

Discretionary Review Reform

*Planning Commission Policy for
Two-Year Trial and Public Evaluation*

November 2, 2009

SAN FRANCISCO
PLANNING DEPARTMENT



Implemented Strategies to Improve the Discretionary Review Process

- Improve the internal review process through mandatory Residential Design Team review and written documentation (February 09);
- Define “exceptional and extraordinary circumstances” (June 09);
- Ensure that cases heard by the Commission are identified by them either as one-of-a kind, or a representative of a policy issue that should be incorporated into Design Standards (June 09);
- Adopt a process for updating Design Standards (June 09);
- Adopt timeline for review (June 09);
- Improve the pre-application process through a standardized pre-application packet (July 09); and
- Improve public information through website and provide public access to project-specific information (October 09).

Remaining Strategies to Improve the Discretionary Review Process (pending legislative action)

- Require that the DR Requestor demonstrate *exceptional and extraordinary circumstances* to proceed to a Commission hearing;
- Eliminate option for project sponsors to file DR;
- Offer interested parties the option of “Reconsideration”;
- Change name of Design Guidelines to Design Standards; and
- Initiate 24-month trial period for reforms.

Questions from the public hearing on October 19, 2009

- Why should the Commission's Discretionary Review Reform proposal be implemented in full, instead of waiting to first review the elements of the proposal already underway?
- How can we ensure continued public access to and participation in the development review process?

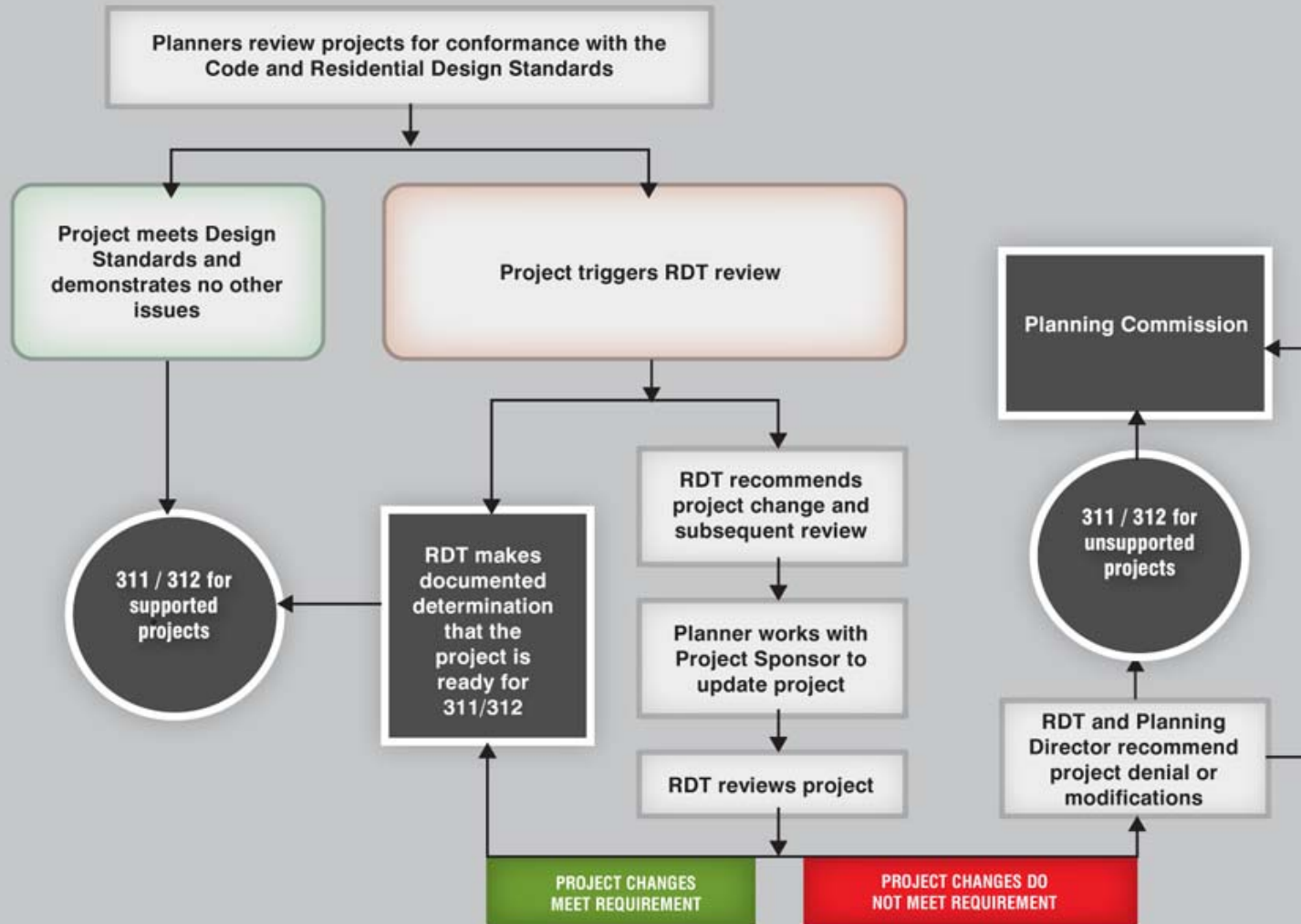
The Importance of Implementing the Entire Proposal

