



# SAN FRANCISCO PLANNING DEPARTMENT

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December 12, 2013

To: Planning Commission  
From: Jonas P. Ionin, Director of Commission Affairs  
Re: Planning Commission Rules & Regulations  
*Preliminary Recommendation: Adopt Proposed Amendments*

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On December 5, 2013, the Planning Commission conducted a public hearing on proposed amendments to the Commission Rules & Regulations. At that hearing, the Commission reviewed, commented, accepted public comment, and calendared an adoption hearing for December 19, 2013.

As a result, the following substantive amendments discussed at the December 5<sup>th</sup> hearing have been incorporated into the DRAFT Rules & Regulations document and are provided for the Commission's consideration and adoption:

1. Article IV, Section 1 – Amending the date that the Commission may consider and adopt annual Hearing Schedules for Regular Meetings;
2. Article IV, Section 3 – Adding a footnote to specify that the term “Notice” refers to both written and electronic notice;
3. Article IV, Section 6 – Identifying voting rules for Planning Code and General Plan Amendments;
4. Article IV, Section 9 – Adding “Discretionary Review Calendar” to the Order of Business;
5. Appendix A – Creating a “Submittals” section clarifying the submittal rules of the Commission;
6. Appendix A – Amending the “Discretionary Review” section identifying the “Plan Submittal Guidelines” document as the guideline to staff and the public for plan submittal to the Commission for DR's;
7. Appendix A – Amending the “Discretionary Review” section defining both “DR Requestor(s) Team” and “Project Sponsor(s) Team” to include their designee, lawyers, architects, engineers, expeditors, and/or other advisors to be consistent with hearing procedures for Cases;
8. Appendix A – Adding a “Mandatory Discretionary Review” section clarifying the current practice for Commission submittals and hearing procedures;
9. Appendix A – Collapsing “Standard Cases” and “Complicated Cases” into a single “Cases” section that applies to all cases considered by the Commission and clarifying current practices;
10. Appendix A – Extending the maximum presentation time for “Policy or Major Project Informational Presentations” to 20 minutes;

11. Appendix A – Adding a “CEQA Appeals” section establishing submittal and hearing procedures and;
12. Hyperlinks to Department application packets, guidelines, and Code sections throughout.

In accordance with San Francisco Charter, Article, IV, Section 4.104, the adoption hearing for the Planning Commission Rules & Regulations was noticed for the required ten days in the December 12, 2013 Commission Agenda, released to the public via hardcopy, email and posted on the Planning Department’s website on Friday, December 6, 2013.

Attachments:

1. August 4, 2011 Rules & Regulations – Redlined; and
2. DRAFT Rules & Regulations – Final Format.

# SAN FRANCISCO PLANNING COMMISSION

City ~~and~~ County of San Francisco, California

## Rules ~~and~~ Regulations



### ARTICLE I – NAME

Section 1. The Name of this Commission shall be “SAN FRANCISCO PLANNING COMMISSION.”

### ARTICLE II – OFFICERS AND APPOINTMENTS

Section 1. Officers. The Officers of this Commission shall ~~be consist of~~ a President and a Vice President. The President and Vice President shall be members of the Commission, and shall be elected at the first Regular Meeting of the Commission held on or after the 15<sup>th</sup> day of January of each year; or at a subsequent Meeting, the date of which shall be fixed by the Commission at the first Regular Meeting on or after the 15<sup>th</sup> day of January each year. They shall hold office for one year ~~and or~~ until their successors are elected.

The President and Vice President shall not both be members of the commission appointed by the Mayor or President of the Board of Supervisors. (If one is a Mayor appointee, the other position must be held by a member appointed by the President of the Board of Supervisors.)

Section 2. ~~Director of Planning~~ Planning Director. The ~~Director of Planning~~ Planning Director shall hold office at the pleasure of the Commission and shall be qualified by training and experience to be the administrative and technical head of the San Francisco Planning Department and of all activities under the jurisdiction of the Planning Commission.

Section 3. ~~Administrative-Commission~~ Secretary. The Commission at any Regular or Special Meeting may appoint an ~~Administrative-Commission~~ Secretary who shall hold office at the pleasure of the Commission.

### ARTICLE III – DUTIES OF OFFICERS

Section 1. President. The President shall preside at all meetings of the Commission, shall appoint all Committees and their ~~Chairmen~~ Chairs, and shall perform all other duties necessary or incidental to the office. The President shall attend all Meetings of bodies of which, by the Charter, he or she is

made ~~an~~ ex-officio ~~a~~ member, or shall designate the ~~Director of Planning~~ Planning Director or any member of the Commission to attend such Meetings in the place and stead of the President.

Section 2. Vice President. In the event of the absence or inability to act of the President, the Vice President shall take the place and perform the duties of the President. In the event of absence or inability to act of both the President and Vice President, the remaining members of the Commission shall ~~appoint-elect~~ one of their members to act temporarily as President, by a majority vote of the remaining Commissioners.

