

SAN FRANCISCO PLANNING COMMISSION

City and County of San Francisco, California

2011 DRAFT Rules and Regulations



ARTICLE I – NAME

Section 1. The Name of this Commission shall be “SAN FRANCISCO PLANNING COMMISSION”

ARTICLE II – OFFICERS AND APPOINTMENTS

Section 1. Officers. The Officers of this Commission shall be a President and a Vice President. The President and Vice President shall be members of the Commission, and shall be elected at the first Regular Meeting of the Commission held on or after the 15th day of January of each year; or at a subsequent Meeting, the date of which shall be fixed by the Commission at the first Regular Meeting on or after the 15th day of January each year. They shall hold office for one year and until their successors are elected.

The President and Vice President shall not both be members of the commission appointed by the Mayor or President of the Board of Supervisors. (If one is a Mayor appointee, the other position must be held by a member appointed by the President of the Board of Supervisors.)

Section 2. Director of Planning. The Director of Planning shall hold office at the pleasure of the Commission and shall be qualified by training and experience to be the administrative and technical head of the San Francisco Planning Department and of all activities under the jurisdiction of the Commission.

Section 3. Administrative Secretary. The Commission at any Regular or Special Meeting may appoint an Administrative Secretary who shall hold office at the pleasure of the Commission.

ARTICLE III – DUTIES OF OFFICERS

Section 1. President. The President shall preside at all meetings of the Commission, shall appoint all Committees and their Chairmen, and shall perform all other duties

necessary or incidental to the office. The President shall attend all Meetings of bodies of which, by the Charter, he or she is made ex-officio a member, or shall designate the Director of Planning or any member of the Commission to attend such Meetings in the place and stead of the President.

Section 2. Vice President. In the event of the absence or inability to act of the President, the Vice President shall take the place and perform the duties of the President. In the event of absence or inability to act of both the President and Vice President, the remaining members of the Commission shall appoint one of their members to act temporarily as President.

ARTICLE IV – MEETINGS

Section 1. Regular Meetings. Regular Meetings of the Commission shall be open and public and shall be held each Thursday of each month except in any month where there are five (5) Thursdays. Where there are five (5) Thursdays in a month, the fifth Thursday of the month is cancelled. All Regular Meetings of the San Francisco Planning Commission shall start at ~~4:30 p.m.~~ 12:00 noon, unless otherwise noticed on the printed calendar at least 72 hours in advance of a scheduled hearing. The San Francisco Planning Commission does hereby designate Room 400 of City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, California, as its regular meeting location unless otherwise noticed on the printed calendar at least 72 hours in advance of a scheduled hearing, or if the need arises because room capacity for Room 400 is anticipated to be exceeded. Provided that where matters of special concern to certain areas or districts of the city are to be considered, a Meeting place may be designated in the City and County within such areas or districts. The Commission Secretary will present to the San Francisco Planning Commission on the first Regular Meeting day of the year (or subsequent date as stipulated by the Commission) a list for consideration and indication of adoption by voice vote, possible cancellation dates of Regular Meetings to accommodate various holidays throughout the year.

Section 2. Special Meetings. Special Meetings of the Commission shall be open and public and shall be held at such times as the Commission may determine. Special meetings may be called by the President for any time, and must be called by the President upon the written request of three members of the Commission, filed with the Administrative Secretary. The Place of such Meetings shall be as provided above for Regular Meetings.

Section 3. Notice. Written notice of the time and place of every Regular Meeting of the Commission shall be given to members of the Commission at least 72 hours before the time of such Meeting, and shall be given by posting and otherwise, as required by San Francisco Administrative Code Section 67.7 and California Government Code Section 54954.2. Written notice of the time and place of every Special Meeting of the Commission shall be given to members of the Commission at least 72 hours before the time of such Meetings, and shall be given by posting and otherwise, as required by San Francisco Administrative Code Section 67.6(f) and California Government Code Section 54956. The Commission shall not consider nor act upon any matter at any Regular Meeting except upon (1) written notice thereof as required by this Section 3, or (2) a condition exists that requires emergency action as set forth in San Francisco Administrative Code Section 67.7(e) and California Government Code Section

54954.2(b). No matter shall be considered at any Special Meeting unless included in the Notice calling such meeting.

