

Date: Feb. 9, 2010

Item No. 5

File No. 09078

## SUNSHINE ORDINANCE TASK FORCE

Compliance and Amendments Committee

AGENDA PACKET CONTENTS LIST\*

- Anonymous Tenants against the Planning Department**
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Completed by: Chris Rustom

Date: Feb. 4, 2010

**\*This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

\*\* The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.

**SUNSHINE ORDINANCE  
TASK FORCE**



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1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
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**ORDER OF DETERMINATION**  
January 29, 2010

**DATE THE DECISION ISSUED**  
January 5, 2009

*ANONYMOUS TENANTS v. PLANNING DEPARTMENT (09078)*

**FACTS OF THE CASE**

Complainant, Anonymous Tenants (Tenants), said he requested public records from the Planning Department (Planning) on October 21, 2009, and that Planning has yet to fully respond to that request. In particular, Tenants said that Planning has failed to provide "1) each and every material that Mr. Robert Middlestadt submitted to Planning Commission;" and "2) the label photos, 3-R reports, and similar (non-plan) documents with the project address."

**COMPLAINT FILED**

On November 17, 2009, Tenants filed a Sunshine Complaint against Planning for its alleged violations of §§67.21, 67.26, and 67.27.

**HEARING ON THE COMPLAINT**

On January 5, 2010, Anonymous Tenants presented his claim. The respondent was not represented and no one in the audience spoke or presented facts or evidence on behalf of the respondent.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Complainant Anonymous Tenants said the documents he requested were in the Planning Department's possession. Complainants pointed to an email request for further documents from a developer, and asserted that planning would never have issued a permit if those documents had not been added to the file, yet they were not included in the documents in the box for public viewing. The documents were requested because he wanted to use it at a permit application hearing.

**DECISION AND ORDER OF DETERMINATION**

The Task Force found that the agency violated Sections 67.21 ( b ), ( e ) and ( l ), and 67.26. The matter is referred to the Feb. 9, 2010, Compliance and Amendments Committee meeting, to which the respondent is directed to send a representative

knowledgeable in this matter. This Order of Determination was adopted by the Sunshine Ordinance Task Force on Jan. 5, 2010, by the following vote: ( Goldman / Washburn )  
Ayes: Manneh, Washburn, Knoebber, Goldman, Williams, Knee.



Richard A. Knee  
Chair, Sunshine Ordinance Task Force

c: Jerry Threet, Deputy City Attorney  
Anonymous Tenants, Complainant  
John Rahaim, Respondent  
Linda Avery, Respondent  
Brian Smith, Respondent

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