#### ARTICLE IV – MEETINGS

Section 1. Regular Meetings. Regular Meetings of the Commission shall be open and public and shall be held each Thursday of each month except in any month where there are five (5) Thursdays. Where there are five (5) Thursdays in a month, the fifth Thursday of the month ~~is-shall be~~ cancelled, unless otherwise adopted as part of the Hearing Schedule. All Regular Meetings of the San Francisco Planning Commission shall ~~not start at-before~~ 12:00 noon, unless otherwise noticed on the printed calendar at least 72 hours in advance of a scheduled hearing. The San Francisco Planning Commission does hereby designate Room 400 of City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, California, as its regular meeting location unless otherwise noticed on the ~~printed~~ calendar at least 72 hours in advance of a scheduled hearing, or if the need arises because room capacity for Room 400 is anticipated to be exceeded. Provided that where matters of special concern to certain areas or districts of the city are to be considered, a Meeting place may be designated in the City and County within such areas or districts. The Commission Secretary will present to the ~~San Francisco Planning~~ Commission on or before the first Regular Meeting day of the year (or subsequent date as stipulated by the Commission) a list for consideration and indication of adoption by voice vote, the Commission's Hearing Schedule for the calendar year, including possible cancellation dates of Regular Meetings to accommodate various holidays throughout the year.

Section 2. Special Meetings. Special Meetings of the Commission shall be open and public and shall be held at such times as the Commission may determine. Special meetings may be called by the President for any time, and must be called by the President upon the written request of three members of the Commission, filed with the Administrative Secretary. The Place of such Meetings shall be as provided above for Regular Meetings.

Section 3. Notice. ~~Written n~~Notice<sup>1</sup> of the time and place of every Regular Meeting of the Commission shall be given to members of the Commission at least 72 hours before the time of such Meeting, and shall be given by posting and otherwise, as required by San Francisco Administrative Code Section 67.7 and California Government Code Section 54954.2. ~~Written n~~Notice of the time and place of every Special Meeting of the Commission shall be given to members of the Commission at least 72 hours before the time of such Meetings, and shall be given by posting and otherwise, as required by San Francisco Administrative Code Section 67.6(f) and California Government Code Section 54956. The Commission shall not consider nor act upon any matter at any Regular Meeting except upon (1) written notice thereof as required by this Section 3, or (2) a condition exists that requires emergency action as set forth in San Francisco Administrative Code Section 67.7(e) and California Government Code Section 54954.2(b). No matter shall be considered at any Special Meeting unless included in the Notice calling such meeting.

<sup>1</sup> The San Francisco Administrative Code, Chapter 67 "The San Francisco Sunshine Ordinance of 1999," Section 67.7 stipulates that policy bodies shall post an agenda containing a meaningful description of each item of business to be transacted or discussed at the meeting at least 72 hours before a regular meeting and that it shall post a current agenda on its Internet site at least 72 hours before a regular meeting. Therefore, the term "notice" shall refer to both written and electronic formats.

Section 4. Cancellation or Change of Regular Meetings. If the Regular Meeting day falls on a legal holiday, or if a recommendation is made by the Director that a Regular Meeting be cancelled or changed, the Commission or the President may cancel the Regular Meeting or fix another time therefor. ~~Written notice~~ Notice of cancellation or of a change in a Regular Meeting time must be given at least seventy-two hours before the scheduled time of such Meeting.

Section 5. Quorum. A quorum for the transaction of official business at any Regular or Special Meeting shall consist of a majority of all members of the Commission, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties, if any, provided by law.

Section 6. Voting.

a. *Procedural Matters.* Pursuant to Charter Section 4.104, with respect to matters of procedure the Commission may act by the affirmative vote of a majority of the members present, so long as the members present constitute a quorum.

b. Except as provided in "a" above, every Official Act taken by the Commission, including, but not limited to, those based on its jurisdiction derived from the Planning Code, Chapter 31 of the Administrative Code, the Subdivision Code and Discretionary Review Powers of the Commission, may be by "Motion" or "Resolution" adopted by a majority vote of all members of the Commission (four (4) votes). All members present shall vote for or against each question brought to a vote unless a member is excused from voting by a conflict of interest or a motion adopted by a majority of the members present.

A motion that receives less than four votes is a failed motion resulting in disapproval of the action requested to be taken by the Commission unless a substitute motion for a continuance or other action is adopted. (For example: a request for Conditional Use requires four votes to approve; failure to receive the four votes results in denial of the conditional use. A request for Discretionary Review requires four votes to take discretionary review and modify the project; failure to receive the four votes results in approval of the proposed project without modification. Planning Code Section 302(c) sets forth the requirements for Commission determinations regarding Planning Code amendments. Planning Code section 340(d) sets forth the requirements for Commission determinations regarding General Plan amendments.)

