

ACTION PLAN 2008-2010



SAN FRANCISCO
PLANNING
DEPARTMENT

Discretionary Review Reform

LAND USE COMMITTEE | FEBRUARY 22, 2010



Discretionary Review Reform

EVOLUTION OF DR REFORM PROPOSAL

- Staff and the Commission engaged interested community members in developing the proposal for over a year
- Through this engagement it became clear that the proposal needed to address problems in the review process
- Proposal significantly changed as a result of community engagement in terms of scope and content
- Department would very much like to test the Commission's DR Reform package for public review during a two-year trial period



Discretionary Review Reform

GOALS OF COMMISSION'S DR REFORM PACKAGE

1. Early community engagement and improved communication

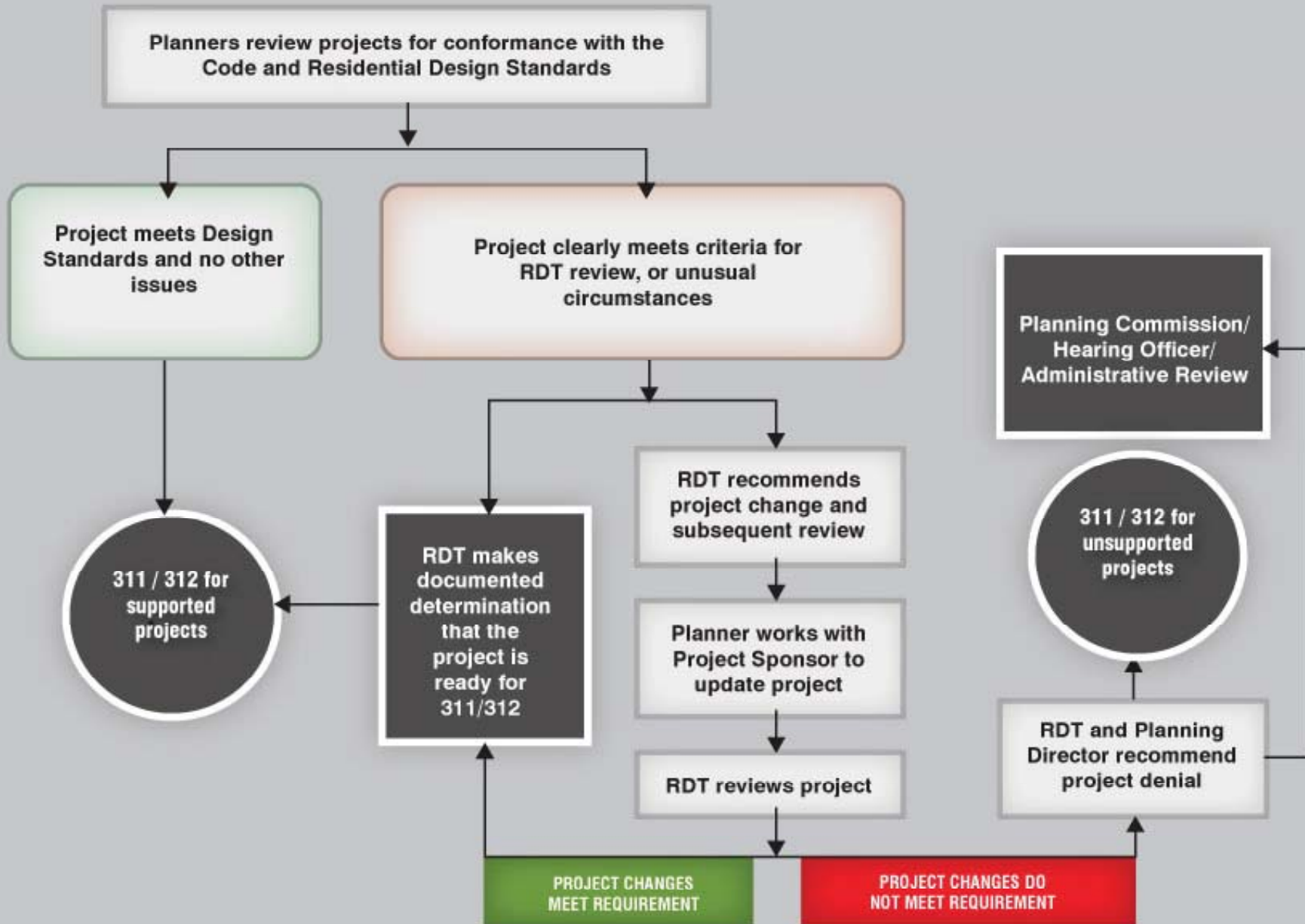
- Improved pre-application (July 2009)
- Better public information through website and access to project specific information (October 2009)
- Offer “reconsideration” to the public (pending legislation)

2. Strong internal review procedures

- Quantitative metrics that trigger Residential Design Team (RDT) review (February 2009)
- RDT review and documented decisions prior to public notification (February 2009)



