

Discretionary Review Reform

December 12, 2009

District 11 Community Meeting

SAN FRANCISCO
PLANNING DEPARTMENT



What is Discretionary Review (DR)?

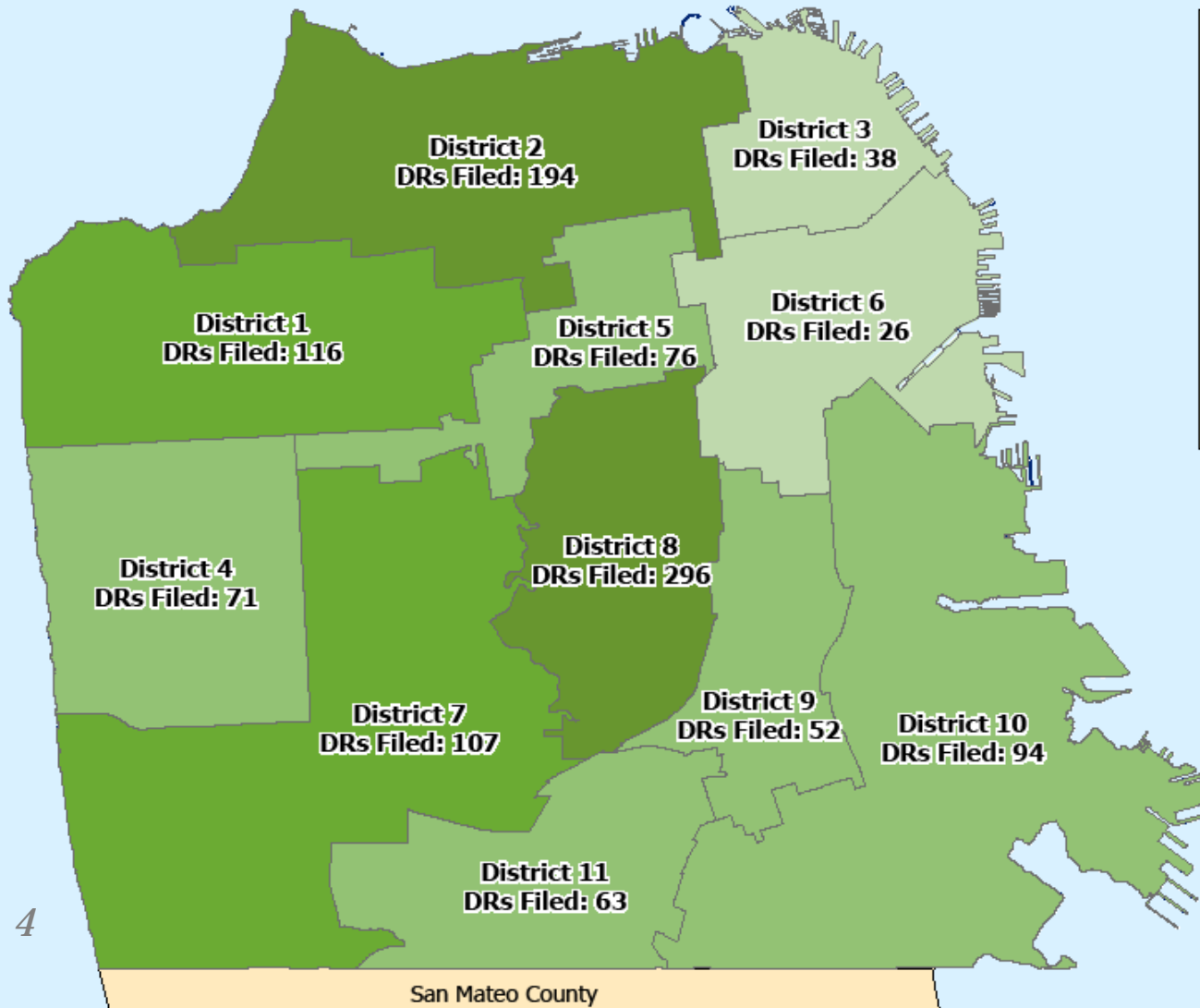
- DR is the mechanism one can use to have the Planning Commission review a Code-compliant project that would otherwise be reviewed by the Department.
- This does not replace the public's appeal rights, which are vested with the Board of Appeals.