A motion of intent occurs when the Commission passes a motion by a majority of all members of the Commission that is contrary to the preliminary recommendation of the Planning Department staff and the Commission does not have findings that support the intended action. Any Commissioner absent from participation in the ~~action-motion~~ of intent must be provided all relevant case material and hearing tapes for review prior to a scheduled hearing for consideration of the final motion.

c. Once the Commission holds the public hearing on a permit application, receives all public testimony and declares that it is ready to consider approval or disapproval of the application, the applicant shall not be permitted to withdraw the application, except with the consent of the Commission. In the event that the Commission passes any motion of intent to approve or disapprove a permit application before them, the applicant shall not be permitted to withdraw the application prior to the Commission's completion of their action with passage of a written "Motion" with findings or a resolution.

d. Once the Commission holds a public hearing on a matter before them, enters into deliberation and a motion for action is made and receives a second prior to the end of discussion, a request for "call the question" by any member other than the President or Chair would be

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addressed as follows: The request for “call the question” is considered a motion to halt discussion and must have a second to proceed. If the motion does not receive a second, the motion dies and discussion resumes on the matter on the floor prior to the motion to “call the question.” If the motion receives a second then a vote must be taken immediately and passed by a majority of those present.

Section 7. Jurisdiction. Pursuant to Charter Section 4.105, the Commission has the jurisdiction to approve prior to issuance “[all] permits and licenses dependent on, or affected by, the Planning Code administered by the Planning Department.” Acting under this section, the Commission may at its discretion by a majority vote of the Commission (four votes), request staff to bring before it for review any such permit or license that has not yet been issued even if the application has been approved by the Commission or Department staff and forwarded to the Central Permit Bureau. The Commission loses jurisdiction upon either the City’s issuance of the permit or license, or a valid appeal has been filed to an ~~appellant~~ appellate body.

Section 8. Parliamentary Procedure. The rules of parliamentary practice, as set forth in Robert’s Rules of Order, shall govern all meetings of the Commission except as otherwise provided herein.

Section 9. Order of Business. The order of business at any Regular Meeting may be as follows:

1. Roll Call
2. Consent Calendar
3. ~~Commissioners’ Questions and Matters~~
4. ~~Report of Director of Planning Department Matters~~
5. Public Comment – 15 Minutes
6. ~~Consideration of Main Agenda~~ Regular Calendar
- ~~6-7.~~ Discretionary Review Calendar
78. Public Comment
89. Adjournment

The President (or Chair) may change the order of business as determined necessary for the Planning Commission to conduct its business effectively.

Section 10. Public Comment. The item at each Regular Meeting shall provide an opportunity for members of the public to address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission, but which are not on the posted agenda for that Meeting. When that item is reached, members of the public may address the Commission for up to three (3) minutes. The President may limit the total testimony by all members of the public to fifteen (15) minutes.

Section 11. Consent Calendar: Items may be placed on a Consent Calendar section of the ~~Planning Meeting~~ Agenda. Items on the Consent Calendar may be approved by a single vote for all items. Any Commissioner, any member of the public or the Director may request that the item be taken off the Consent Calendar and placed on the regular agenda for that Commission Hearing or a later hearing.

Section 12. Submittals: Procedure for submission of material related to any matter that comes before the Commission for their consideration is addressed in Appendix A attached to this document.

Section 13. Hearing Procedures: At either a Regular or Special Meeting, a public hearing may be held before the ~~C~~ommission on any matter that is on the posted agenda of such Meeting. The procedure for such public hearings is addressed in Appendix A attached to this document.

Section 14. Record. A record shall be kept of each Regular and Special Meeting by the ~~Administrative Commission~~ Secretary or by an Acting Secretary designated by the ~~Administrative Commission~~ Secretary.

Section 15. Private Transcription. The President may authorize any person to transcribe the proceedings of a Regular or Special Meeting provided that the President may require that a copy of such transcript be provided for the Commission's permanent records.

#### ARTICLE V – AMENDMENTS

Section 1. These Rules and Regulations may be amended by the Commission at any Regular Meeting by a majority vote following a public hearing, providing that the amendment has been calendared for hearing for at least ten days.

Amended: August 1, 1957  
January 12, 1961  
October 11, 1961  
March 26, 1964  
April 23, 1964  
October 29, 1964  
June 17, 1965  
October 24, 1968  
January 18, 1973  
March 1974  
August 8, 1974  
December 11, 1975  
June 24, 1976  
October 28, 1982  
April 19, 1984  
March 19, 1987  
July 28, 1988  
January 20, 1994  
February 2, 1995  
February 16, 1995  
September 28, 1995  
January 25, 1996  
January 21, 1999  
October 19, 2000  
November 18, 2004  
February 10, 2005  
August 4, 2005  
April 17, 2008  
August 4, 2011  
December 19, 2013

Attachment: Appendix A

**APPENDIX A**  
**of**  
**San Francisco Planning Commission's Rules & Regulations**

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**Submittals and Hearing Procedures:**

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**A. Submittals**

Correspondence submitted to the Planning Commission in advance of hearing must be received by the Commission Secretary no later than the close of business the day before a hearing for it to become a part of the public record for any public hearing.

