

Commission & Staff DR Alignment

- The Department has examined the outcomes of any DR hearings that could have been affected by DR Reform for CYs 2007, 2008, and 2009.
- A fourth dataset tracked the Commission's Hearing actions on DRs from April 9 through December 17, 2009, after implementation of required Res Design Team review, and adoption of the "Exceptional & Extraordinary" definition.
- The cases considered were all publicly requested and staff-initiated DRs that involved physical changes to a structure. Mandatory DRs, and Use-related requests, as for restaurants or antennas, were excluded from the data.

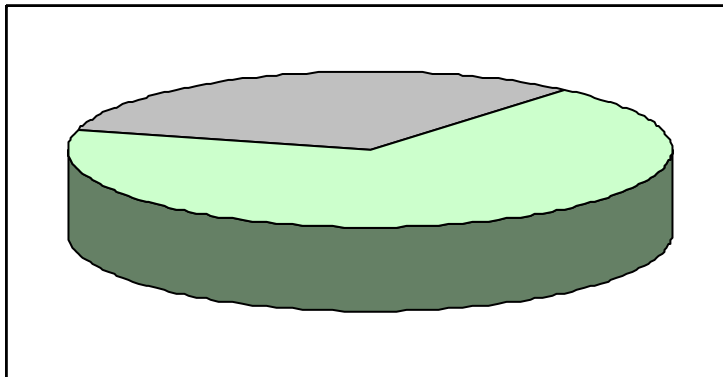


Commission & Staff DR Alignment

- DR cases that have hearings can have three outcomes:
 - “Do not take DR and approve as submitted” or,
 - “Take DR and modify the project” or,
 - “Take DR and disapprove the project.”

DR Alignment in 2007, 2008, 2009

Cases on which staff & Commission agreed that DR Requests heard did not warrant modification or disapproval, and were approved as submitted.



2007
39%

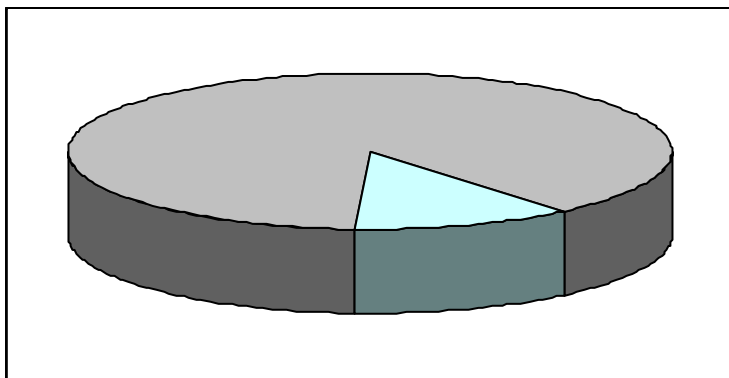
2008
49%

2009
62%

2009 (subset)
68%

DR Alignment in 2007, 2008, 2009

Cases on which staff & Commission agreed that DR should be taken, and projects approved as modified.



2007
27%

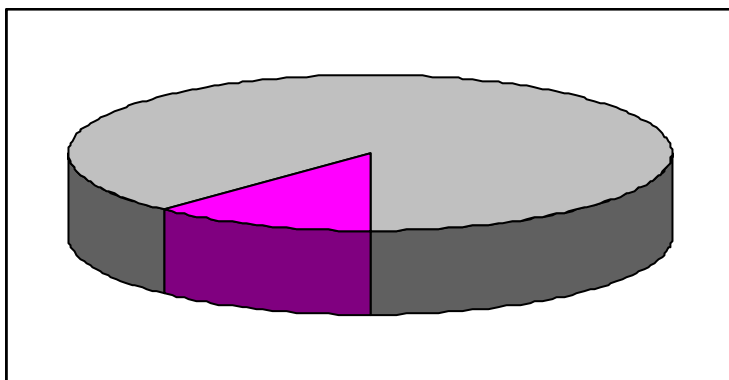
2008
23%

2009
12%

2009 (subset)
12%

DR Alignment in 2007, 2008, 2009

Cases on which staff recommended No DR Approve, but the Commission took DR, and approved projects as modified.



