



West of Twin Peaks Central Council

A Resource for Neighborhood Organizations West of Twin Peaks in San Francisco since 1936

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FROM: West of Twin Peaks Central Council
TO: San Francisco Board of Supervisors Committee on Land Use and Economic Development
DATE: January 27th, 2010
SUBJECT: Feedback on Discretionary Review Reform proposal

Dear Supervisors,

The West of Twin Peaks Central Council has represented the neighborhood organizations west of Twin Peaks since 1936. As such, we have a keen interest in City Planning Code and the policies that govern development in San Francisco. Our members are very familiar with the purpose of Discretionary Review (DR) and have experience with DR both as project sponsors and as DR requestors.

We have reviewed the Planning Department DR Reform proposal, and strongly oppose two (2) components of the plan. However, we support the other suggested changes, and think that if implemented, those changes would fine-tune the existing process and help San Francisco reduce costs, increase efficiency, speed development of good projects and reduce the burden on the Planning Commission.

We specifically oppose delegation of Discretionary Review authority away from the Planning Commission, and increasing the fees for residents to file for DR. We feel that those two changes would fundamentally alter an established, working process that has served San Francisco for the past 55 years. It would remove the most powerful checks and balances on Planning Department decisions, and radically reduce public oversight of the Planning Department.

We support the following changes proposed in the DR Reform:

- Changing all references in the Planning Code to the “Residential Design Guidelines” to mean the “Residential Design Standards.”
- 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;
- 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;
- Implementation of a Story Pole policy; and
- Codification of the DR process.

We believe that Discretionary Review of projects is one of the key functions of the Planning Commission, and that it should NOT BE DELEGATED to any other body. We also believe that only the Planning Commission can determine if a DR application meets the exceptional and extraordinary requirement to qualify for DR. While Planning Department staff may provide a suggestion as to whether a DR application meets this threshold, it should be the Planning Commission itself that decides whether to hold a Discretionary Review. Delegation of this decision power would eliminate critical checks and balances on the Planning Department and would move decisions that have long-lasting consequences on neighborhood character behind closed doors and out of the public eye.

We also feel that increasing the fees for filing a DR request could disenfranchise moderate income residents and should not be considered.

By slightly reducing the scope of the DR Reform proposal we believe that the overall goal of reducing the number of DR requests that are heard by the Planning Commission could be met, while reducing costs, increasing efficiency, and speeding the development of good projects. Most importantly you would preserve the spirit of the DR process that has served San Francisco well for the past 55 years.

Sincerely,
George Wooding

President, West of Twin Peaks Central Council

CC: Planning Department
Planning Commission