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Correspondence submitted to the Planning Commission on the same day, must be submitted at the hearing directly to the Planning Commission Secretary. Correspondence submitted in any other fashion on the same day may not become a part of the public record until the following hearing.

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Correspondence sent directly to all members of the Commission, must include a cc to the Commission Secretary (commissions.secretary@sfgov.org) for it to become a part of the public record.

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Sponsor and/or opposition briefs that would like to become a part of 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.

These submittal rules and deadlines are strictly adhered to and no exceptions shall be made.

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**A-B. Discretionary Review (DR) Cases**

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**I. Submittals:**

- a. Submittals, including staff packets, are due to the Commission one week in advance of hearing.

**II. Content of submittals should be as follows:**

- a. ~~Simple/Abbreviated:~~ - Staff cover memo attached to DR application and Project Sponsor response
- b. ~~Routine:~~
  - Clear plans and rendered street elevations (all plans to include a "north" directional arrow) Plans in compliance with the Planning Department's "Plan Submittal Guidelines."
  - Color streetscape of both sides of street.
  - Digital photographs of existing conditions.
- eb. ~~Complex/Full:~~ - Same as stated in ~~Routine/Abbreviated~~ above with 3 - D Renderings
- ec. Environmental and historic resource documents to be attached to all submittals

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**III. Hearing Procedures:**

- a. A thorough description of the issue by the Director or a member of the staff.
- b. A presentation by the DR Requestor(s) team (includes Requestor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed five (5) minutes for each requestor.

- c. Testimony by members of the public in support of the DR would be up to three (3) minutes each.
- d. A presentation by the Project Sponsor(s) team (includes Sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period up to five (5) minutes, but could be extended for a period not to exceed 15-10 minutes if there are multiple DR requestors.
- e. Testimony by members of the public in support of the project would be up to three (3) minutes each.
- f. DR requestor(s) or their designees are given two (2) minutes for rebuttal.
- g. Project sponsor(s) or their designees are given two (2) minutes for rebuttal.
- h. 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.

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- IV. Other:
  - a. Revisions should be submitted to staff and DR requestors by 5pm Tuesday (two days) before the Thursday Hearing.
  - b. Revisions submitted at hearing are discouraged and will only be considered at Commission discretion.

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**C. Mandatory Discretionary Review (Dwelling Unit Removal; Medical Cannabis Dispensary)**

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I. Submittals:

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- a. Submittals, including staff packets, are due to the Commission one week in advance of hearing.

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II. Hearing Procedures:

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- a. A thorough description of the issue by the Director or a member of the staff
- b. A presentation by the Project Sponsor(s) team (includes Sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed five (5) minutes.
- c. Testimony by members of the public would be up to three (3) minutes each.
- d. 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.

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**B-D. Standard Cases (Conditional Use (CU); 309 exceptions; Office Allocation (321); Downtown Project (309); etc.):**

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I. Submittals:

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- a. Staff packet due to Commission one week in advance of hearing; or;
- a-b. At the discretion of the Planning Director and Planning Commission Officers, two weeks in advance of hearing.

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II. Content of submittals should be as follows:

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- a. Plans in compliance with the Planning Department's "Plan Submittal Guidelines;" ~~Clear plans and elevations (all plans should include a "north" directional arrow)~~
- b. Color streetscape of ~~a~~ both sides of street;
- c. Digital photographs of existing conditions;
- d. 3-D digital renderings; and
- e. Environmental and historic resource documents to be attached to all submittals.

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III. Hearing Procedures:

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- 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 15-10 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 15-10 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 that share similar concerns. 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, to the President (through the Commission Secretary) prior to the hearing. Such application should identify the organization(s) and speaker(s).
  - d. **Public testimony from proponents of the proposal:** An individual may speak for a period not to exceed three (3) minutes.
  - e. **Public testimony from opponents of the proposal:** An individual may speak for a period not to exceed three (3) minutes.
  - 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.
- IV. Other:
- a. Revisions should be submitted to staff by 5pm Tuesday (two days) before the Thursday Hearing.
  - b. Revisions submitted at hearing are discouraged and will only be considered at Commission discretion.

