO GREATLY FUND + EXPAND WORKER SIZE

FOR MANY MANY YEARS I MONITORED PLANNING WITHOUT ANY COMPENSATION ON BEHALF OF THE COMMUNITY UNTIL I BECAME DISABLED - MOBILITY IMPAIRED (ALSO THE REASON FOR THIS LETTER - I CANNOT ATTEND MEETINGS). IF YOU WISH FURTHER INSIGHT FEEL FREE TO CALL ME AT 752-5200 ANYTIME.

MEANWHILE PLEASE REJECT ANY INTRUSION INTO THE CAREFULLY DRAFTED CITY CHARTER - AS AMENDED - AND RETAIN AS IT IS WITH PEOPLE TO APPEAL TO THE PLANNING COMMISSION FOR RELIEF THROUGH DISCRETIONARY REVIEW

KNOW TIME LINE

CC: AS NEEDED

SINCE
EDITH McMILLAN (MRS. W)
647-28th AVENUE
SAN FRANCISCO, CA 94121

m

TIME TABLE
ON PLANNING COMMISSIONERS
DISCRETIONARY REVIEW

1932 CITY CHARTER

1954 ADDED PLANNING COMMISSIONERS DUTIES. D. R.
CONFIRMED BY CITY ATTORNEY DION HOLM
SEVEN (7) MEMBERS 5 APPOINTED BY MAYOR + CAO + HEAD ^{PL}

1979 DISCRETIONARY REVIEW UPHELD BY
CITY ATTORNEY GEORGE A. AGOSTI'S DECISION AFFIRMED
REFERENCED 272 US 365
EUCLID VS. AMBER PEARL

PRIOR TO ADOPTION OF 1996 CHARTER - TESTIMONY AT
PLANNING COMMISSION AND AT BOARD OF
SUPERVISORS THAT WE - THE PUBLIC - WANTED
DELEGATION OF CIVIL SERVANTS (TAXPAYER PAID
CITY EMPLOYEES) REMOVED FROM ANY VOTE OR POWER.

1996 CITY CHARTER DONE - BOTH IN 1ST VERSION DRAFTED BY
T. J. ^{UNKNOWN} AND 2ND VERSION BY HOLLY THIER
BOTH UNDER THE AUSPICES OF BOARD OF
SUPERVISORS PRESIDENT BARBARA KAUFMAN

1996 CHARTER THIS CHARTER SPECIFICALLY MANDATES THE
IN 2002 → DIVERSITY OF THE APPOINTED PLANNING COMMISSIONERS
AND SPECIFICALLY ELIMINATED THE 2 CITY EMPLOYEE
PROPOSAL ALSO SPONSORED BY NON SUPERVISOR SOPHIE MAXWELL +

2001 CHARTER AMENDMENT PROVIDING 7 PLANNING COMMISSIONERS
AND THEIR DIVERSITY - 3 APPOINTED BY THE PRESIDENT
2002 PASSED 4.101 + 4.105 BY THE BOARD OF SUPERVISORS + 4 IN THE MAYOR.



"Dian Blomquist"
<dian@dblomquist.com>

11/17/2009 04:14 PM

File # 091020

To <Sophie.Maxwell@sfgov.org>, <Eric.Mar@sfgov.org>,
"Supervisor David Chiu" <david.chiu@sfgov.org>,
<Board.of.Supervisors@sfgov.org>

cc

bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST
Proposed Changes to Discretionary Review (DR), File No
091020

Dear Supervisors,

I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well.

Please vote AGAINST these proposals in the Nov 23 Land Use Committee.

I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure.

This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight.

Discretionary Review itself should remain in the hands of the Planning Commission.
Sincerely, [Name] [Organization / Neighborhood]

Dian Blomquist



"J.R. Bisho Co., Inc."
<bisho@pacbell.net>

11/18/2009 10:27 AM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org

cc

bcc

Subject Bisho Nov 23 Land Use Cmte: Urging Your Vote AGAINST
Proposed Changes to Discretionary Review (DR), File No

File 091020

Dear Supervisors, Please add my name to those opposed to the "DR reforms"...
Please keep the discretion in the hands of the Planning Commission. What
the commissioners
do is tedious, but somebody's gotta do it.
Thanks.
Dave Bisho

I oppose the proposed Code/Charter "reforms" to Discretionary Review
(DR), and urge you to do so as well.