- The Commission wishes to more effectively schedule its time to resolve the City's land-use policy issues
- Setting a definition of exceptional and extraordinary gives the public a more consistent and predictable permit process
- Setting standards will significantly reduce or eliminate inappropriate financial exchanges
- Department resources do not allow for enforcement of pre-application and improved internal review processes **and** continued work on DR requests that are not exceptional and extraordinary



DRAFT ACTION PLAN 2008-2010

Proposed Internal Review Procedures



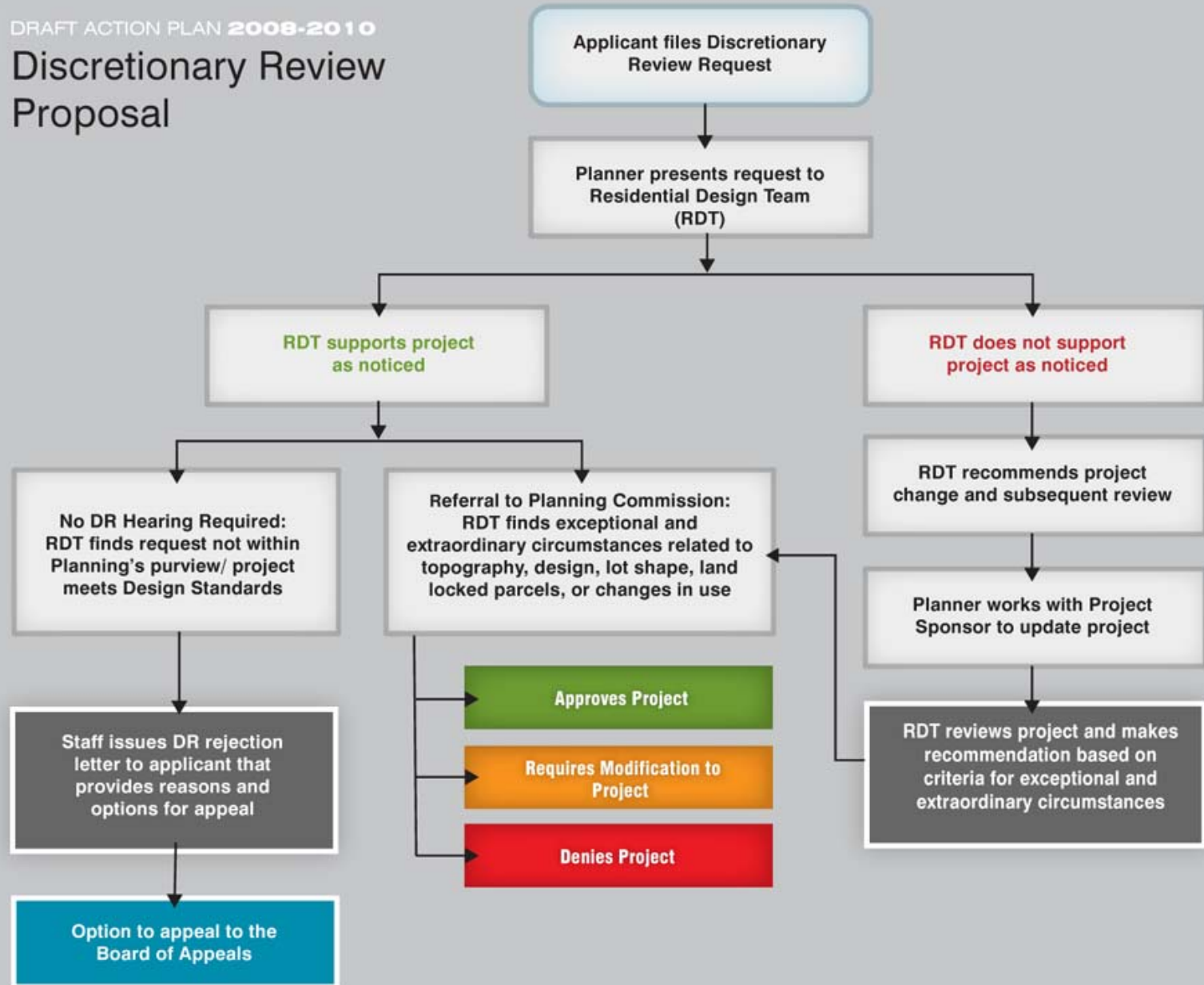
Opportunities for Public Input

- Pre-application meeting
- Reconsideration request
- Face-to-face meetings with planner
- All review materials, including RDT decision-making, available to the public
- Public inclusion in the reporting procedures: weekly updates, quarterly reports, and complete evaluation
- Appeal options



DRAFT ACTION PLAN 2008-2010

Discretionary Review Proposal





Opportunities for **PUBLIC** and **SPONSOR** Input

Applicant files Discretionary Review Request

REQUESTOR may request intake meeting with Planner
SPONSOR required to respond in writing

Planner presents request to Residential Design Team (RDT)

RDT supports project as noticed

REQUESTOR, PUBLIC & SPONSOR testify at hearing

RDT does not support project as noticed

No DR Hearing Required: RDT finds request not within Planning's purview/ project meets Design Standards

Referral to Planning Commission or its designee: RDT finds exceptional and extraordinary circumstances related to topography, design, lot shape, land locked parcels, changes

RDT recommends project change and subsequent review

Staff will meet with **REQUESTOR** to discuss Department's decision

Staff will meet with **SPONSOR** to discuss Department's recommendations

Staff Issues DR rejection letter to applicant that provides reasons and options for appeal