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**C. Complicated Cases:**

**I. Submittals:**

- a. Staff packet due to Commission two weeks in advance of hearing.
- b. Developer and public's response due to Commission through the Commission Secretary at (linda.avery@sfgov.org) and assigned staff in PDF format one week in advance of hearing (5 p.m., Wednesday (eight (8) days prior to the day case is scheduled to be heard before the Commission).
- c. Staff would respond orally during project/case presentation to Commission

**II. Content of submittals should be as follows:**

- a. Clear plans and elevations (all plans should include a "north" directional arrow)
- b. Color streetscape on both sides of street
- c. 3-D renderings
- d. Environmental and historic resource documents to be attached to all submittals

**III. Hearing Procedures:**

- a. A thorough description of the issue by the Director or a member of the staff

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- 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 15 minutes.~~
- c. ~~A presentation of opposition to the proposal by organized opposition for a period not to exceed 15 minutes with a minimum of three (3) speakers. Organized opposition will be recognized only upon written application to the President (through the Commission Secretary) prior to the hearing. Such application should identify the organization(s) and speaker(s).~~
- d. ~~**Public testimony from proponents of the proposal:** An individual may speak for a period not to exceed three (3) minutes.~~
- e. ~~**Public testimony from opponents of the proposal:** An individual may speak for a period not to exceed three (3) minutes.~~
- 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.~~

IV. Other:

- a. ~~Revisions should be submitted to staff by 5pm Tuesday (two days) before the Thursday Hearing.~~
- b.a. ~~Revisions submitted at hearing are discouraged and will only be considered at Commission discretion. Same as stated in Section B(IV).~~

**FD. Policy or Major Project Informational Presentations**

I. Submittals:

- a. ~~Staff packet due to Commission one week in advance of hearing; or~~
- b. ~~At the discretion of the Planning Director and Planning Commission Officers, two weeks in advance of hearing.~~
- a. ~~Printed powerpoint or design due to Commission one week in advance of hearing.~~

II. Hearing Procedures:

- a. ~~An introduction of the item or issue by the Director or a member of the staff.~~
- b. ~~A presentation of the item or issue by staff or the issuing agency for a period not to exceed 15-20 minutes.~~
- c. ~~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.~~

III. Other:

- a. ~~Revisions should be submitted to staff by 5pm Tuesday (two days) before the Thursday Hearing.~~
- b. ~~Revisions submitted at hearing are discouraged and will only be considered at Commission discretion.~~

**G. CEQA Appeals**

I. Submittals:

- a. ~~Staff packet due to Commission one week in advance of hearing; or~~
- b. ~~At the discretion of the Planning Director and Planning Commission Officers, two weeks in advance of hearing.~~

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II. Hearing Procedures:

- c. A thorough description of the issue by the Director or a member of the staff
- d. A presentation by the Appellant(s) team (includes appellant or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed ten (10) minutes.
- e. A presentation 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 ten (10) minutes.
- f. Testimony by members of the public in support of the Appeal would be up to three (3) minutes each.
- g. 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.

H. Amendment to motions should be read back at the same hearing before the vote is taken.

E. I. Amendment to motions should be read back at the same hearing before the vote is taken.

**NOTE:** ~~As a policy issue, t~~The Commission strongly discourages members of the public, project sponsors, architects, lawyers, etc. to cross the railing that separates the Commission and staff from the public seating area to engage in conversation with staff or the members of the Commission while a meeting is in session.

**AMENDED:** ~~August 4, 2011~~December 19, 2013

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# SAN FRANCISCO PLANNING COMMISSION

City & County of San Francisco, California

## Rules & Regulations



### ARTICLE I – NAME

Section 1. The Name of this Commission shall be “SAN FRANCISCO PLANNING COMMISSION.”

### ARTICLE II – OFFICERS AND APPOINTMENTS

Section 1. **Officers.** The Officers of this Commission shall consist of a President and a Vice President. The President and Vice President shall be members of the Commission, and shall be elected at the first Regular Meeting of the Commission held on or after the 15<sup>th</sup> day of January of each year; or at a subsequent Meeting, the date of which shall be fixed by the Commission at the first Regular Meeting on or after the 15<sup>th</sup> day of January each year. They shall hold office for one year or until their successors are elected.

The President and Vice President shall not both be members of the commission appointed by the Mayor or President of the Board of Supervisors. (If one is a Mayor appointee, the other position must be held by a member appointed by the President of the Board of Supervisors.)

Section 2. **Planning Director.** The Planning Director shall hold office at the pleasure of the Commission and shall be qualified by training and experience to be the administrative and technical head of the San Francisco Planning Department and of all activities under the jurisdiction of the Planning Commission.

Section 3. **Commission Secretary.** The Commission at any Regular or Special Meeting may appoint a Commission Secretary who shall hold office at the pleasure of the Commission.

## ARTICLE III – DUTIES OF OFFICERS

Section 1. President. The President shall preside at all meetings of the Commission, shall appoint all Committees and their Chairs, and shall perform all other duties necessary or incidental to the office. The President shall attend all Meetings of bodies of which, by the Charter, he or she is made an ex-officio member, or shall designate the Planning Director or any member of the Commission to attend such Meetings in the place and stead of the President.

Section 2. Vice President. In the event of the absence or inability to act of the President, the Vice President shall take the place and perform the duties of the President. In the event of absence or inability to act of both the President and Vice President, the remaining members of the Commission shall elect one of their members to act temporarily as President, by a majority vote of the remaining Commissioners.

