



**SAN FRANCISCO
PLANNING DEPARTMENT**

**Memorandum
DISCRETIONARY REVIEW DATA**

Date: May 7, 2009
 To: Honorable Chair Sophie Maxwell and Members
 Land Use Committee, Board of Supervisors
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On November 23, 2009, the Land Use Committee requested more detailed statistics on the disposition of Discretionary Reviews (DRs) both prior to and after the Department implemented its improved internal design review procedures. DR data for 2007 and 2009 were presented at the hearing of February 22, 2010. At that time the Committee requested more details, as well as data for 2008. This memo responds to those requests.

Data Parameters

Data have been collected on all publicly filed and staff-initiated Discretionary Reviews that deal with physical building alterations. Mandatory DRs, and those filed because of objections to proposed uses, such as restaurants or antenna installations, are excluded from the data set because they would be unaffected by the proposed reforms to DR – all such cases will continue to be heard by the Planning Commission. Any publicly-requested DRs associated with mandatory DRs were also excluded for the same reason.

The results of all cases of the typology described above that were acted upon by the Planning Commission at hearings in 2007, 2008, and 2009 are presented. A separate look is taken, as a sub-set, at 2009 cases that post-dated adoption of DR Reform-related design review and strengthened pre-application polices that were implemented in April last year. Collection of all that information is labor-intensive and time-consuming, in that it requires a manual hearing-by-hearing examination of the adopted Planning Commission minutes, rather than a digital search of a well-ordered database. The data have been carefully checked, but they may still contain minor errors or omissions.

Hearing Outcome Analysis

A Request for DR can have several outcomes: a significant fraction never reach a public hearing because 1) the Requestor withdraws the DR request; 2) the Applicant withdraws the Building Permit application; 3) Planning staff requests cancellation of the Building Permit application due to unresponsiveness of the applicant; or 4) the Planning Commission continues the hearing indefinitely.

For those cases that go to hearing, the Commission can vote: 1) not to take DR, thus approving the project as submitted; or 2) to take DR and modify the project, changing it or requiring conditions, or 3) to take DR and disapprove the application, thus cancelling the project. Any of these decisions may be upheld or overturned at the Board of Appeals, if any party pursues the case to that end.

no DR & approve
DR & modify
DR & disapprove

SUMMARY OF DR RESULTS: 2007-2009

	2007	2008	(ALL) 2009	(POST- POLICY) 2009
NEW CONSTRUCTION & ALTERATION PERMITS	1905	1564	1292	
NEW/ALTERATION PERMITS AS A PERCENT OF 2006	90%	74%	61%	
AS A PERCENT OF PREVIOUS YEAR	90%	82%	83%	
TOTAL CASES WITH ACTION	51	67	42	29
CASES HEARD	44	53	34	25
CASES HEARD AS A PERCENT OF CASES WITH ACTION	86%	79%	81%	86%
CASES HEARD	44	53	34	25
PUBLICLY FILED	42	51	32	23
STAFF-INITIATED	2	2	2	2
CASE OUTCOMES: DO NOT TAKE DR	44	53	34	25
STAFF RECOMMENDATIONS:	31	39	27	21
COMMISSION AGREES W. STAFF	17	26	21	17
AS A PERCENT OF CASES HEARD	39%	49%	62%	68%
AS A PERCENT OF STAFF RECOMMENDATIONS	55%	67%	78%	81%
CASE OUTCOMES: TAKE DR & MODIFY	44	53	34	25
STAFF RECOMMENDATIONS:	13	13	5	4
COMMISSION AGREES W. STAFF	12	12	4	3
AS A PERCENT OF CASES HEARD	27%	23%	12%	12%
AS A PERCENT OF STAFF RECOMMENDATIONS	92%	92%	80%	75%
CASE OUTCOMES: TAKE DR & DISAPPROVE	44	53	34	25
STAFF RECOMMENDATIONS:	0	1	2	0
COMMISSION AGREES W. STAFF	-2	1	1, -1	-1
AS A PERCENT OF CASES HEARD	0%	2%	1%	0%
AS A PERCENT OF STAFF RECOMMENDATIONS	0%	100%	50%	0%
CASE OUTCOMES: OVERALL AGREEMENT	44	53	34	25
TOTAL CASES WITH SUBSTANTIVE AGREEMENT	29	39	28	23
AS A PERCENT OF CASES HEARD	66%	74%	82%	92%

For clarity in the tabulations and charts in this report, light green, light blue, and rose colors are utilized to signify each of the three possible hearing outcomes, as shown on the right.