Please vote AGAINST these proposals in the Nov 23 Land Use Committee.

I do support the strong Pre-Application procedure which has recently
been introduced, however it needs to be time-tested as a stand-alone
procedure.

This Pre-Application procedure will likely resolve and/or eliminate most
DR requests without changing the Code, while ensuring continued Public
Oversight.

Discretionary Review itself should remain in the hands of the Planning
Commission.



Libby Benedict
<libby_b@pacbell.net>

11/18/2009 08:45 AM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org

cc

bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST
Proposed Changes to Discretionary Review (DR), File No

File 091020

Dear Supervisors:

I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well.

I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be without changing the Code, while ensuring continued Public Oversight.

Discretionary Review itself should remain in the hands of the Planning Commission.

Sincerely,

Libby Benedict
Francisco Heights Neighborhood Association

File 091020



LEE RADNER
<leeradner@sbcglobal.net>

11/17/2009 07:43 PM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org

cc

bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST
Proposed Changes to Discretionary Review (DR), File No
091020

Dear Supervisors, I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well. Please vote AGAINST these proposals in the Nov 23 Land Use Committee. I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure. This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight. Discretionary Review itself should remain in the hands of the Planning Commission. Sincerely, Lee Radner[Organization / Chair, Friends of Golden Gateway



Maida Taylor
<maida.beth@gmail.com>

11/16/2009 01:38 PM

Please respond to
maida.beth@gmail.com

To Sean.Elsbernd@sfgov.org

cc board.of.supervisors@sfgov.org

bcc

Subject Code/Charter "reforms" to Discretionary Review (DR),

File 091020

Dear Supervisors,

I oppose the proposed so called Code/Charter "reforms" to Discretionary Review (DR), and urge you to oppose them as well.

Please vote AGAINST these proposals in the Nov 23 Land Use Committee. There is a good Pre-Application procedure introduced, and needs to be tested. Giving full control to Planning in essence removes any meaningful balance in the process and guts the ability of the citizens to have their say in the development of the neighborhoods.

This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight and participation. Discretionary Review itself should remain in the hands of the Planning Commission.

Thank you for your attention.

Maida Taylor, MD MPH FACOG
785 Foerster St
San Francisco, CA 94127

415 239 1917
mobile 415 672 7379
maida.beth@gmail.com

--

Maida Taylor, MD MPH FACOG
785 Foerster St
San Francisco, CA 94127

415 239 1917
mobile 415 672 7379
maida.beth@gmail.com

FM 091020



Judith Berkowitz
<sfjberk@mac.com>
11/16/2009 10:34 PM

To Supervisor Sophie Maxwell <Sophie.Maxwell@sfgov.org>,
Supervisor Eric Mar <Eric.Mar@sfgov.org>, Supervisor
David Chiu <David.Chiu@sfgov.org>, Clerk of the Board
cc
bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST
Proposed Changes to Discretionary Review (DR), File No
091020

Dear Supervisors,

I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well.

Please vote AGAINST these proposals in the Nov 23 Land Use Committee.

I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure.

This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight.

Discretionary Review itself should remain in the hands of the Planning Commission.

Sincerely,

- Judith Berkowitz
President, Coalition for San Francisco Neighborhoods
East Mission Improvement Assn

File 091020



bjfa4 <bjfa4@aol.com>
11/17/2009 05:05 AM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org
cc "Barbara Austin" <bjfa4@sbcglobal.net>

bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST
Proposed Changes to Discretionary Review (DR), File No
091020

Dear Supervisors Chiu, Maxwell and Mar,

I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well.

I do support the strong Pre-Application procedure that has recently been introduced, however it does need to be time-tested as a stand-alone procedure.

This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight, that ensures a transparent democratic procedure.

Please vote AGAINST these proposals in the Nov 23 Land Use Committee.

Discretionary Review itself should remain in the hands of the Planning Commission.

Sincerely,

Barbara Austin

Francisco Heights Civic Association

File 091020



B&B Associates
<whlshp19@pacbell.net>

11/17/2009 06:25 AM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org

cc

bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST
Proposed Changes to Discretionary Review (DR), File No
091020

Dear Supervisors,

I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well. Please vote AGAINST these proposals in the Nov 23 Land Use Committee. I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure. This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight. Discretionary Review itself should remain in the hands of the Planning Commission.

