



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: February 11, 2019

TO: Environmental Review Consultants, Project Sponsors, and Interested Parties

FROM: Lisa Gibson, Environmental Review Officer

RE: Protocols to Ensure Objectivity in Consultant-Prepared Materials

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Use of Consultants in Environmental Review Process

The San Francisco Planning Department (department) is the California Environmental Quality Act (CEQA) lead agency for public and private projects in the City and County of San Francisco. For any given project undergoing environmental review, the department may rely upon consultants to prepare CEQA determinations, such as initial studies, negative declarations, and environmental impact reports, and technical reports, such as transportation impact studies, historic resource evaluations, and wind studies. The department identifies consultants that the department deems well-qualified and selects consultant(s) to provide services in support of the City's efforts. The City requires project sponsors to pay the fees of consultants. The use of consultants is critical to the department's ability to conduct CEQA review in an efficient and effective manner. Pursuant to state and local requirements, the department reviews and analyzes consultant-prepared materials to ensure that they reflect the independent judgment of the department.

Protocols to Ensure Objectivity

The department has developed and consistently uses policies and procedures that ensure the impartiality and thoroughness of consultant-prepared materials. This purpose of this agreement is to list the protocols, which are intended to eliminate potential conflicts of interest, or appearance of conflicts of interest, and promote objectivity, and to obtain a commitment by the project sponsor and CEQA consultants to abide by these protocols. These formal department practices aimed at eliminating the potential for bias on the part of consultants ensure that the environmental reports prepared by consultants consider all relevant analyses and findings.

Department staff, consultants, project

thorough evaluation and disclosure of the potential physical environmental effects of the project. Materials presented to the department by the project sponsor shall be neutral in tone and shall not advocate for the project.

- The project sponsor shall not advocate for environmental review documents to promote the project or the potential environmental benefits of the project; pursuant to CEQA, the focus of the CEQA analysis is on the potential adverse environmental impacts of the project. It is appropriate, however, for the project description to include a statement of the purpose of the proposed project and project objectives.
- Consultants conducting environmental analysis and preparing environmental studies in support of department CEQA environmental review shall not have a conflict of interest that would prevent them from conducting an objective and thorough evaluation that considers all relevant analyses and findings. For example, a consultant shall not be involved in both environmental analysis and project planning. Further, consultants shall not represent the project sponsor at public hearings and meetings. Project sponsors shall not include consultants, or represent consultants, as part of the "project sponsor's team."
- Consultant scopes of work must be developed at the direction of and approved in writing by department staff.
- Consultants may communicate directly with the project sponsor as necessary strictly for the purposes of contract negotiation and management.
- Through the department's environmental coordinator (in meetings and via emails and phone calls), consultants may communicate with the project sponsor for the purposes of preparing the project description and formulating mitigation measures and alternatives. The planning department's environmental coordinator shall participate in all such discussions.
- Unless otherwise directed by the environmental coordinator, consultants shall provide all deliverables to the department only. Consultants shall not distribute administrative drafts of environmental review documents and related deliverables or provide preliminary results to project sponsors or other parties. Only the department may provide copies of a consultant's work product to a project sponsor.
- Consultants shall remain neutral and provide only objective, unbiased materials and services to the department. Environmental review documents must be neutral in tone and must not advocate for the project.

- Consultants shall not engage in discussions with the project sponsor regarding material changes to the environmental analysis or conclusions of the environmental document and/or background analysis document without the participation and consent of the City's environmental coordinator.
- The focus of the project sponsor's review of administrative draft environmental documents shall be on ensuring accuracy in the project description and related assumptions used for the purpose of environmental review. In addition, the project sponsor shall review mitigation measures and alternatives, as applicable, to assess their potential feasibility. Under no circumstances shall the project sponsor pressure the consultant to change findings or recommendations. All feedback by the project sponsor on the environmental analysis shall be presented to the environmental coordinator.
- During environmental review, disagreement between project sponsors, consultants, and department staff may occur on the facts or analysis of the project. Divergent opinions of team members are expected and welcome during the environmental review process. However, the goal is for team members to come to an agreement before a draft or final report is submitted for review. If no agreement can be reached, the environmental coordinator may take the matter to the Environmental Review Officer (ERO) for resolution. Ultimately, the final decision on how to proceed rests with the ERO.
- Should a consultant be put in a situation that creates pressure to violate these protocols, the consultant shall disclose such instance to department staff.
- Failure of a consultant to observe these protocols may result in penalties that could include termination of the consultant from the project team. Further, if the consultant is in one or more of the department's consultant pools, penalties may include skipping of the consultant in a rotation of the consultant pool or removal of the consultant from the consultant pool entirely.
- Failure of the project sponsor to observe these protocols may result in additional costs and schedule increases related to the need for additional consultant services to redo previously performed work or to peer review work, additional meeting attendance, and other factors.

We appreciate your attention to these protocols. If you have any questions regarding these requirements, please contact Chelsea Fordham, Consultant Pool Manager, at (415) 575-9071

or Chelsea.Fordham@sfgov.org or Lisa Gibson, Environmental Review Officer at (415) 575-9032 or Lisa.Gibson@sfgov.org.