

# *PACIFIC HEIGHTS RESIDENTS ASSOCIATION*

San Francisco Planning Commission  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

VIA e-mail

2 April 2009

Subject:

10a 2009.0227TU DISCRETIONARY REVIEW REFORM: COMMISSION POLICIES AND PROCEDURES

10b 2009.0227TU DISCRETIONARY REVIEW REFORM: INITIATE AMENDMENT TO PLANNING CODE SECTIONS 311 AND 312

Dear Commissioners:

The Pacific Heights Residents Association (PHRA) represents households within the area bounded by Van Ness Avenue, Presidio Avenue, Union Street and Bush Street. PHRA's mission is to maintain the quality of life and the residential character of our neighborhood. Many of the issues affecting our members are related to actions subject to the Planning Commission's jurisdiction.

We would like to acknowledge with appreciation the way Elaine Forbes and her team worked with community members to understand neighborhood concerns, and their willingness to share data and discuss problems in a very constructive way. We also would like to thank the Commission for the clear directives to Planning and neighborhood groups to work together to improve the process.

After review of the proposal outlined in the case report, we request the following:

- 1) Do not grant staff the authority to determine if a case meets "exceptional and extraordinary circumstances" at present. We encourage a process whereby staff clearly indicates whether or not they believe "exceptional and extraordinary circumstances" exist, but for the time being that decision must be retained by the Commission. Perhaps after a year to 18 months there will be sufficient data on staff recommendations to make changes to this policy. However, given the number of times the Commission has taken DR contrary to staff recommendations it is clear that this authority should not reside with staff at present.
- 2) We agree that there should be a clear list of items that are not subject to hearings at the Planning Commission, but this list should be limited to items that are clearly the exclusive jurisdiction of other departments in City government. Staff should be asked to clearly define those items, and identify where the issue is best addressed.
- 3) That the Residential Design Team (RDT) not be the body that hears a public request for a review of the Department's "application of the Residential Design Standards to a permit application" (page 9 of

the case report). The reviews are an important tool to ensure that the RDS are applied appropriately, but they should not be heard by the RDT because the RDT is the body that oversaw the application of design standards to permit applications in the first place.

4) The examples of projects that do not meet “exceptional and extraordinary circumstances” on pages 14 – 17 of the report are an excellent start to developing information to help guide potential DR applicants and project sponsors. While this should not be used to allow Staff to reject DRs, Staff should continue to develop this as a reference to help educate the public. This information will be very useful to all parties as they attempt to resolve disputes over proposed plans.

5) All Conditional Use applications are subject to a pre-application process. This would avoid the sorts of wasted time and money that occurred, for example, in the case of the Polo Ralph Lauren formula retail store in the Upper Fillmore NCD.

6) The changes proposed here should be evaluated after a year, through a transparent public process similar to the process used to develop this proposal. The formal report and recommendations to the Commission should be due in 18 months.

7) There are two important complementary activities at Planning: Development of the “Universal Planning Notification” and the development of Neighborhood Commercial District Standards. We ask that the Commission work with Director Rahaim to set due dates for presentation of final proposals on these items to the Commission. These two items are important to the community, and will help reduce the number of DR applications.

With the above modifications, we will have a robust policy and process that will reduce the number of DR filings that make it to the Planning Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul H. Wermer".

Paul H. Wermer  
PHRA Board Member