Section 4. Cancellation or Change of Regular Meetings. If the Regular Meeting day falls on a legal holiday, or if a recommendation is made by the Director that a Regular Meeting be cancelled or changed, the Commission or the President may cancel the Regular Meeting or fix another time thereof. Written notice of cancellation or of a change in a Regular Meeting time must be given at least seventy-two hours before the scheduled time of such Meeting.

Section 5. Quorum. A quorum for the transaction of official business at any Regular or Special Meeting shall consist of a majority of all members of the Commission, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties, if any, provided by law.

Section 6. Voting.

a. *Procedural Matters.* Pursuant to Charter Section 4.104, with respect to matters of procedure the Commission may act by the affirmative vote of a majority of the members present, so long as the members present constitute a quorum.

b. Except as provided in “a” above, every Official Act taken by the Commission, including, but not limited to, those based on its jurisdiction derived from the Planning Code, Chapter 31 of the Administrative Code, the Subdivision Code and Discretionary Review Powers of the Commission, may be by “Motion” or Resolution adopted by a majority vote of all members of the Commission (four (4) votes). All members present shall vote for or against each question brought to a vote unless a member is excused from voting by a conflict of interest or a motion adopted by a majority of the members present.

A motion that receives less than four votes is a failed motion resulting in disapproval of the action requested to be taken by the Commission unless a substitute motion for a continuance or other action is adopted. (For example: a request for Conditional Use requires four votes to approve; failure to receive the four votes results in denial of the conditional use. A request for Discretionary Review requires four votes to take discretionary review and modify the project; failure to receive the four votes results in approval of the proposed project without modification.)

A motion of intent occurs when the Commission passes a motion by a majority of all members of the Commission that is contrary to the preliminary recommendation of the Planning Department staff and does not have findings that support the intended action. Any Commissioner absent from participation in the action of intent must be provided all relevant case material and hearing tapes for review prior to a scheduled hearing for consideration of the final motion.

c. Once the Commission holds the public hearing on a permit application, receives all public testimony and declares that it is ready to consider approval or disapproval of the application, the applicant shall not be permitted to withdraw the application, except with the consent of the Commission. In the event that the Commission passes any motion of intent to approve or disapprove a permit application before them, the applicant shall not be permitted to withdraw the

application prior to the Commission's completion of their action with passage of a written "Motion" with findings or a resolution.

d. Once the Commission holds a public hearing on a matter before them, enters into deliberation and a motion for action is made and receives a second prior to the end of discussion, a request for "call the question" by any member other than the President or Chair would be addressed as follows: The request for "call the question" is considered a motion to halt discussion and must have a second to proceed. If the motion does not receive a second, the motion dies and discussion resumes on the matter on the floor prior to the motion to "call the question." If the motion receives a second then a vote must be taken immediately and passed by a majority of those present.

Section 7. Jurisdiction. Pursuant to Charter Section 4.105, the Commission has the jurisdiction to approve prior to issuance "[all] permits and licenses dependent on, or affected by, the Planning Code administered by the Planning Department." Acting under this section, the Commission may at its discretion by a majority vote of the Commission (four votes), request staff to bring before it for review any such permit or license that has not yet been issued even if the application has been approved by the Commission or Department staff and forwarded to the Central Permit Bureau. The Commission loses jurisdiction upon either the City's issuance of the permit or license, or a valid appeal has been filed to an appellant body.

Section 8. Parliamentary Procedure. The rules of parliamentary practice, as set forth in Robert's Rules of Order, shall govern all meetings of the Commission except as otherwise provided herein.

Section 9. Order of Business. The order of business at any Regular Meeting may be as follows:

1. Roll Call
2. Consent Calendar
3. Commissioners' Questions and Matters
4. Report of Director of Planning
5. Public Comment – 15 Minutes
6. Consideration of Main Agenda
7. Public Comment
8. Adjournment

The President (or Chair) may change the order of business as determined necessary for the Planning Commission to conduct its business effectively.

Section 10. Public Comment. The item at each Regular Meeting shall provide an opportunity for members of the public to address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission, but which are not on the posted agenda for that Meeting. When that item is reached, members of the public may address the Commission for up to three (3) minutes. The President may limit the total testimony by all members of the public to fifteen (15) minutes.

Section 11. Consent Calendar: Items may be placed on a Consent Calendar section of the Planning Agenda. Items on the Consent Calendar may be approved by a single vote for all items. Any Commissioner, any member of the public or the Director

may request that the item be placed on the regular agenda for that Commission Hearing or a later hearing.

