



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Amendment to the Planning Commission Rules & Regulations HEARING DATE: APRIL 23, 2015

Project Name: **Amendments to the CPC Rules & Regulations**
Staff Contact: Jonas P. Ionin, Director of Commission Affairs
jonas.ionin@sfgov.org, 415-558-6309
Recommendation: **Adopt a Recommendation to the Planning Commission**

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PREAMBLE

On Thursday, February 5, 2015, at a regularly scheduled meeting, the Planning Commission created a Rules Committee to review proposed amendments and reach consensus for a recommendation to the Planning Commission. President Fong appointed Commissioners Johnson, Moore and Richards to the Committee.

On Thursday, February 12, 2015, the Rules Committee held its first meeting and considered potential amendments.

On Thursday, March 12, 2015, the Rules Committee held a second meeting and considered potential amendments.

On Thursday, April 2, 2015, the Rules Committee held a third meeting and presented five items for consideration: (1) Action Item List; (2) Election Process for Officers; (3) Director Performance Evaluation; (4) Commission Secretary Position; and (5) Standing Committees.

PROPOSED AMENDMENTS

The first would modify the language under Submittals (Appendix A, Subsection A.), to refer to a new "Hearing Submittals Guidelines" document. This document would be managed administratively and updated whenever necessary to accurately reflect hearing submittal deadlines for materials to be included in case reports and Commission Packets.

For instance, effective December 11, 2014 the Planning Department began to outsource its staff reports to the City's reproduction and mail service, Repromail. As a result staff reports and any sponsor or opposition briefs to be a part of the staff case report must be prepared and submitted to Repromail in .pdf format sooner than had been required before. This amendment would allow for the CPC Rules & Regulations to be consistent with Department practice. This would not modify the current deadlines for any submittal to be a part of the Commission Packet.

The second amendment to the existing Planning Commission Rules & Regulations would eliminate the prescribed order of speakers for Cases (Appendix A, Subsection D. III., Hearing Procedures), having proponents speak first and opponents speak second.

The Way It Is Now:

The CPC Rules & Regulations stipulate:

First

"For sponsor and/or opposition briefs to be included in the packet forwarded to the Planning Commission in advance of a hearing, 15 hardcopies and a .pdf copy must be provided to the staff planner no later than the close of business eight days in advance of the hearing. Generally, 5 p.m. Wednesdays."

Second

"III. Hearing Procedures:

- a. A thorough description of the issue(s) by the Director or a member of the staff.
- b. A presentation of the proposal by the Project Sponsor(s) team (includes sponsor or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed 10 minutes, unless a written request for extension not to exceed a total presentation time of 15 minutes is received at least 72 hours in advance of the hearing, through the Commission Secretary, and granted by the President or Chair.
- c. A presentation of opposition to the proposal by organized opposition for a period not to exceed 10 minutes (or a period equal to that provided to the project sponsor team) with a minimum of three (3) speakers. The intent of the 10 min block of time provided to organized opposition is to reduce the number of overall speakers who are part of the organized opposition. The requestor should advise the group that the Commission would expect the organized presentation to represent their testimony, if granted. Organized opposition will be recognized only upon written application at least 72 hours in advance of the hearing, through the Commission Secretary, the President or Chair. Such application should identify the organization(s) and speakers.
- d. Public testimony from proponents of the proposal: An individuals may speak for a period not to exceed three (3) minutes. (Emphasis added)
- e. Public testimony from opponents of the proposal: An individual may speak for a period not to exceed three (3) minutes. (Emphasis added)
- f. Director's preliminary recommendation must be prepared in writing.
- g. Action by the Commission on the matter before it.
- h. In public hearings on Draft Environmental Impact Reports, all speakers will be limited to a period not to exceed three (3) minutes.
- i. The President (or Acting Chair) may impose time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings."

The Way It Would Be:

Advance submittal deadlines to be a part of the Commission Packets will not change. The modification requires advance submittals to be provided to the Office of Commission Affairs versus the case planner, no later than the close of business eight days in advance of the hearing.