Approves Project

Requires Modification to

Denies Project

RDT reviews project and makes recommendation based on criteria for exceptional and extraordinary circumstances

Option to appeal to the Board of Appeals

Reporting Procedures: Each aspect includes public comment

Interim period review: time between Planning Commission adoption & effective date of legislation

- Ensure that staff's application of "exceptional and extraordinary circumstances" is aligned with the Commission's past decisions .
- Inform the Commission, for each DR heard, if the case meets the "exceptional and extraordinary" threshold.

24-month trial period: time after effective date of legislation

- DR Decisions included in Commission packets
- Weekly updates about DR under Director's Report
- Quarterly update hearings on policy-related topics

Revisions to the Design Standards: All with public outreach and engagement, and public comment

- Identify emerging planning issues and elements of the Design Standards that require clarification (quarterly reports),
- Use precedent-setting Commission decisions on DR as policy guidance for review of future projects (ongoing),
- Have brown-bag discussions with Commissioners, neighborhood groups, and design professionals to shape amendments to Design Standards (two or more during trial period),
- Amend the Design Standards via Zoning Administrator bulletins, to reflect the Commission's policy guidance as individual policies are identified (as needed), and
- Prepare global amendments to Design Standards.

Intended Benefits of DR Reform

- Early community engagement and improved communication
- Realistic expectation setting
- Stronger internal review procedures resulting in higher quality development
- Commission review and resolution of policy issues resulting in improved Design Standards
- A more consistent and predictable permit process

Notes