## ARTICLE IV – MEETINGS

Section 1. Regular Meetings. Regular Meetings of the Commission shall be open and public and shall be held each Thursday of each month except in any month where there are five (5) Thursdays. Where there are five (5) Thursdays in a month, the fifth Thursday of the month shall be cancelled, unless otherwise adopted as part of the Hearing Schedule. All Regular Meetings of the San Francisco Planning Commission shall not start before 12:00 noon, unless otherwise noticed on the printed calendar at least 72 hours in advance of a scheduled hearing. The San Francisco Planning Commission does hereby designate Room 400 of City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, California, as its regular meeting location unless otherwise noticed on the calendar at least 72 hours in advance of a scheduled hearing, or if the need arises because room capacity for Room 400 is anticipated to be exceeded. Provided that where matters of special concern to certain areas or districts of the city are to be considered, a Meeting place may be designated in the City and County within such areas or districts. The Commission Secretary will present to the Commission on or before the first Regular Meeting day of the year (or subsequent date as stipulated by the Commission) a list for consideration and indication of adoption by voice vote, the Commission's Hearing Schedule for the calendar year, including possible cancellation dates of Regular Meetings to accommodate various holidays throughout the year.

Section 2. Special Meetings. Special Meetings of the Commission shall be open and public and shall be held at such times as the Commission may determine. Special meetings may be called by the President for any time, and must be called by the President upon the written request of three members of the Commission, filed with the Administrative Secretary. The Place of such Meetings shall be as provided above for Regular Meetings.

Section 3. Notice. Notice<sup>1</sup> of the time and place of every Regular Meeting of the Commission shall be given to members of the Commission at least 72 hours before the time of such Meeting,

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<sup>1</sup> The San Francisco Administrative Code, Chapter 67 "The San Francisco Sunshine Ordinance of 1999," Section 67.7 stipulates that policy bodies shall post an agenda containing a meaningful description of each item of business to be transacted or discussed at the meeting at least 72 hours before a regular meeting and that it shall post a current agenda on its Internet site at least 72 hours before a regular meeting. Therefore, the term "notice" shall refer to both written and electronic formats.

and shall be given by posting and otherwise, as required by San Francisco Administrative Code [Section 67.7](#) and California Government Code Section 54954.2. Notice of the time and place of every Special Meeting of the Commission shall be given to members of the Commission at least 72 hours before the time of such Meetings, and shall be given by posting and otherwise, as required by San Francisco Administrative Code Section 67.6(f) and California Government Code Section 54956. The Commission shall not consider nor act upon any matter at any Regular Meeting except upon (1) written notice thereof as required by this Section 3, or (2) a condition exists that requires emergency action as set forth in San Francisco Administrative Code Section 67.7(e) and California Government Code Section 54954.2(b). No matter shall be considered at any Special Meeting unless included in the Notice calling such meeting.

Section 4. Cancellation or Change of Regular Meetings. If the Regular Meeting day falls on a legal holiday, or if a recommendation is made by the Director that a Regular Meeting be cancelled or changed, the Commission or the President may cancel the Regular Meeting or fix another time therefor. Notice of cancellation or of a change in a Regular Meeting time must be given at least seventy-two hours before the scheduled time of such Meeting.

Section 5. Quorum. A quorum for the transaction of official business at any Regular or Special Meeting shall consist of a majority of all members of the Commission, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties, if any, provided by law.

Section 6. Voting.

a. *Procedural Matters.* Pursuant to Charter [Section 4.104](#), with respect to matters of procedure the Commission may act by the affirmative vote of a majority of the members present, so long as the members present constitute a quorum.

b. Except as provided in “a” above, every Official Act taken by the Commission, including, but not limited to, those based on its jurisdiction derived from the Planning Code, Chapter 31 of the Administrative Code, the Subdivision Code and Discretionary Review Powers of the Commission, may be by “Motion” or “Resolution” adopted by a majority vote of all members of the Commission (four (4) votes). All members present shall vote for or against each question brought to a vote unless a member is excused from voting by a conflict of interest or a motion adopted by a majority of the members present.

A motion that receives less than four votes is a failed motion resulting in disapproval of the action requested to be taken by the Commission unless a substitute motion for a continuance or other action is adopted. (For example: a request for Conditional Use requires four votes to approve; failure to receive the four votes results in denial of the conditional use. A request for Discretionary Review requires four votes to take discretionary review and modify the project; failure to receive four votes results in approval of the proposed project without modification. Planning Code [Section 302\(c\)](#) sets forth the requirements for Commission determinations regarding Planning Code amendments. Planning Code [Section 340\(d\)](#) sets forth the requirements for Commission determinations regarding General Plan amendments.)