Section 12. Submittals: Procedure for submission of material related to any matter that comes before the Commission for their consideration is addressed in Appendix A attached to this document.

Section 13. Hearing Procedures: At either a Regular or Special Meeting, a public hearing may be held before the commission on any matter that is on the posted agenda of such Meeting. The procedure for such public hearings is addressed in Appendix A attached to this document.

Section 14. Record. A record shall be kept of each Regular and Special Meeting by the Administrative Secretary or by an Acting Secretary designated by the Administrative Secretary.

Section 15. Private Transcription. The President may authorize any person to transcribe the proceedings of a Regular or Special Meeting provided that the President may require that a copy of such transcript be provided for the Commission's permanent records.

ARTICLE V – AMENDMENTS

Section 1. These Rules and Regulations may be amended by the Commission at any Regular Meeting by a majority vote following a public hearing, providing that the amendment has been calendared for hearing for at least ten days.

Amended: August 1, 1957
January 12, 1961
October 11, 1961
March 26, 1964
April 23, 1964
October 29, 1964
June 17, 1965
October 24, 1968
January 18, 1973
March 1974
August 8, 1974
December 11, 1975
June 24, 1976
October 28, 1982
April 19, 1984
March 19, 1987
July 28, 1988
January 20, 1994
February 2, 1995
February 16, 1995
September 28, 1995
January 25, 1996
January 21, 1999
October 19, 2000
November 18, 2004
February 10, 2005
August 4, 2005
April 17, 2008

APPENDIX A
of
San Francisco Planning Commissions' Rules & Regulations

Submittals and Hearing Procedures:

A. Discretionary Review (DR) Cases

- I. Submittals:
 - a. Submittals, including staff packets, are due to the Commission one week in advance of hearing.

- II. Content of submittals should be as follows:
 - a. Simple: - Staff cover memo attached to DR application and Project Sponsor response
 - b. Routine: - Clear plans and rendered street elevations (all plans to include a "north" directional arrow)
- Color streetscape on both sides of street.
 - c. Complex: - Same as stated in Routine above with 3 – D Renderings
 - d. Environmental [and historic resource](#) documents to be attached to all submittals

- III. Hearing Procedures:
 - a. A thorough description of the issue by the Director or a member of the staff
 - b. A presentation by the DR requestor(s) would be for a period not to exceed five (5) minutes for each requestor.
 - c. Testimony by members of the public in support of the DR would be up to three (3) minutes each.
 - d. A presentation by the Project Sponsor(s) would be for a period up to five (5) minutes, but could be extended for a period not to exceed 15 minutes if there are multiple DR requestors.
 - e. Testimony by members of the public in support of the project would be up to three (3) minutes each.
 - f. DR requestor(s) or their designees are given two (2) minutes for rebuttal.
 - g. Project sponsor(s) or their designees are given two (2) minutes for rebuttal.
 - h. The President (or Acting Chair) may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.

- IV. Other:
 - a. Revisions should be submitted to staff and DR requestors by 5pm Tuesday (two days) before the Thursday Hearing.
 - b. Revisions submitted at hearing are discouraged and will only be considered at Commission discretion

B. Standard Cases (conditional use; 309 exceptions; etc.):

- I. Submittals:
 - a. Staff packet due to Commission one week in advance of hearing.

- II. Content of submittals should be as follows:
 - a. Clear plans and elevations (all plans should include a "north" directional arrow)
 - b. Color streetscape on both sides of street
 - c. Environmental [and historic resource](#) documents to be attached to all submittals