Staff & Commission Agreement: "Do Not Take DR and Approve Project as Submitted"

Staff provides a "Preliminary Recommendation" for each case on the Commission's calendar.

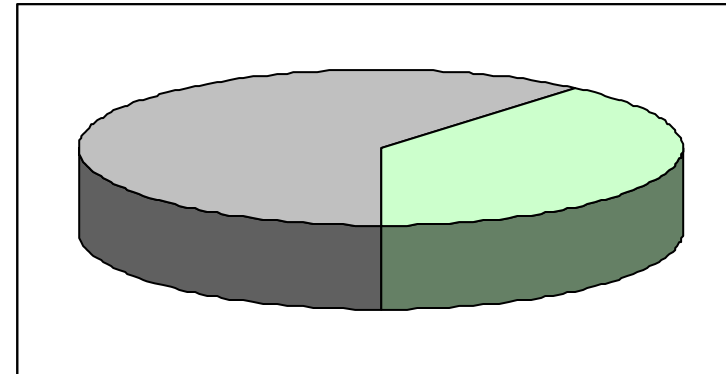
In any case where staff's recommendation not to take DR and to approve the project as submitted is the action adopted by the Commission, there is a legitimate question about the need, public benefit, or equity of requiring a public hearing and putting the project sponsor through the additional delays, considerable expense, and the uncertainty and stress of that process.

In such cases, staff had determined the project to be Code-complying and appropriate, and the Commission concurred and found no grounds for granting DR. Applications subjected to hearings of this type are often small-scale, appropriate residential additions or reconstructions, of a nature approved routinely and frequently. The DR filer may be concerned about issues outside the purview of the Planning Commission (such as foundation work, or construction noise) or may wish to preserve private views from their property that are not protected, or they may otherwise misunderstand the purpose of and requirements for Discretionary Review. Or, they may simply wish to discourage or delay the project sponsor. The data show a significant number of cases about which staff and the Commission concurred that DR was not warranted. There may also be instances where significant design or policy issues are raised, even though both staff and the Commission may conclude that DR is not necessary.

Further the costs in staff time, for handling of the DR case public inquiries, production of the case report and exhibits, for project close-out, and for time at the hearing, waiting for the case to be called and presenting it, comprise a considerable amount of time and effort. The Commission expends similar time and effort in communication with the parties, site visits, reading reports, and of course, at the hearing. Cases of this type result in expenditure of these resources with no changes to the projects.

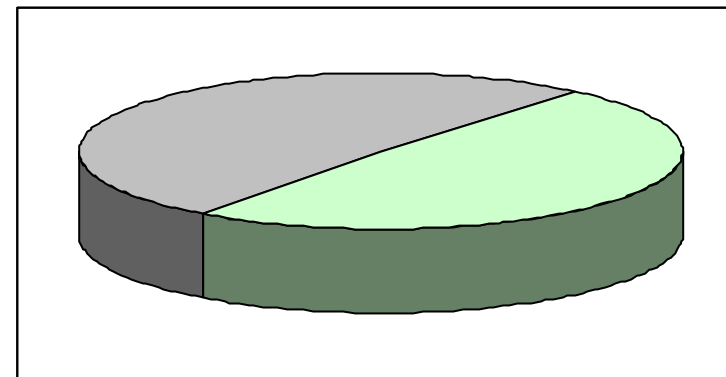
The charts at right illustrate (in light green) the DR cases heard by the Commission, for which staff recommended and the Commission agreed not to take DR. The project was approved as submitted by the applicant. The gray areas show the other cases heard that year with different outcomes, some of which with staff and the Commission in agreement, some not.

In each successive year, the percentage of cases where DR was found not to be warranted increased as a fraction of all DR cases heard. This indicates that staff and the Commission are coming into better alignment on those projects that comply with the Design Standards and constitute appropriate, approvable applications.