Sincerely, Bill Benkavitch, resident - Golden Gateway Center, 'the Gateway'

File 091020



"martin.macintyre@juno.com"
<martin.macintyre@juno.com
>

11/17/2009 07:22 AM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org

cc

bcc

Subject DR proposal

Dear Supervisors,

Please don't approve the charter and code amendment that would allow transfer Design Review from the Planning Commission to the Planning Department that is on the Nov. 23rd agenda..

Martin MacIntyre,

FYI, Resident of District One, Founder of the Coalition for San Francisco Neighborhoods, Past President of PAR, Past Board Member of San Francisco Tomorrow and first dentist at the Southeast Neighborhood Health Center.

Wholesale Hardwood Floors

Never pay retail again. Wholesale prices on all hardwood flooring!

file # 091020



Francisco Da Costa
<fdc1947@gmail.com>

11/17/2009 08:20 AM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org
cc "'David Campos'" <David.Campos@sfgov.org>, Chris Daly
<Chris.Daly@sfgov.org>, Eric Mar <Eric.L.Mar@sfgov.org>
bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST
Proposed Changes to Discretionary Review (DR), File No
091020

Dear Supervisors,

I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well.

Please vote AGAINST these proposals in the Nov 23 Land Use Committee.

I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure.

This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight.

Discretionary Review itself should remain in the hands of the Planning Commission.

Sincerely,

Francisco Da Costa
Bayview Hunters Point Coordinating Council
Environmental Justice Advocacy
Southeast Sector Community Development Corporation
Stop Lennar Action Movement

4909 Third Street
San Francisco, CA 94124

Phone: 415.822.9600
Fax: 415.822.9600

www.sescdc.org
www.hunterspointnavalshipyard.com

FL # 091020



NINERSAM@aol.com

11/17/2009 08:36 AM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org

cc

bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST
Proposed Changes to Discretionary

Dear Supervisors,

I oppose the proposed Code/Charter "reforms" to
Discretionary Review (DR), and urge you to do so as well.

Please vote AGAINST these proposals in the Nov 23
Land Use Committee.

I do support the strong Pre-Application procedure
which has recently been introduced, however it needs
to be time-tested as a stand-alone procedure.

This Pre-Application procedure will likely resolve
and/or eliminate most DR requests without changing the
Code, while ensuring continued Public Oversight.

The San Francisco City Charter has vested discretionary
powers to the Planning Commission, and it cannot be
delegated to any other body i.e. Design Review Team or a hearing officer.

Sincerely,
Hiroshi Fukuda
Richmond Community Association

File 091020



KCrommie@aol.com
11/17/2009 09:00 AM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org
cc
bcc
Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST
Proposed Changes to Discretionary Review (DR), File No
091020

Dear Supervisors:

I want to add my voice to the opposition against the so called reforms to Discretionary Review (DR), and urge you to do so as well.

Please vote AGAINST these proposals in the Nov 23 Land Use Committee. I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure.

This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight. Discretionary Review itself should remain in the hands of the Planning Commission.

Yours truly,
Karen Crommie
628 Ashbury St.



Al Greening
<algreening@mac.com>

11/17/2009 09:44 AM

File # 091020

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org
cc Al Greening <algreening@mac.com>

bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST
Proposed Changes to Discretionary Review (DR), File No
091020

Dear Supervisors,

I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well.

Please vote AGAINST these proposals in the Nov 23 Land Use Committee.

I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure.

This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight.

Discretionary Review itself should remain in the hands of the Planning Commission.

Sincerely,

Alvin R Greening
1020 Union St #4
San Francisco 94133

File 091020



Robert Darcy
<robert.darcy@yahoo.com>

11/17/2009 10:31 AM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org

cc

bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST
Proposed Changes to Discretionary Review (DR), File No
091020

Dear Supervisors, I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well. Please vote AGAINST these proposals in the Nov 23 Land Use Committee. I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure. This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight. Discretionary Review itself should remain in the hands of the Planning Commission.
Sincerely, [Name] [Organization / Neighborhood]

File 091020



"Barbara Gullion"
<bjgullion@speakeasy.net>

11/17/2009 10:39 AM

Please respond to
<bjgullion@speakeasy.net>

To <Sophie.Maxwell@sfgov.org>, <Eric.Mar@sfgov.org>,
<David.Chiu@sfgov.org>,
<Board.of.Supervisors@sfgov.org>

cc

bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST
Proposed Changes to Discretionary Review (DR), File No
091020

Dear Supervisors,

I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well.