- III. Hearing Procedures:
- a. A thorough description of the issue by the Director or a member of the staff
 - b. A presentation of the proposal by the project sponsor(s) team (includes sponsor (or their designee), lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed 15 minutes.
 - c. A presentation of opposition to the proposal by organized opposition for a period not to exceed ~~45~~ 10 minutes with a minimum of three (3) speakers. Organized opposition will be recognized only upon written application to the President (through the Commission Secretary) prior to the hearing. Such application should identify the organization(s) and speaker(s).
 - d. **Public testimony from proponents of the proposal:** An individual may speak for a period not to exceed three (3) minutes. ~~An organization or group will be given a period not to exceed five (5) minutes if that organization or group is represented by one speaker.~~
 - e. **Public testimony from opponents of the proposal:** An individual may speak for a period not to exceed three (3) minutes. ~~An organization or group will be given a period not to exceed five (5) minutes if that organization or group is represented by one speaker.~~
 - ~~f. The project sponsor or applicant (or their designee) will be given a period not to exceed five (5) minutes, within which to clarify any questions raised in previous testimony.~~
 - ~~g. Organized opposition, recognized in accordance with # III c above, will be given a period not to exceed five (5) minutes within which to clarify any questions raised in previous testimony.~~
 - ~~h. Director's preliminary recommendation must be prepared in writing.~~
 - ~~i. Action by the Commission on the matter before it.~~
 - ~~j. In public hearings on Draft Environmental Impact Reports, all speakers will be limited to a period not to exceed three (3) minutes.~~
 - ~~k. The President (or Acting Chair) may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.~~
- IV. Other:
- a. Revisions should be submitted to staff by 5pm Tuesday (two days) before the Thursday Hearing.
 - b. Revisions submitted at hearing are discouraged and will only be considered at Commission discretion

C. Complicated Cases:

- I. Submittals:
- a. Staff packet due to Commission two weeks in advance of hearing.
 - b. Developer and public's response due to Commission through the Commission Secretary at (linda.avery@sfgov.org) and assigned staff in PDF format one week in advance of hearing (5 p.m., Wednesday (eight (8) days prior to the day case is scheduled to be heard before the Commission.
 - c. Staff would respond orally during project/case presentation to Commission
- II. Content of submittals should be as follows:
- a. Clear plans and elevations (all plans should include a "north" directional arrow)
 - b. Color streetscape on both sides of street
 - c. 3-D renderings
 - d. Environmental and historic resource documents to be attached to all submittals
- III. Hearing Procedures:
- a. A thorough description of the issue by the Director or a member of the staff

- b. A presentation of the proposal by the project sponsor(s) team (includes sponsor (or their designee), lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed 15 minutes.
- c. A presentation of opposition to the proposal by organized opposition for a period not to exceed ~~45~~ 10 minutes with a minimum of three (3) speakers. Organized opposition will be recognized only upon written application to the President (through the Commission Secretary) prior to the hearing. Such application should identify the organization(s) and speaker(s).
- d. **Public testimony from proponents of the proposal:** An individual may speak for a period not to exceed three (3) minutes. ~~An organization or group will be given a period not to exceed five (5) minutes if that organization or group is represented by one speaker.~~
- e. **Public testimony from opponents of the proposal:** An individual may speak for a period not to exceed three (3) minutes. ~~An organization or group will be given a period not to exceed five (5) minutes if that organization or group is represented by one speaker.~~
- ~~f. The project sponsor or applicant (or their designee) will be given a period not to exceed five (5) minutes, within which to clarify any questions raised in previous testimony.~~
- ~~g. Organized opposition, recognized in accordance with # III c above, will be given a period not to exceed five (5) minutes within which to clarify any questions raised in previous testimony.~~
- ~~h.~~ Director's preliminary recommendation must be prepared in writing.
- ~~i.~~ Action by the Commission on the matter before it.
- ~~j.~~ In public hearings on Draft Environmental Impact Reports, all speakers will be limited to a period not to exceed three (3) minutes.
- ~~k.~~ The President (or Acting Chair) may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.

IV. Other:

- a. Revisions should be submitted to staff by 5pm Tuesday (two days) before the Thursday Hearing.
- b. Revisions submitted at hearing are discouraged and will only be considered at Commission discretion

D. Policy or Major Project Informational Presentations

I. Submittals:

- a. Printed powerpoint or design due to Commission one week in advance of hearing.

II. Hearing Procedures:

- a. An introduction of the item or issue by the Director or a member of the staff
- b. A presentation of the item or issue by staff or the issuing agency for a period not to exceed 15 minutes.
- c. The President (or Acting Chair) may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.

III. Other:

- a. Revisions should be submitted to staff by 5pm Tuesday (two days) before the Thursday Hearing.
- b. Revisions submitted at hearing are discouraged and will only be considered at Commission discretion

E. Amendment to motions should be read back at the same hearing before the vote is taken.

NOTE: As a policy issue, the Commission strongly discourages members of the public, project sponsors, architects, lawyers, etc. to cross the railing that separates the Commission and staff from the public seating area to engage in conversation with staff or the members of the Commission while a meeting is in session.

ADOPTED: ~~May 8, 2008~~ July 21 or 28, 2011