How do “DR’s” work?

- Projects are typically “DR’d” during the 30-day neighborhood notification (Section 311/312).
- DR’s are not typically filed on large projects; they are typically filed on relatively small additions to one-and two-family dwellings.
- Anyone can file a DR for any reason for a \$300 fee; registered neighborhood organizations are refunded the filing fee.
- Once a DR is filed, the Planning Commission can “take DR” to modify or deny a project.

Where do DR's occur?




 CITY AND COUNTY OF SAN FRANCISCO
PLANNING DEPARTMENT

Number of DRs Filed Since 2001*

- 0 - 50
- 51 - 100
- 101 - 150
- over 150

*excludes mandatory and staff-initiated DRs

10/7/2009



What are the Shortcomings of DR?

- Delayed projects
- Project sponsors can DR their own projects to advance out-of-scale proposals to the Commission
- Development potential can be determined by the temperament of the neighbor
- Inappropriate financial exchanges
- DR Requestor often expects Staff or the Planning Commission to modify the project regardless of the merits of the DR issues
- DR decisions do not necessarily get applied to future projects, nor do they serve to clarify appropriate project review standards
- Difficult for the Planning Commission to dispense fair outcomes due the small representation of projects that they see.

According to numerous audits and reports, the current DR process is an arbitrary and political approval process that takes too much time away from the Commission's ability to focus on larger policy issues.



The Beginning of DR Reform

- Starting in August of 2008, the Department established a DR Reform team, which developed an evolving proposal using audits, jurisdictional comparisons, professional experience, and an array of public input.
- The DR Reform team engaged in extensive public outreach and three Planning Commission hearings.
- The culmination of this effort resulted in the Commission's adoption of policies and support for legislative changes to implement the DR Reform package.

Goals of DR Reform

- Need for Community Engagement, Improved Communication, and a Framework for Establishing Realistic Expectations
- Need for Stronger Internal Design Review, and the Identification and Resolution of Policy Issues
- Need for a Consistent and Predictable Permitting Process

Commission's Proposal

- Commission adopted a policy and initiated legislation to significantly improve the DR and the Department's review process.
- They initiated the policy as a two-year trial period with a full public evaluation at the end of the trial period.
- The Policy established a strong feedback loop among the Department, Commission and public through weekly and quarterly updates, brown-bag discussion, and a complete evaluation initiated 18 months into the trial period.



Commission's Policy

1. Creation of a standardized pre-application packet;
2. Improved internal design review;
3. Written documentation of RDT comments;
4. Creation of Discretionary Review website;
5. Defined “exceptional and extraordinary circumstances”;
6. Establish 90-day timeline for review of DR's.
7. Use precedent-setting Commission decisions on DR as policy guidance for review of future projects;
8. Identify aspects of the Design Standards that need clarity and report them to the Planning Commission quarterly;
9. Have brown-bag discussions to shape amendments to Design Standards.



Commission's Pending Legislation

- Use the definition of exceptional and extraordinary circumstances to allow only those projects to proceed to a Planning Commission hearing;
- Eliminate option for project sponsors to file DR on their own projects;
- Change name of Design Guidelines to Design Standards;
- Initiate 24-month trial period for reforms; and
- Offer interested parties the option of “Reconsideration”
 - Allows for a second review by the Department and full fee refund if the Department made an error.



Intended Benefits of DR Reform

- Early community engagement and improved communication
- Stronger internal review procedures that result in higher quality development
- Elimination of Planning Commission hearings for DR's that do not represent "exceptional or extraordinary" circumstances.
- Enable the Commission to focus on larger policy issues
- Targeted discussions about updating Design Standards
- 11 ■ A more consistent and predictable permit process



QUESTIONS OR COMMENTS?