2007
25%

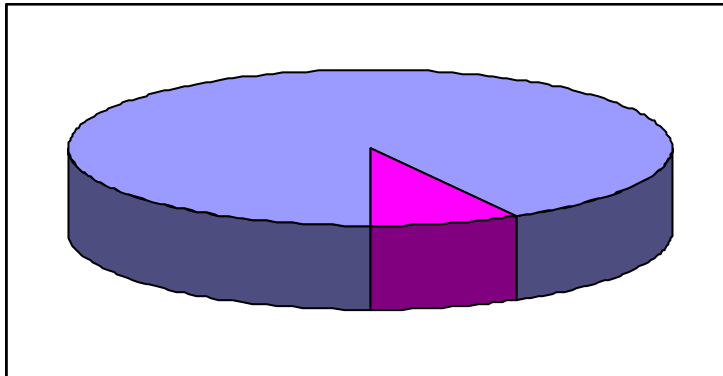
2008
23%

2009
18%

2009 (subset)
12%

DR Alignment in 2007, 2008, 2009

Cases on which staff & Commission agreed that DR should be taken, and projects approved as modified.



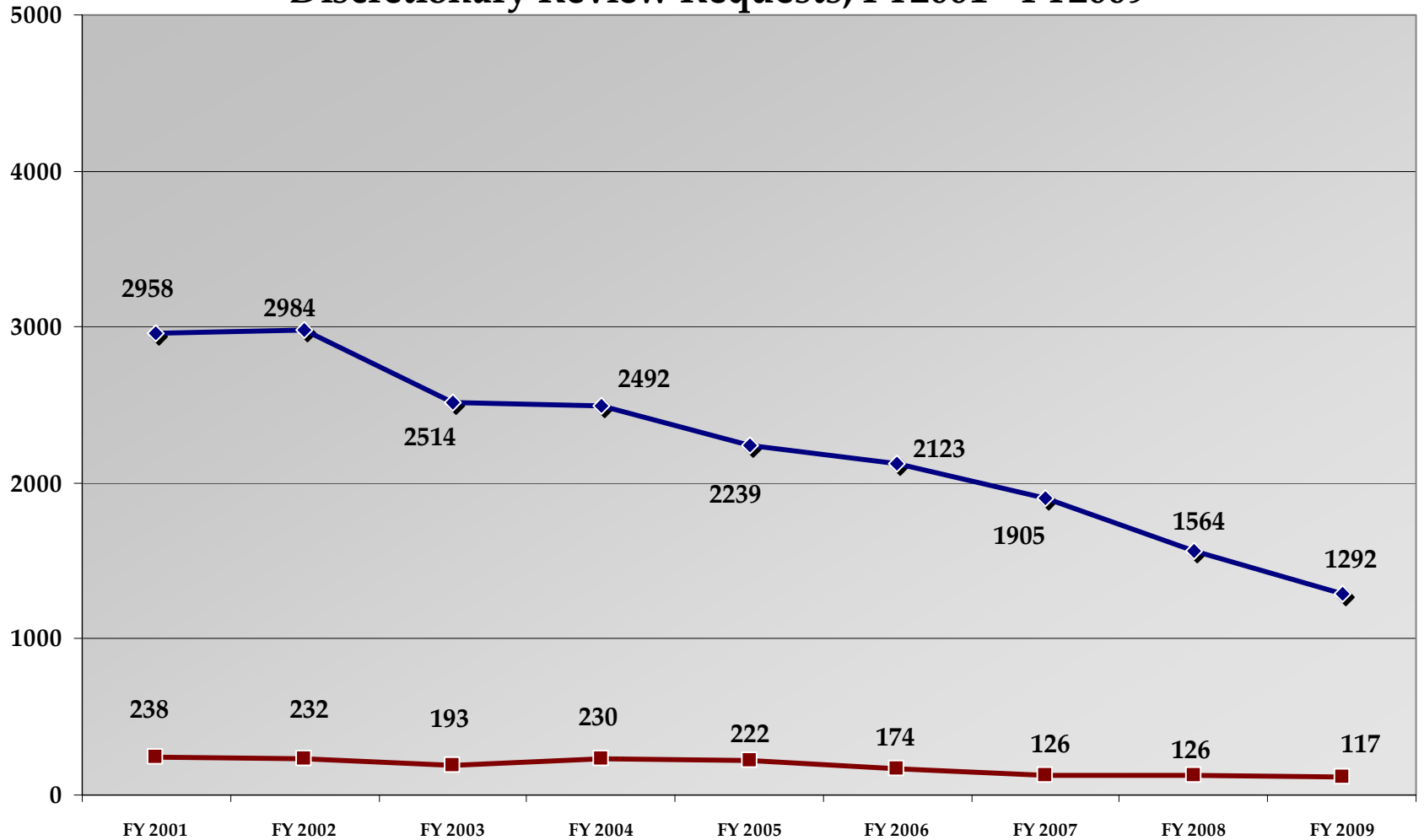
2007
66%

2008
74%

2009
82%

2009 (subset)
92%

Number of Major Alteration Permit Applications Compared to Discretionary Review Requests, FY2001 - FY2009





DR Alignment in 2009

Tabulation of the 23 DRs with Commission action, excluding Mandatory DR cases:

| CASE # | D R TYPE | ADDRESS | DEPT. RECOMMENDATIONS | | | COMMISSION | | | | ACTION | POLICY | |
|--------|--------------|---------|-----------------------|-----------------|-----------------|------------|-------------------|------|-----------|------------|---------------------------------|---------------------------------|
| | | | STAFF | RDT | DR POLICY | ACTION | VOTE | DATE | DR POLICY | ACCORD? | ACCORD? | |
| 1 | 2009.0158D | P | 66 ELLSWORTH ST | no DR & approve | no DR & approve | no hearing | no DR & approve | +6-0 | 04/09/09 | no hearing | Commission & RDT agree? TRUE | Commission & RDT agree? TRUE |
| 2 | 2008.1383D | P | 3944 21ST ST | no DR & approve | no DR & approve | no hearing | no DR & approve | +6-0 | 04/23/09 | no hearing | TRUE | TRUE |
| 3 | 2008.0327D | P | 2012 14TH AV | no DR & approve | no DR & approve | no hearing | no DR & approve | +6-0 | 05/14/09 | no hearing | TRUE | TRUE |
| 4 | 2006.0401D | P | 395 ATHENS ST | no DR & approve | n/a | n/a | no DR & approve | +6-0 | 05/21/09 | n/a | (TRUE) | |
| 5 | 2009.0256D | P | 1760-70 FILBERT ST | DR & modify | n/a | n/a | DR & modify | +6-0 | 05/28/09 | n/a | (TRUE) | |
| 6 | 2007.0129Dx3 | P | 100 32ND AV | no DR & approve | n/a | n/a | DR & modify | +4-2 | 06/04/09 | n/a | (FALSE) | |
| 7 | 2008.0285D | P | 109 ALPINE TE | no DR & approve | no DR & approve | no hearing | no DR & approve | +4-0 | 06/04/09 | no hearing | TRUE | TRUE |
| 8 | 2009.0230D | P | 138 25th AV | no DR & approve | no DR & approve | no hearing | no DR & approve | +6-0 | 06/18/09 | no hearing | TRUE | TRUE |