Proposed Internal Review Procedures





Discretionary Review Reform

GOALS OF COMMISSION'S DR REFORM PACKAGE

3. Review and Resolution of Policy Issues

- Ensure that the Commission identifies DR actions as either one-of-a-kind, or representative of a policy issues (April 2009)
- Staff, working with the public, generates a list of policy issues for the Commission (ongoing) to consider and resolve during quarterly reports (following legislative approval)
- Enable Commission to focus on policy issues instead of DRs that do not fall within the realm of the Commission's definition of exceptional and extraordinary (pending legislation)



Discretionary Review Reform

GOALS OF COMMISSION'S DR REFORM PACKAGE

4. Consistent and predictable permit process

- Exceptional and extraordinary defined and only those DR requests that show the project meets this definition are given a Commission hearing (pending legislation)
- Adhere to a defined 90-day DR timeframe (June 2009)



Discretionary Review Reform

COMMISSION & RESIDENTIAL DESIGN TEAM DR ALIGNMENT

- Committee asked for more detailed statistics on disposition of Discretionary Review requests
- Data updated to examine only those DRs that could be affected by DR reform (publicly filed and staff-initiated cases with physical building alterations)
- The Department tracked its alignment with the Commission's hearing actions on cases in 2007 compared to cases from April 9 through December 17, 2009
- The data shows concurrence and disagreement between staff and the Commission on hearing delegation (for 2009 data only) and project outcome (2007 and 2009)



Discretionary Review Reform

DR ALIGNMENT IN 2007

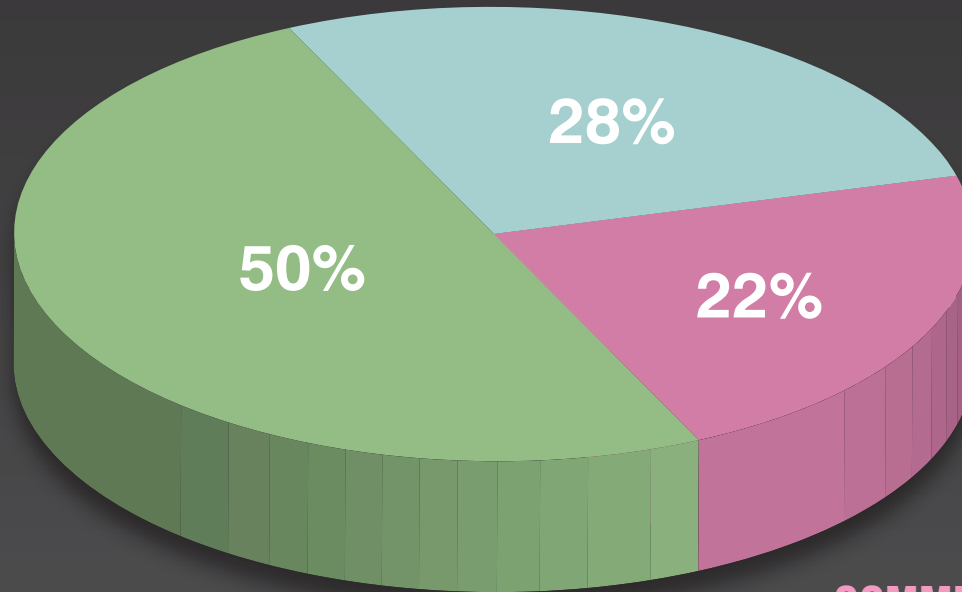
Outcomes of DRs Heard by Commission (2007)

46 cases

**STAFF & COMMISSION AGREE:
DO NOT TAKE DR
APPROVE PROJECT AS SUBMITTED**

← **78%** →
Agreement

**STAFF & COMMISSION AGREE:
TAKE DR TO MODIFY &
APPROVE PROJECT**



**COMMISSION ACTION DIFFERS
FROM STAFF RECOMMENDATION**



Discretionary Review Reform

DR ALIGNMENT IN 2009 19 cases with clear Hearing Delegation comparison

	CASE #	DR 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



Discretionary Review Reform

DR ALIGNMENT IN 2009 23 cases with clear Project Outcome comparisons

	CASE #	DR 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
4	2006.0401D	P	395 Athens St	no DR & approve	+6-0	05/21/09	n/a
5	2009.0256D	P	1760-70 Filbert St	DR & modify	+6-0	05/28/09	n/a
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
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
17	2009.0584DD	P	3900 22nd St	no DR & approve	+5-2	11/05/09	no hearing
18	2009.0950D	P	820-822 Bay St	deemed approved	+3-3	12/03/09	n/a
19	2009.0825D	P	1354 Rhode Island St	no DR & approve	+6-0	12/03/09	no 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 19 out of 23 cases regarding Project Outcome

=83% Agreement on all cases or

=91% Substantive Agreement on cases



Discretionary Review Reform

DR ALIGNMENT IN 2009

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

	CASE #	DR TYPE	ADDRESS	COMMISSION		
				ACTION	VOTE	DATE
6	2007.0129Dx3	P	100 32nd Av	DR & modify	+4-2	06/04/09
13	2009.0547D	P	225-227 Laguna St	DR & disapprove	+7-0	08/13/09
16	2009.0750D	P	70 Linda St	DR & modify	+6-0	10/01/09
20	2009.0382D	P	71 Granada Av	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%
not Aligned (all cases)**

