

Penelope Clark

February 2, 2009

Lisa Chau, San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479

Subject: Discretionary Review Reform

Dear Ms. Chau:

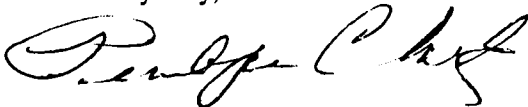
As a long time chairperson of my neighborhood organization's design and zoning committee, I would like to comment on DR reform. I do not think the replacement of the Planning Commission is by a special hearing officer is a good policy because:

1. Leaving the judgment to one person will probably not be acceptable to the filer. It could lead to more appeals—lengthening the process—particularly if the hearing officer is new to the City. No one wants their case heard by a “jury of one”.
2. The members of the Planning Commission are residents of San Francisco (and usually long time residents) who know the City well and have a personal stake in keeping San Francisco livable. Also, they are a diverse group with a reputation for fairness; their judgment is more trusted by city residents. Unfortunately, the Department is viewed as very pro development.
3. Strengthening the pre-application process should help educate both the project sponsor and the potential DR filer about the process and should eliminate many DR filings. Coupling a stronger pre-ap process with the creation of a hearing officer is totally arbitrary. It could also add to the expense of the process by adding the salary of an unnecessary professional position.

There is one significant group of DR filers for whom the department needs to reform the process. These are filers who know the process well and use it to delay legitimate projects by filing DR's that are without merit and then use continuances and appeals to string out the process as long as possible, hoping to kill the project by adding unnecessary time and expense. My suggestions:

1. Limit all continuances by DR filers to one. After one continuance the filer would have to have a back up person if they are unable to personally attend the hearing. Project sponsors should not be so restricted since they might need additional time for preparation and/or negotiation.
2. The DR process could be shortened by limiting the ability to appeal. If a DR filer cannot convince at least one commissioner of their DR's merit, and the Commission votes unanimously not to take DR, it should not be eligible for appeal. This should eliminate the unnecessary length of the process created by malicious or unmerited filings and discourage their being filed in the first place. Legislation could be passed on this policy, if necessary.

Yours very truly,



CC: Members of the Planning Commission