| 9 | 2009.0337D | P | 574 NATOMA ST | no DR & approve | no DR & approve | no hearing | DR for Code issue | +5-0 | 06/18/09 | no hearing | REQ FOR RECONSDN | TRUE |
| 10 | 2007.0231D | P | 2750 VALLEJO ST | no DR & approve | no DR & approve | no hearing | no DR & approve | +6-0 | 07/23/09 | no hearing | TRUE | TRUE |
| 11 | 2009.0556D | P | 226 28th ST | no DR & approve | no DR & approve | no hearing | no DR & approve | +7-0 | 08/13/09 | no hearing | TRUE | TRUE |
| 12 | 2009.0635D | P | 635 BURNETT AV | no DR & approve | no DR & approve | no hearing | no DR & approve | +7-0 | 08/13/09 | no hearing | TRUE | TRUE |
| 13 | 2009.0547D | P | 225-227 LAGUNA ST | no DR & approve | no DR & approve | no hearing | DR & disapprove | +7-0 | 08/13/09 | hearing | FALSE | FALSE |
| 14 | 2009.0642D | P | 2642-2644 HYDE ST | no DR & approve | no DR & approve | no hearing | no DR & approve | +6-0 | 09/24/09 | no hearing | TRUE | TRUE |
| 15 | 2009.0479D | P | 772 WISCONSIN ST | no DR & approve | no DR & approve | no hearing | no DR & approve | +5-1 | 09/24/09 | no hearing | TRUE | TRUE |
| 16 | 2009.0750D | P | 70 LINDA ST | no DR & approve | no DR & approve | no hearing | DR & modify | +6-0 | 10/01/09 | no hearing | FALSE | TRUE |
| 17 | 2009.0584DD | P | 3900 22nd ST | no DR & approve | no DR & approve | no hearing | no DR & approve | +5-2 | 11/05/09 | no hearing | TRUE | TRUE |
| 18 | 2009.0950D | P | 820-822 BAY ST | no DR & approve | no DR & approve | no hearing | deemed approved | +3-3 | 12/03/09 | n/a | TRUE | |
| 19 | 2009.0825D | P | 1354 RHODE ISLAND ST | no DR & approve | no DR & approve | no hearing | no DR & approve | +6-0 | 12/03/09 | no hearing | TRUE | TRUE |
| 20 | 2009.0382D | P | 71 GRANADA AV | DR & modify | DR & modify | hearing | no DR & approve | +7-0 | 12/10/09 | hearing | FALSE | TRUE |
| 21 | 2009.0667D | S | 1826 32nd AV | DR & modify | DR & modify | hearing | DR & modify | +4-3 | 12/10/09 | hearing | TRUE | TRUE |
| 22 | 2009.0102DPV | S | 1966 GREAT HIGHWAY | DR & modify | DR & modify | hearing | DR & modify | +7-0 | 12/17/09 | hearing | TRUE | TRUE |
| 23 | 2009.0904D | P | 1701 9th AV | no DR & approve | no DR & approve | no hearing | no DR & approve | +7-0 | 12/17/09 | no hearing | TRUE | TRUE |



