



# SAN FRANCISCO PLANNING DEPARTMENT

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November 16, 2009

An Open Letter to President Judith Berkowitz and the Coalition for San Francisco Neighborhoods:

The November 2009 *Neighborhood Views* newsletter had several inaccuracies regarding the legislation pending before the Land Use Committee to initiate the Commission's Discretionary Review (DR) Reform policy. Coalition members deserve to know the true scope and impacts of the Commission's DR Reform policy and this letter is intended to clarify some of the issues raised in your article.

First and foremost, the DR Reform policy does not change the City Charter. DR is not part of the City Charter; changes to the Charter can only be made by a vote of people. The proposed legislation would change text in the Planning Code that would allow the Planning Commission to delegate some of its DR powers to the Planning Department. This change would also give the Commission the ability to take away that delegation at any time if the Commission chooses to do so.

Second, DR is not public oversight of the Planning Department, but the Planning Commission's authority to modify Code-complying projects that demonstrate an exceptional or extraordinary circumstance. The City Attorney's 1954 interpretation of the Commission's DR powers noted that this is "a sensitive discretion and one which must be exercised with the utmost restraint." The intention behind DR Reform is to help ensure that only those projects that fall within the realm of the Planning Commission's definition of exceptional or extraordinary be given a public hearing before the Planning Commission. All projects could still be appealed to the Board of Appeals. Reducing the number of DRs heard by the Commission would allow it more time to focus on higher-level policy issues, which in turn would facilitate better planning throughout the City.

The Planning Department has spent over a year working in good faith with neighborhood organizations such as yours on DR Reform. As a result, significant modifications to the original proposal were made to address concerns raised by neighborhood groups and members of the public. The result is a process that the Commission, the Department and many members of the public believe will provide a more meaningful and fair process for applicants and the community. DR Reform includes better community engagement at the beginning of the development process by strengthening and formalizing pre-application meeting requirements, tighter Department review standards and improved consistency in how the Department

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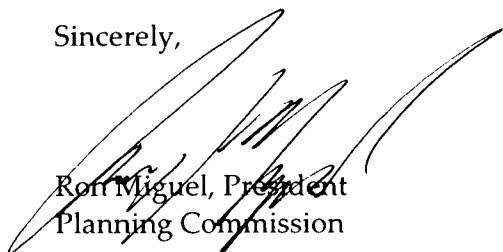
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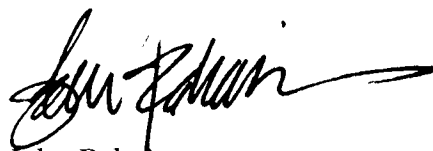
interprets the Residential Design Standards, and a more transparent decision making process. All of the reform policies that do not require a change to the Planning Code have been implemented, and early results show that they are working. However, for meaningful reform to happen, all of the reform elements need to be adopted. Anything short of that would undermine the reform process and limit the Commission's ability to focus on substantive policy issues.

The Planning Department is made up of over 150 dedicated professionals, many of whom call this City home and all of whom care about the livability, prosperity and overall success of San Francisco. While it's understandable that changes to a long standing process may cause concern to some people, it's another thing to insinuate that the Commission and the Department have acted in anything other than good faith, as professionals in a field who seek to make San Francisco a more vibrant and better place to live. We encourage your members to read the full proposal, which has always been online, and to explore our web site, which details the entire process and the extensive amount of community outreach that the Department has engaged in during this process.

Sincerely,



Ron Miguel, President  
Planning Commission



John Rahaim  
Director of Planning

cc: Supervisor Sophie Maxwell, Chair, Land Use and Economic Development Committee  
Supervisor Eric Mar, Member, Land Use and Economic Development Committee  
President David Chiu, Member, Land Use and Economic Development Committee  
Angela Calvillo, Clerk of the Board of Supervisors