

1 [Ordinance amending the Planning Code to require the Planning Department, at the request
2 of members of the public, to bring specified project records to certain Planning Commission,
3 Zoning Administrator, Board of Supervisors and Board of Appeals hearings]

4 **Ordinance amending the Planning Code by amending Section 306.4 to require the**
5 **Planning Department, at the request of members of the public or the project sponsor,**
6 **to bring specified project records to Planning Commission, Zoning Administrator,**
7 **Board of Supervisors and Board of Appeals hearings on applications for conditional**
8 **use, variance, demolition or discretionary review.**

9 Note: Additions are *single-underline italics Times New Roman*;
10 deletions are *strikethrough italics Times New Roman*.
11 Board amendment additions are double underlined.
12 Board amendment deletions are ~~strikethrough normal~~.

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

14 Section 1. The San Francisco Planning Code is hereby amended by amending Section
15 306.4, to read as follows:

16 **SEC. 306.4. CONDUCT OF HEARINGS.**

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

24 (b) **Record.** A record shall be kept of the pertinent information presented at the
25 hearing on any action for an amendment, conditional use or variance, and such record shall
be maintained as a part of the permanent public records of the Planning Department. A

1 verbatim record may be made if permitted or ordered by the Planning Commission in the case
2 of actions for amendments or conditional uses, and by the Zoning Administrator in the case of
3 variance actions.

4 (c) **Continuations.** The Planning Commission in the case of actions for
5 amendments or conditional uses, and the Zoning Administrator in the case of variance
6 actions, shall determine the instances in which cases scheduled for hearing may be continued
7 or taken under advisement. In such cases, new notice need not be given of the further
8 hearing date, provided such date is announced at the scheduled hearing.

9 (d) **Decision.** The decision of the Planning Commission or the Zoning
10 Administrator shall be in accordance with the provisions for each type of case in Sections 302
11 through 305 and 340.

12 (1) In the case of variances, the decision of the Zoning Administrator shall, unless
13 deferred upon the request or consent of the applicant, be rendered within 60 days from the
14 date of conclusion of the hearing or, where no hearing is involved, within 60 days from the
15 date of filing; failure of the Zoning Administrator to act within the prescribed time shall entitle
16 the applicant to cause the matter to be placed before the Planning Commission for decision at
17 its next following regular meeting.

18 (2) In the case of actions for amendments to the Planning Code or conditional uses,
19 the decision of the Planning Commission shall be rendered within 90 days from the date of
20 conclusion of the hearing; failure of the Commission to act within the prescribed time shall be
21 deemed to constitute disapproval.

22 (3) In the case of proposed amendments to the Planning Code initiated by the
23 Board of Supervisors under Section 302(b), or modifications to proposed amendments made
24 by the Board under Section 302(d) of this Code, the decision of the Planning Commission
25 shall be rendered within 90 days from the date of referral of the proposed amendment or

1 modification by the Board to the Commission. Failure of the Commission to act within the
2 prescribed time shall be deemed to constitute disapproval, except that the Board may, by
3 resolution, extend the prescribed time within which the Commission is to render its decision.

4 (e) Availability of Documents. With respect to any hearing before the Planning
5 Commission, Zoning Administrator, Board of Supervisors or Board of Appeals on an application for
6 conditional use, variance, demolition or discretionary review, the following procedures shall apply. A
7 member of the public or the project sponsor may contact the Planning Commission Secretary at least
8 48 hours prior to such hearing to request that the Planning Department bring specifically enumerated
9 documents from the Planning Department’s files to the public hearing. The Department’s failure to
10 bring such requested documents shall result in the matter being continued to the next regularly
11 scheduled hearing.

12 APPROVED AS TO FORM:
13 LOUISE H. RENNE, City Attorney

14 By: _____
15 MIRIAM L. STOMBLER
16 Deputy City Attorney