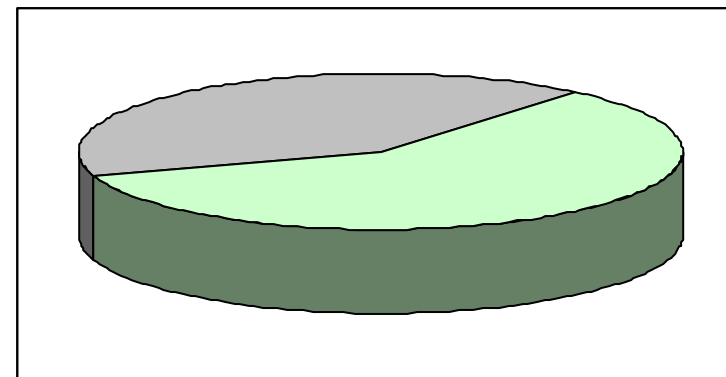
2007 (all)

Staff & Commission agreed that **39%** of DR Requests heard did not warrant modification or disapproval, and were approved as submitted.



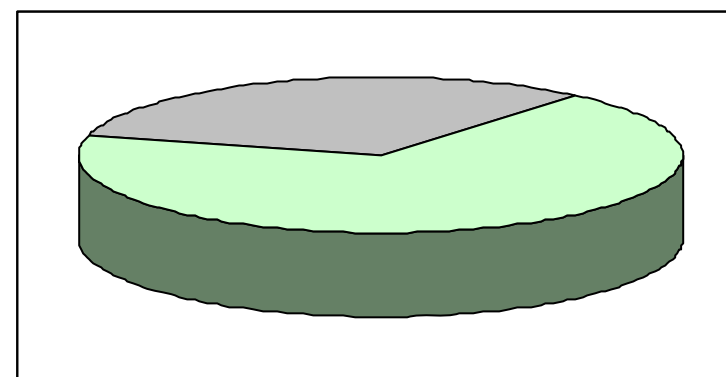
2008 (all)

Staff & Commission agreed that **49%** of DR Requests heard did not warrant modification or disapproval, and were approved as submitted.



2009 (all)

Staff & Commission agreed that **62%** of DR Requests heard did not warrant modification or disapproval, and were approved as submitted.



2009 (post-policy)

Staff & Commission agreed that **68%** of DR Requests heard did not warrant modification or disapproval, and were approved as submitted.

Staff & Commission Agreement: "Take DR and Modify the Project"

All cases where staff's recommendation was to take DR and to modify the project prior to approval, and where the Commission agreed, are charted on the right.

Such recommendations may arise from several causes: 1) the project sponsor may be unwilling to make revisions to the project that staff believes are required for compliance; 2) the drawings or other graphic information provided by the project sponsor may have been incomplete or inaccurate, leading to new information and to a revised determination of the project's appropriateness; or 3) there may have been planning staff error, or most commonly, inconsistent application of design standards, that did not come to light until the project was reviewed by other staff and management.

While the Department has spent a great deal of effort to correct all of these causes, it is that last factor (errors and inconsistencies) that has been one of the keystones of internal improvement.

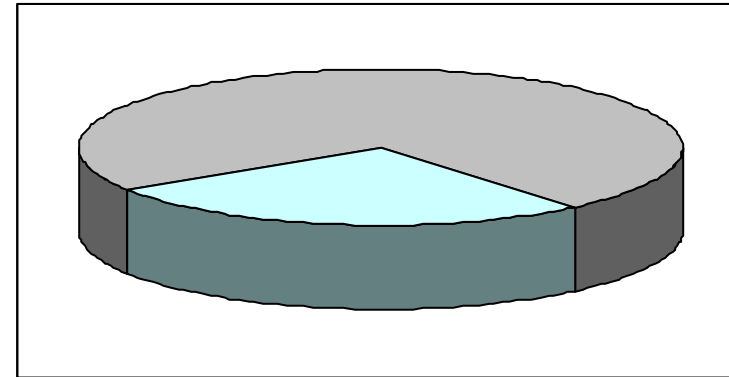
The Residential Design Team (RDT) was first established as an internal review resource to which planners voluntarily could take projects for review with regard to the Residential Design Guidelines. As DR Reform progressed, quantitative thresholds derived from the Residential Design Standards were established to signal which projects would be required to undergo review by the RDT. This has led to an increasing consistent application of the standards from project-to-project, from planner-to-planner and from quadrant-to-quadrant. Further, where the Commission has made decisions that affect how the standards are to be applied, those decisions can be disseminated and enacted on other projects by the RDT.