DR Alignment in 2009

19 cases with clear Hearing Delegation comparison

| CASE # | D R TYPE | ADDRESS | COMMISSION | | | | |
|--------|--------------|---------|----------------------|-------------------|-------|-----------|------------|
| | | | ACTION | VOTE | DATE | DR POLICY | |
| 1 | 2009.0158D | P | 66 ELLSWORTH ST | no DR & approve | +6-0 | 04/09/09 | no hearing |
| 2 | 2008.1383D | P | 3944 21ST ST | no DR & approve | +6-0 | 04/23/09 | no hearing |
| 3 | 2008.0327D | P | 2012 14TH AV | no DR & approve | +6-0 | 05/14/09 | no hearing |
| 7 | 2008.0285D | P | 109 ALPINE TE | no DR & approve | +4-0 | 06/04/09 | no hearing |
| 8 | 2009.0230D | P | 138 25th AV | no DR & approve | +6-0 | 06/18/09 | no hearing |
| 9 | 2009.0337D | P | 574 NATOMA ST | DR for Code issue | +5-0 | 06/18/09 | no hearing |
| 10 | 2007.0231D | P | 2750 VALLEJO ST | no DR & approve | +6 -0 | 07/23/09 | no hearing |
| 11 | 2009.0556D | P | 226 28th ST | no DR & approve | +7 -0 | 08/13/09 | no hearing |
| 12 | 2009.0635D | P | 635 BURNETT AV | no DR & approve | +7 -0 | 08/13/09 | no hearing |
| 13 | 2009.0547D | P | 225-227 LAGUNA ST | DR & disapprove | +7 -0 | 08/13/09 | hearing |
| 14 | 2009.0642D | P | 2642-2644 HYDE ST | no DR & approve | +6-0 | 09/24/09 | no hearing |
| 15 | 2009.0479D | P | 772 WISCONSIN ST | no DR & approve | +5-1 | 09/24/09 | no hearing |
| 16 | 2009.0750D | P | 70 LINDA ST | DR & modify | +6-0 | 10/01/09 | no hearing |
| 17 | 2009.0584DD | P | 3900 22nd ST | no DR & approve | +5-2 | 11/05/09 | no hearing |
| 19 | 2009.0825D | P | 1354 RHODE ISLAND ST | no DR & approve | +6-0 | 12/03/09 | no hearing |
| 20 | 2009.0382D | P | 71 GRANADA AV | no DR & approve | +7-0 | 12/10/09 | hearing |
| 21 | 2009.0667D | S | 1826 32nd AV | DR & modify | +4-3 | 12/10/09 | hearing |
| 22 | 2009.0102DPV | S | 1966 GREAT HIGHWAY | DR & modify | +7-0 | 12/17/09 | hearing |
| 23 | 2009.0904D | P | 1701 9th AV | no DR & approve | +7-0 | 12/17/09 | no hearing |

