



February 21, 2009

Attention: Lisa Chau, re DR Reform
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479

Dear Director Rahaim, Planning Department Staff, and Planning Commissioners:

As the delegate from the Miraloma Park Improvement Club (MPIC) who presented our community's suggestions on the internal and discretionary review (DR) process under development by Ms. Forbes and her committee, I would like to share a few follow-up thoughts for your consideration.

In our opinion, the best course of action would be to focus primarily on the application and approval process before embarking on the Hearing Office issue. While we support the idea of a Hearing Office in theory, it may not be necessary if the application process is effectively reorganized. We believe that the process, starting with the pre-application meetings and extending through to resolution or failure to resolve a conflict, could be improved sufficiently to significantly reduce the number of DR requests. While this process is implemented and adjusted, we believe the Commission should continue to hear the DR requests in order to observe the impacts of the systemic improvements and implement modifications as the Commission deems necessary.

A number of excellent ideas have been put forward in the DR reform meetings, including the pre-application package: the Residential Design Committee; meetings attended by sponsors, planners and neighbors; and codification of the terms "extraordinary" and "exceptional" and their application to projects that merit DR requests. If all of these elements were implemented with oversight and consistency, we believe that the number of DRs would be substantially reduced even without a Hearing Office.

In our discussion and submittal we suggested a separate fee structure for DR hearings. At the hearing on February 11, 2009, a suggestion was made that there be a meeting after a DR request is filed but before the hearing, attended by the sponsor, applicant, and planner, for the purpose of discussion and negotiation of a compromise or resolution. We support this additional step.

If a Hearing Office is created, we strongly urge the Commission to staff it with more than one officer, which we feel would reduce the potential for accusations of bias. Please revisit our suggestions to staff the Hearing Office with multiple officers according to either of the methods proposed in our letter of January 22, 2009, i.e., a group of knowledgeable retired individuals or a process patterned on the AIA method of a three-person hearing panel.

Finally, let me repeat a suggestion I spoke of in the Feb. 11 meeting, which my Board supports. Institute a plan to educate the public about, and require the Building and Planning Departments to use in all communications, the plan revision dating system employed by architects, engineers, and builders. Use of this system will create a paper trail in which revisions are clearly differentiated, making it easier to identify and approve only the version of the plans that is based on the negotiated agreement, and thus ensuring that the Building Department approves, and the sponsor builds, the amended project as approved.

Sincerely,

Jed Lane, Board Member, Miraloma Park Improvement Club