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

**= 9%
Substantively not Aligned**

21	2009.0667D	S	1826 32nd Av	DR & modify	+4-3	12/10/09
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Discretionary Review Reform

DR ALIGNMENT IN 2009

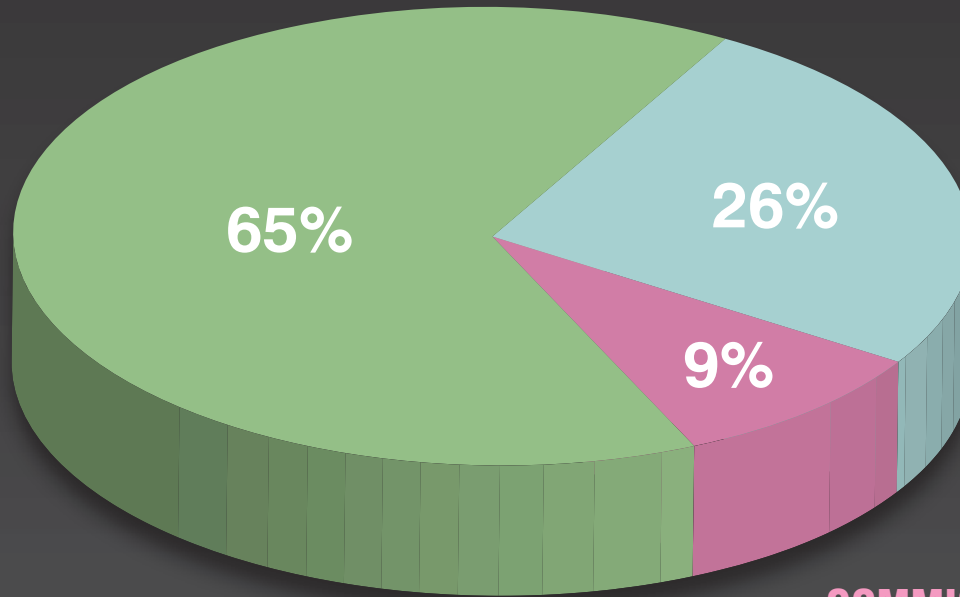
Outcomes of DRs Heard by Commission (2009)

23 cases

**STAFF & COMMISSION AGREE:
DO NOT TAKE DR
APPROVE PROJECT AS SUBMITTED**

← **91%** →
Agreement

**STAFF & COMMISSION AGREE:
TAKE DR TO MODIFY &
APPROVE PROJECT**



**COMMISSION ACTION DIFFERS:
FROM STAFF RECOMMENDATION**



Discretionary Review Reform

SUMMARY OF RECENT DR EXAMPLES

	ADDRESS	PERMIT NO.	CASE NO.	DESCRIPTION
1	71 Granada	2009.02.25.2872	2008.0673DV	Major Alteration to (e) rear cottage
2	795 Foerster	2008.05.06.1388	2008.0871DD	Subdivision and new construction of 3 single-family dwellings
3	136 Ord Street	2009.07.14.2604	2009.1124DD	New Construction of a single family at front of lot
4	1321 De Haro	2008.04.03.8738 2008.04.03.8738	2008.0505 DDD	Mandatory DR - Demo one SFD and construct new 3 du
5	1376 Florida	2009.03.27.4981	2009.0124DV	Horizontal & vertical addition, add garage, add unit (1 to 2 DUs)
6	357 Howth Street	2003.04.21.2744	2003.086D	Two-story rear addition to enclose first floor deck
7	455 - 27th Street	2005.10.17.5751	2006.0406DD	To construct an 8-foot long addition to the rear and add a third story to the existing two-story dwelling.
8	1671 11th Avenue	2006.03.24.7492	2007.1467DD	The proposal is to construct a one-story vertical addition, alter the front facade, and relocate the existing second dwelling unit to the proposed top floor. The top floor would be set back 12-feet from the existing rear building wall.
9	317 Connecticut Street	2009.0625.1244	2009.0856D	Change the use from existing retail sales and services use (dba Delirious Shoes and More) to a small self service restaurant

- All new construction and expansions to rear buildings proposed to be referred to Planning Commission
- Commission Agreed with the Department
- Pre Residential Design Team Review
- Use-related DR - to be referred to Planning Commission until a policy is established



Discretionary Review Reform

OPTIONS TO IMPROVE ASPECTS OF DR REFORM PACKAGE

1. Based on analysis of the DR examples, the Department has two suggestions regarding the Commission's delegation policy with staff:

- Residential new construction projects not already subject to a Mandatory DR or CU would be referred to the Planning Commission
- Expansions of buildings located in the required rear yard would be referred to the Planning Commission

2. All new Formula Retail should require pre-application

Staff will be presenting these recommendations March 4th

Questions