Agreement on 18 out of 19 cases regarding Hearing Delegation

one misalignment

= 95% Agreement



DR Alignment in 2009

23 cases with clear Project Outcome comparisons

| CASE # | DR TYPE | ADDRESS | COMMISSION | | | |
|--------|---------|----------------------|-------------------|-------|----------|------------|
| | | | ACTION | VOTE | DATE | DR POLICY |
| 1 | P | 66 ELLSWORTH ST | no DR & approve | +6-0 | 04/09/09 | no hearing |
| 2 | P | 3944 21ST ST | no DR & approve | +6-0 | 04/23/09 | no hearing |
| 3 | P | 2012 14TH AV | no DR & approve | +6-0 | 05/14/09 | no hearing |
| 4 | P | 395 ATHENS ST | no DR & approve | +6-0 | 05/21/09 | n/a |
| 5 | P | 1760-70 FILBERT ST | DR & modify | +6-0 | 05/28/09 | n/a |
| 7 | P | 109 ALPINE TE | no DR & approve | +4-0 | 06/04/09 | no hearing |
| 8 | P | 138 25th AV | no DR & approve | +6-0 | 06/18/09 | no hearing |
| 9 | P | 574 NATOMA ST | DR for Code issue | +5-0 | 06/18/09 | no hearing |
| 10 | P | 2750 VALLEJO ST | no DR & approve | +6 -0 | 07/23/09 | no hearing |
| 11 | P | 226 28th ST | no DR & approve | +7 -0 | 08/13/09 | no hearing |
| 12 | P | 635 BURNETT AV | no DR & approve | +7 -0 | 08/13/09 | no hearing |
| 14 | P | 2642-2644 HYDE ST | no DR & approve | +6-0 | 09/24/09 | no hearing |
| 15 | P | 772 WISCONSIN ST | no DR & approve | +5-1 | 09/24/09 | no hearing |
| 17 | P | 3900 22nd ST | no DR & approve | +5-2 | 11/05/09 | no hearing |
| 18 | P | 820-822 BAY ST | deemed approved | +3-3 | 12/03/09 | n/a |
| 19 | P | 1354 RHODE ISLAND ST | no DR & approve | +6-0 | 12/03/09 | no hearing |
| 21 | S | 1826 32nd AV | DR & modify | +4-3 | 12/10/09 | hearing |
| 22 | S | 1966 GREAT HIGHWAY | DR & modify | +7-0 | 12/17/09 | hearing |
| 23 | P | 1701 9th AV | no DR & approve | +7-0 | 12/17/09 | no hearing |

Agreement
on 19 out of
23 cases
regarding
Project
Outcome

= 83%
Agreement



DR Alignment in 2009

4 cases where staff was misaligned with Commission on Project Outcome:

| CASE # | DR TYPE | ADDRESS | STAFF | COMMISSION | | | |
|--------|--------------|---------|-------------------|-----------------|-----------------|-------|----------|
| | | | | ACTION | VOTE | DATE | |
| 6 | 2007.0129Dx3 | P | 100 32ND AV | no DR & approve | DR & modify | +4-2 | 06/04/09 |
| 13 | 2009.0547D | P | 225-227 LAGUNA ST | no DR & approve | DR & disapprove | +7 -0 | 08/13/09 |
| 16 | 2009.0750D | P | 70 LINDA ST | no DR & approve | DR & modify | +6-0 | 10/01/09 |
| 20 | 2009.0382D | P | 71 GRANADA AV | DR & modify | no DR & approve | +7-0 | 12/10/09 |

4 misaligned cases regarding Project Outcome

Of these 4 misaligned cases, the Commission's Project Outcome increased the impact of the project on 1, had little impact in 2 cases, and decreased the impact (disapproved the project) in 1 case.

= 17% Disagreement

In another case, the Commission reduced staff's recommended modification from 5-foot to two-foot setbacks, also increasing the project's impact.

| | | | | | | | |
|----|------------|---|--------------|-------------|-------------|------|----------|
| 21 | 2009.0667D | S | 1826 32nd AV | DR & modify | DR & modify | +4-3 | 12/10/09 |
|----|------------|---|--------------|-------------|-------------|------|----------|