A motion of intent occurs when the Commission passes a motion by a majority of all members of the Commission that is contrary to the preliminary recommendation of the Planning Department staff and the Commission does not have findings that support the intended action. Any Commissioner absent from participation in the motion of intent must be provided all relevant case material and hearing tapes for review prior to a scheduled hearing for consideration of the final motion.

c. Once the Commission holds the public hearing on a permit application, receives all public testimony and declares that it is ready to consider approval or disapproval of the application, the applicant shall not be permitted to withdraw the application, except with the consent of the Commission. In the event that the Commission passes any motion of intent to approve or disapprove a permit application before them, the applicant shall not be permitted to withdraw the application prior to the Commission's completion of their action with passage of a written "Motion" with findings or a resolution.

d. Once the Commission holds a public hearing on a matter before them, enters into deliberation and a motion for action is made and receives a second prior to the end of discussion, a request for "call the question" by any member other than the President or Chair would be addressed as follows: The request for "call the question" is considered a motion to halt discussion and must have a second to proceed. If the motion does not receive a second, the motion dies and discussion resumes on the matter on the floor prior to the motion to "call the question." If the motion receives a second then a vote must be taken immediately and passed by a majority of those present.

Section 7. Jurisdiction. Pursuant to Charter [Section 4.105](#), the Commission has the jurisdiction to approve prior to issuance "[all] permits and licenses dependent on, or affected by, the Planning Code administered by the Planning Department." Acting under this section, the Commission may at its discretion by a majority vote of the Commission (four votes), request staff to bring before it for review any such permit or license that has not yet been issued even if the application has been approved by the Commission or Department staff and forwarded to the Central Permit Bureau. The Commission loses jurisdiction upon either the City's issuance of the permit or license, or a valid appeal has been filed to an appellate body.

Section 8. Parliamentary Procedure. The rules of parliamentary practice, as set forth in Robert's Rules of Order, shall govern all meetings of the Commission except as otherwise provided herein.

Section 9. Order of Business. The order of business at any Regular Meeting may be as follows:

1. Roll Call
2. Consent Calendar
3. Commission Matters
4. Department Matters
5. Public Comment – 15 Minutes
6. Regular Calendar
7. Discretionary Review Calendar
8. Public Comment
9. Adjournment

The President (or Chair) may change the order of business as determined necessary for the Planning Commission to conduct its business effectively.

Section 10. Public Comment. The item at each Regular Meeting shall provide an opportunity for members of the public to address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission, but which are not on the posted agenda for that Meeting. When that item is reached, members of the public may address the Commission for up to three (3) minutes. The President may limit the total testimony by all members of the public to fifteen (15) minutes.

Section 11. Consent Calendar: Items may be placed on a Consent Calendar section of the Meeting Agenda. Items on the Consent Calendar may be approved by a single vote for all items. Any Commissioner, any member of the public or the Director may request that the item be taken off the Consent Calendar and placed on the regular agenda for that Commission Hearing or a later hearing.

Section 12. Submittals: Procedure for submission of material related to any matter that comes before the Commission for their consideration is addressed in Appendix A attached to this document.

Section 13. Hearing Procedures: At either a Regular or Special Meeting, a public hearing may be held before the Commission on any matter that is on the posted agenda of such Meeting. The procedure for such public hearings is addressed in Appendix A attached to this document.

Section 14. Record. A record shall be kept of each Regular and Special Meeting by the Commission Secretary or by an Acting Secretary designated by the Commission Secretary.

Section 15. Private Transcription. The President may authorize any person to transcribe the proceedings of a Regular or Special Meeting provided that the President may require that a copy of such transcript be provided for the Commission's permanent records.

## ARTICLE V – AMENDMENTS

Section 1. These Rules and Regulations may be amended by the Commission at any Regular Meeting by a majority vote following a public hearing, providing that the amendment has been calendared for hearing for at least ten days.

Amended: August 1, 1957  
January 12, 1961  
October 11, 1961  
March 26, 1964  
April 23, 1964  
October 29, 1964  
June 17, 1965  
October 24, 1968  
January 18, 1973  
March 1974

August 8, 1974  
December 11, 1975  
June 24, 1976  
October 28, 1982  
April 19, 1984  
March 19, 1987  
July 28, 1988  
January 20, 1994  
February 2, 1995  
February 16, 1995  
September 28, 1995  
January 25, 1996  
January 21, 1999  
October 19, 2000  
November 18, 2004  
February 10, 2005  
August 4, 2005  
April 17, 2008  
August 4, 2011  
December 19, 2013

Attachment: Appendix A

DRAFT

# APPENDIX A

of  
San Francisco Planning Commission Rules & Regulations

## Submittals and Hearing Procedures:

### A. Submittals

Correspondence submitted to the Planning Commission in advance of hearing must be received by the Commission Secretary no later than the close of business the day before a hearing for it to become a part of the public record for any public hearing.

Correspondence submitted to the Planning Commission on the same day, must be submitted at the hearing directly to the Planning Commission Secretary. Correspondence submitted in any other fashion on the same day may not become a part of the public record until the following hearing.

Correspondence sent directly to all members of the Commission, must include a cc to the Commission Secretary ([commissions.secretary@sfgov.org](mailto:commissions.secretary@sfgov.org)) for it to become a part of the public record.