Please vote AGAINST these proposals in the Nov 23 Land Use Committee.

I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure.

This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight.

Discretionary Review itself should remain.

Thank you,

Barbara Gullion

51 Rosewood Drive, San Francisco

File 091020



Ted Loewenberg
<tedlsf@sbcglobal.net>

11/17/2009 11:19 AM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org

cc

bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST
Proposed Changes to Discretionary Review (DR), File No
091020

Dear Supervisors,

I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well.

Please vote AGAINST these proposals in the Nov 23 Land Use Committee.

I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure.

This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight.

Discretionary Review itself should remain in the hands of the Planning Commission.

Sincerely,
Ted Loewenberg
Haight

tedlsf@sbcglobal.net

"It's got to come from the heart if you want it to work."

File 091020



SCau1321@aol.com
11/17/2009 12:36 PM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org

cc

bcc

Subject Vote No on Discretionary Review Oversight Change @ Land
Use Cmte. 11/23

Dear Supervisors,

It is imperative that the public retain the right to appeal to the Planning Commission if a project is damaging to their neighborhood or personal property. Giving the Planning Department sole authority over what is built in San Francisco subverts the democratic process by eliminating the public's right to independent oversight.

Please let the public continue to exercise its First Amendment right to petition the government for redress of grievances.

Because I wish that the public's voice continue to be heard in an open forum, I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to vote AGAINST these proposals at the Land Use Committee November 23.

Sincerely,

Sue Cauthen
Member of Telegraph Hill Dwellers and North Beach Neighbors.

Sue Cauthen
1321 Montgomery Street
San Francisco, California
415 391 0737

File 091020



":\)" <gumby5@att.net>

11/17/2009 01:57 PM

Please respond to
<gumby5@att.net>

To <Sophie.Maxwell@sfgov.org>, <Eric.L.Mar@sfgov.org>,
<David.Chiu@sfgov.org>,
<Board.of.Supervisors@sfgov.org>

cc

bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST
Proposed Changes to Discretionary Review (DR), File No
091020

Dear Supervisors,

I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well.

Please vote AGAINST these proposals in the Nov 23 Land Use Committee.

I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure.

This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight.

Discretionary Review itself should remain in the hands of the Planning Commission.

In addition, within the "reform" process, certain documents were not precise. The "Tree Disclosure Statement" that should be filled out in every "Pre-Application" would today be a potential killer for my City landmark tree as far as the Planning Department is concerned.

I suspect that the Richmond District will be subject to a lot of major increase in density and demolitions and Manhattanization.

Sincerely,

Rose Hillson

Jordan Park Improvement Association/District 2 (Inner Richmond/Jordan Park/Laurel Heights)

File 091020



Eric Castongia
<Eric@EricSFHomes.com>
Sent by:
ericssfhomes@gmail.com

11/17/2009 03:13 PM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org
cc
bcc
Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST
Proposed Changes to Discretionary Review (DR), File No
091020

Dear Supervisors,

I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well.

Please vote AGAINST these proposals in the Nov 23 Land Use Committee.

I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure.

This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight.

Discretionary Review itself should remain in the hands of the Planning Commission NOT with the Planning Department.

Thank you for your consideration.

Eric Castongia
512 Roosevelt Way
San Francisco, CA 94114
Eric@EricSFHomes.com
(415)307-1700



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November 16, 2009

Copy for Record

Supervisor David Chiu
San Francisco Board of Supervisors
Land Use and Economic Development Committee
City Hall, Room 244
1 Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Subject: Item 091020, Discretionary Review Reform (amendments to Planning Code Sections 311, 312, 352 & 355)

Dear Supervisor Chiu:

At its meeting on November 2, 2009, the Board of Russian Hill Neighbors voted unanimously to re-affirm its position that all Discretionary Review requests be heard before the Planning Commission and not be turned over to a committee within the Planning Department for review, and to write a letter to your committee expressing this. The consensus was that the Commission was the most impartial entity to rule on DR requests. It was also felt that a potential DR hearing before the Commission was the most effective means to encourage project sponsors to meet with neighbors to explain their projects and work out reasonable differences with neighbors and neighborhood groups, so that there would be no need to file for DR.

Yours very truly,

Penelope Clark, Co-chair Design & Zoning Committee

Cc: Eric Mar, Sophie Maxwell