

## **DR Reform proposal package**

*draft March 1, 2009 (submitted to Planning Dept)*

Goal = Reforms package to improve the development review process to reduce the need for discretionary review, and achieve high quality development through an effective review process. DR *prevention*, and *certainty* for project sponsors and neighbors.

### Reform package components:

#### **1. Pre-Application Community Outreach standards**

- the relatively new Neighborhood Outreach requirement is a good policy, but needs to be a consistent “best practice”
- achieve minimum level of certainty for neighborhood involvement
- voice feedback/concerns directly to sponsor early in process
- build relationship between sponsor and neighbors/neighborhood
- document discussions between sponsor and neighborhood
- essentially formalize the pre-application community outreach that already happens on “good” projects

#### Proposal:

- Standardized notification format and procedure
  - Standard title for notification: “(site address) Proposed Project, Neighborhood Outreach Meeting”
  - Complete project description—eg, as standard for 311 notice
  - Identify authorized agent for project sponsor and contact information
  - Planner contact information
  - Alternatives for responding if not able to attend outreach meeting
  - 2 weeks minimum advance notice prior to outreach meeting
  - Notice sent to radius area (per standard applicable to project), BBN listings, and local neighborhood organization
- Hold outreach meeting at project site
- Site plans and renderings should be available at the outreach meeting
- Documentation of comments on project – sponsor prepares summary and sends to Planning staff and outreach meeting attendees and parties who otherwise responded to the notification, within 1 week of outreach meeting. Documentation also demonstrates sponsor’s outreach efforts.
- Planning Department should prepare an Instruction Sheet for project sponsors clarifying standard requirements for Neighborhood Outreach and best practices for effective outreach process.

#### Pending ideas:

- For large projects, or projects where neighborhood objections might reasonably be expected, recommend a two stage outreach process:
  - Stage 1 – sketch-level plans/proposal for initial early feedback
  - Stage 2 – draft plans complete (site plan, elevations, floor plans) for final feedback
- Story poles if there is a proposed expansion of existing building envelope

- Neighborhood Outreach requirement (currently only for 311 notice projects) should be applicable to: – Neighborhood Commercial (312-notice projects); Variance projects; Conditional Use projects; Garage Additions

## 2. Standardized DCP Notifications

- clear information
- sufficient time to respond constructively
- encumbent upon effective pre-notice through Neighborhood Outreach process

Proposal:

- 311/312 notification standards applied to all Variances and CU applications (eg, Planning’s “universal planning notification” idea), with modifications below.
- 30 days response time for all notices
- Title Bar for notification should include: “30-Day Notice” (eg, similar to 15-Day Revision notice)
- Notice identifies local neighborhood organization(s)
- Indicate Environmental Review Determination for project
- Indicate results of Historic Resources evaluation (if applicable)
- Specifications for plans set:
  - 1) site plan with adjacent buildings shown;
  - 2) elevations with neighboring buildings shadow-lines shown
  - 3) floor plans
- all plans should clearly indicate *existing* versus *proposed changes* – should be intended for/legible to a general public audience
- Notice sent to all residents and non-resident property owners within radius area

Pending ideas:

- Project plans available via Planning Dept website link, with hardcopy plans available on request to planner (with max 5 days to receive once requested).
  - Possible transition period for DCP to develop systems for effective electronic plans conveyance, meantime continue with hardcopy plans attached to Notices
    - Near-term, Planning can create ‘opt-in’ for electronic transmittal (such as BBN process), and give neighborhood organizations an opportunity to ‘opt-out’ of hardcopy transmittals

## 3. Design Guidelines

Proposal:

- Codify enabling language to allow local design criteria/guidelines that augment generalized RDGs
- Creates a system of mapped local residential design standards over time (eg, analogous to the family of “Named-NC” districts in the Planning Code with area-specific controls)
- Professional vetted in collaboration with DCP

Pending ideas:

- Establish standards/best practices for *use* of design guidelines/criteria by case planners?

- Consider creating a working group with community reps to create those standards together with DCP staff

#### 4. Certainty of drawings/plans

—managing change control through project review and approvals process.

Proposal:

- Establish threshold for triggering re-notice and/or additional neighborhood outreach meeting
  - Eg, any increase to building envelope design during the Notice period requires 15-day Revision notice with revised plans set
- Planning Department should prepare an Instruction Sheet for project sponsors with clear protocols for tracking changes to project plans and standards for communicating changes to neighborhood.
  - Eg, clarity on plans Revisions Notes: a list of bulleted points added to the front page of the permit set identifying in text the requirement imposed as a result of DR or as a result of the negotiations to avoid DR. The list should refer to the sheet or sheets where the drawings have been altered to reflect the change.
  - Eg, using *cloud* outline on plans to highlight revised features

Pending ideas:

- (future “parking lot” issue) DBI consistency of building plans permitted once DCP entitlement for site plan – avoid scope creep during permitting and construction process

#### 5. Planning Staff Outreach

---open up a communication line to neighborhood organizations as part of case review protocols  
---Planners then know who will be points of contact as project moves through internal review process

Proposal:

- Courtesy email notice to local neighborhood organization(s) by case planner at outset of opening project file
  - DCP’s “Neighborhood Organizations” database as source
  - Neighborhood Orgs responsible for relaying current information to DCP to keep database accurate

#### 6. Discretionary Review process reform (comments on Planning Dept’s proposal)

Proposal:

- Pre-Application Community Outreach process to best practices standards should be completed *prior* to DCP project review process is initiated—eg, outreach treated as part of determining “complete application” for department processing
- Mandatory “intake meeting” as first step once DR request is filed (objective to clarify substance of dispute and mediate if possible)—attendance by DR filer + 1, project sponsor + 1, DCP case planner + quadrant Team Leader

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- Required written clarification and substantiation by DCP staff and Residential Design Committee (RDC) on initial support/non-support determination on DR request
  - If RDC determination is to “reject” the DR request outright (without referral to the hearing officer), the DR filer has option to appeal to Board of Permit Appeals
    - RDC Rejection Criteria need to be established with public input
    - RDC Rejection criteria should be restricted to items outside the scope of Planning Dept (e.g., items within DBI scope, such as construction noise or engineering concerns – But RDC would need to ensure appropriate forum exists to address any issues related to construction, engineering or usage of the site)
  - If RDC recommends project changes per its review, should trigger communication of those changes back to neighborhood (in the spirit of transparency)
    - Note: details of *how* that should happen need to be discussed so it’s the least burdensome on project sponsor as possible
  - Residential Design Committee to hear brief presentations from DR filer and from project sponsor when DR cases are being reviewed
  - Retain public participation in hearing officer process
  - Retain Commission prerogative to “call DR cases up” for hearing—all DR cases reviewed by hearing officer to be included on consent calendar, with Commission able to pull items for full hearing at subsequent date.
  - Create a Public process to consult on proposed criteria for defining “Exceptional and Extraordinary Circumstances”
- Pending ideas:
- Establish basic criteria for filing discretionary review request? (eg, expectations for a reasonable case being made...)