As the charts at right illustrate, the percentage of cases where staff and the Commission agreed that DR was warranted to modify a project (in light blue) have been decreasing as a fraction of all cases heard. That by itself does not necessarily mean that projects are getting better – but in fact not just the agreement on taking DR & modifying, but the number of recommendations to do, so have significantly declined in each year:

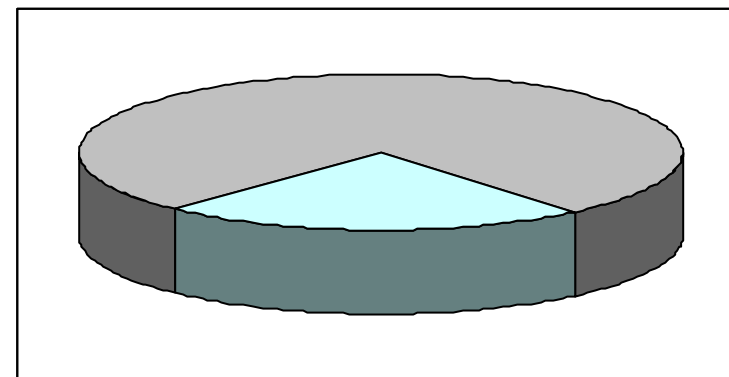
% OF CASES STAFF RECOMMENDS "TAKE DR & MODIFY"			
YEAR	2007	2008	2009
	30%	25%	15%

The Department believes this trend is an indicator of improved consistency and thoroughness in its review of applications and DR cases.

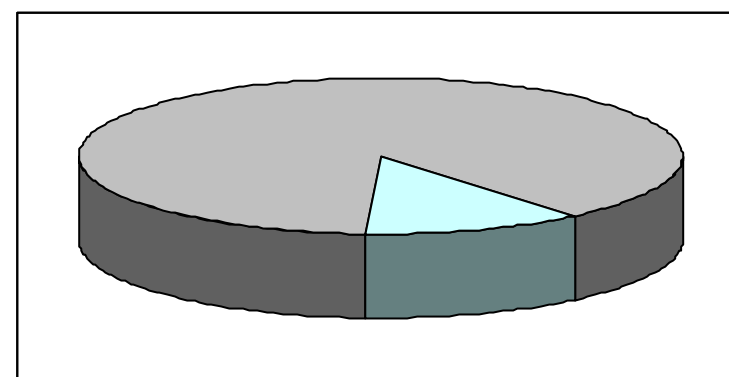
Further, the proposed option of "Reconsideration" allows for the public to request a secondary review by the Department, with legislation that would provide a full fee refund if the Department made an error in reviewing a project or if inaccurate information was submitted by the Project Sponsor. Reconsideration provides a means for the public to draw attention to possible errors, omissions or inaccuracies in the Department's review of a project, without having to meet the DR standard or pay for a hearing.



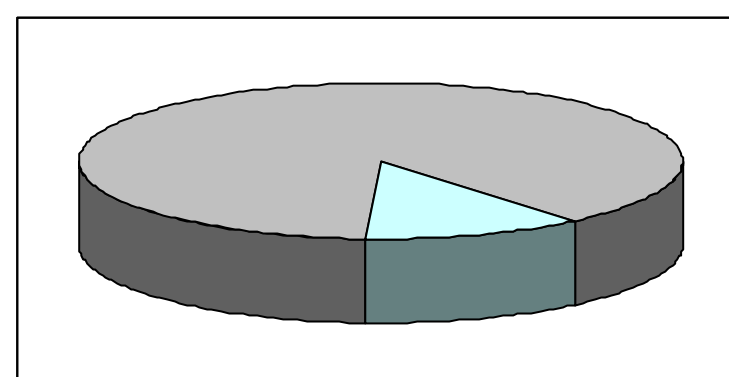
2007 (all)
Staff & Commission agreed that **27%**
of DR Requests heard should be
modified.



2008 (all)
Staff & Commission agreed that **23%**
of DR Requests heard should be
modified.