It also would make a clear distinction between staff case reports and Commission Packets. To be a part of the staff case report, advance submittal briefs from sponsors and/or opponents must be provided to the case planner 14 days in advance of the scheduled hearing date. To be a part of the Commission Packet, 15 hardcopies and a .pdf of written submittals must be received by the Office of Commission Affairs, eight days in advance of the scheduled hearing.

Written public comment will continue to be accepted after Commission Packets have been delivered, including on the day of and at the hearing.

In addition, any modifications to the submittal deadlines for case reports could be handled administratively by updating the "Hearing Submittals Guidelines" document without future amendments to the Commission's Rules & Regulations.

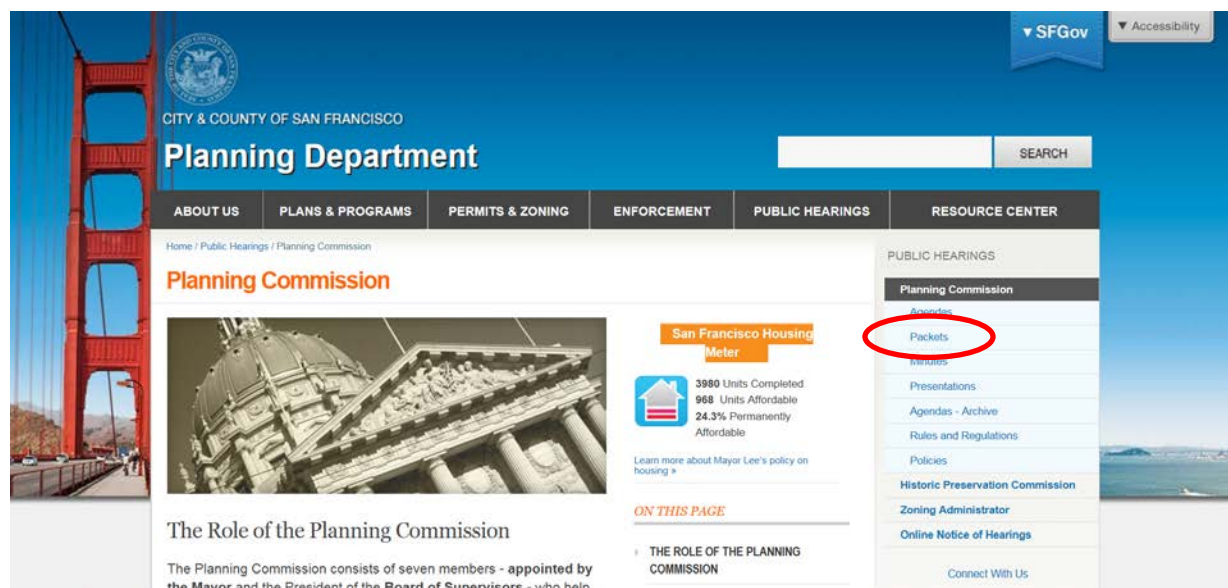
Finally, the Hearing Procedures would accurately reflect the current practice of the Commission to take public comment for or against a project in the order speaker cards are submitted, without taking proponents first and opponents second.

ISSUES AND CONSIDERATIONS

Should the Rules Committee agree on an election process for the Commission Officers, that process could be proposed as an amendment to Article II, Section 1.

Members of the public have often requested case reports for certain types of cases to be issued two weeks in advance of hearing. This new procedure will provide for up to a nine day issuance of case reports with staff's analysis, whenever staff outsources the reproduction to Repromail, and still provide members of the public an opportunity to submit hearing materials up to eight days prior a hearing through the Office of Commission Affairs to be included in the Commission packets.

As a result, staff reports linked to the Agendas may not contain all of the materials submitted regarding a given case. Therefore, the Commission's webpage now includes a link to the complete electronic packet provided to Commissioners for every hearing by date.



REQUIRED ACTION

None. The Committee is not required to take any action.

RECOMMENDATION

The Rules Committee should adopt a recommendation to the Planning Commission to amend their Rules & Regulations to accurately inform the public of current practices and allow the "Hearing Submittals Guidelines" document to be the future guide to hearing submittal requirements.

RECOMMENDATION:	Adopt a Recommendation to the Planning Commission
------------------------	--