Sponsor and/or opposition briefs that would like to become a part of 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.

These submittal rules and deadlines are strictly adhered to and no exceptions shall be made.

### B. Discretionary Review (DR)

#### I. Submittals:

- a. Submittals, including staff packets, are due to the Commission one week in advance of hearing.

#### II. Content of submittals should be as follows:

- a. Abbreviated:
  - Staff cover memo attached to DR application and Project Sponsor response;
  - Plans in compliance with the Planning Department's "[Plan Submittal Guidelines](#);"
  - Color streetscape of both sides of street;
  - Digital photographs of existing conditions.
- b. Full:
  - Same as stated in Abbreviated above; with
  - 3-D Renderings.
- c. Environmental and historic resource documents to be attached to all submittals.

- III. Hearing Procedures:
- a. A thorough description of the issue by the Director or a member of the staff.
  - b. A presentation by the DR Requestor(s) team (includes Requestor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed five (5) minutes for each requestor.
  - c. Testimony by members of the public in support of the DR would be up to three (3) minutes each.
  - d. A presentation by the Project Sponsor(s) team (includes Sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period up to five (5) minutes, but could be extended for a period not to exceed 10 minutes if there are multiple DR requestors.
  - e. Testimony by members of the public in support of the project would be up to three (3) minutes each.
  - f. DR requestor(s) or their designees are given two (2) minutes for rebuttal.
  - g. Project sponsor(s) or their designees are given two (2) minutes for rebuttal.
  - h. 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.

- IV. Other:
- a. Revisions should be submitted to staff and DR requestors by 5pm Tuesday (two days) before the Thursday Hearing.
  - b. Revisions submitted at hearing are discouraged and will only be considered at Commission discretion.

**C. Mandatory Discretionary Review ([Dwelling Unit Removal](#); [Medical Cannabis Dispensary](#))**

- I. Submittals:
- a. Submittals, including staff packets, are due to the Commission one week in advance of hearing.
- II. Hearing Procedures:
- a. A thorough description of the issue by the Director or a member of the staff
  - b. A presentation by the Project Sponsor(s) team (includes Sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed five (5).
  - c. Testimony by members of the public would be up to three (3) minutes each.
  - d. 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.

**D. Cases ([Conditional Use \(CU\)](#); [Office Allocation \(321\)](#); [Downtown Project \(309\)](#); etc.):**

- I. Submittals:
- a. Staff packet due to Commission one week in advance of hearing; or
  - b. At the discretion of the Planning Director and Planning Commission Officers, two weeks in advance of hearing.
- II. Content of submittals should be as follows:

- a. Plans in compliance with the Planning Department's "Plan Submittal Guidelines;"
- b. Color streetscape of both sides of street;
- c. Digital photographs of existing conditions;
- d. 3-D digital renderings; and
- e. Environmental and historic resource documents to be attached to all submittals.

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 that share similar concerns. 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 individual may speak for a period not to exceed three (3) minutes.
- e. **Public testimony from opponents of the proposal:** An individual may speak for a period not to exceed three (3) minutes.
- 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.

IV. Other:

- a. Revisions should be submitted to staff by 5pm Tuesday (two days) before the Thursday Hearing.
- b. Revisions submitted at hearing are discouraged and will only be considered at Commission discretion.

E. Policy or Major Project Informational Presentations

I. Submittals:

- a. Staff packet due to Commission one week in advance of hearing; or
- b. At the discretion of the Planning Director and Planning Commission Officers, two weeks in advance of hearing.

- II. Hearing Procedures:
  - a. An introduction of the item or issue by the Director or a member of the staff.
  - b. A presentation of the item or issue by staff or the issuing agency for a period not to exceed 20 minutes.
  - c. 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.
  
- III. Other:
  - a. Revisions should be submitted to staff by 5pm Tuesday (two days) before the Thursday Hearing.
  - b. Revisions submitted at hearing are discouraged and will only be considered at Commission discretion.

**E. CEQA Appeals**

- I. Submittals:
  - a. Staff packet due to Commission one week in advance of hearing; or
  - b. At the discretion of the Planning Director and Planning Commission Officers, two weeks in advance of hearing.
  
- II. Hearing Procedures:
  - a. A thorough description of the issue by the Director or a member of the staff
  - b. A presentation by the Appellant(s) team (includes appellant or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed ten (10) minutes.
  - c. A presentation 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 ten (10) minutes.
  - d. Testimony by members of the public in support of the Appeal would be up to three (3) minutes each.
  - e. 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.

**G. Amendment to motions should be read back at the same hearing before the vote is taken.**

**NOTE:** The Commission strongly discourages members of the public, project sponsors, architects, lawyers, etc. to cross the railing that separates the Commission and staff from the public seating area to engage in conversation with staff or the members of the Commission while a meeting is in session.

**AMENDED:** December 19, 2013