2009 (all)
Staff & Commission agreed that **12%**
of DR Requests heard should be
modified.



2009 (post-policy)
Staff & Commission agreed that **12%**
of DR Requests heard should be
modified.

Staff & Commission Misalignment: "No DR & Approve" vs. "Take DR and Modify the Project"

A key indicator of staff-Commission alignment on project outcomes is instances where staff's recommendation for No DR (unmodified approval) is countermanded by the Commissions action to take DR & modify a project.

As the charts at right illustrate, prior to strengthening internal review, a significant percentage of cases had outcomes to modify, although staff's recommendations were for approval.

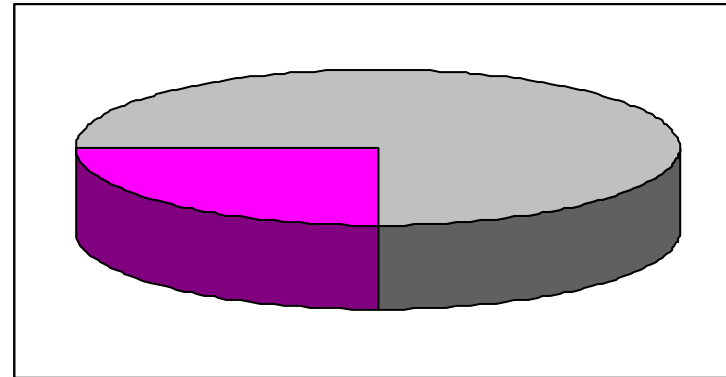
Again, in each successive year, decreasing numbers of these cases indicates that staff and the Commission are coming into better alignment on projects that comply with the Design Standards and constitute appropriate, approvable applications. It is important to note that the 2009 data subset, following implementation of rigorous RDT review,

It is also interesting to note that in each sample year, Staff recommended taking DR & modifying one project that the Commission voted to approve as submitted, without DR.

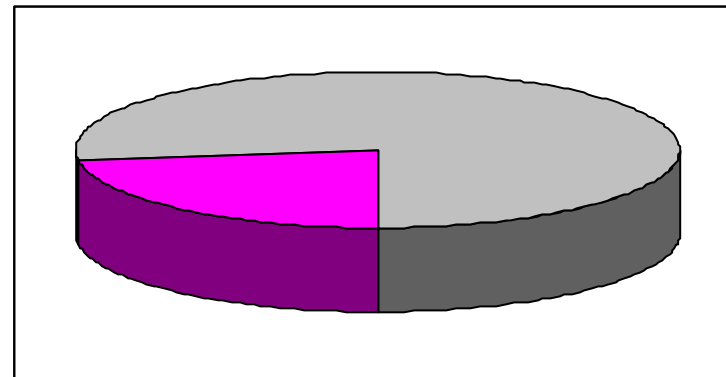
A final analytical nuance: in 2007, based on Commission minutes, more than 85% of the Commission's modifications were substantive physical modifications, e.g., removing decks, reducing their width, eliminating upper stories, mandating side setbacks, etc.

By the 2009 subset cases, there were four cases in this category, but in only two of them did the Commission take a substantive modification. In the other two, small façade changes were made that had little ultimate effect on project impact or neighborhood character; the changes resulted in minor fenestration and trim adjustments of a stylistic or aesthetic nature.

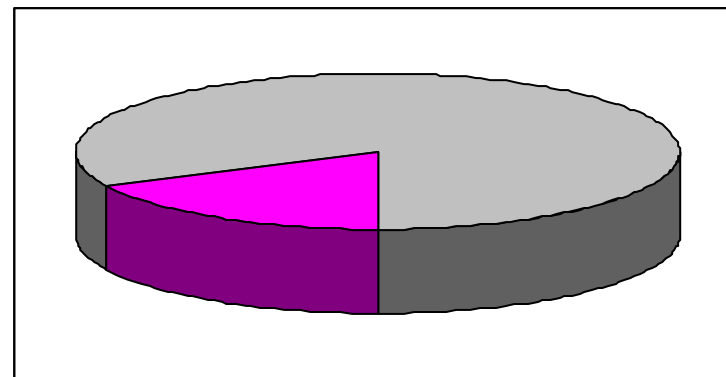
The Department is heartened by this trend, which like most of this data, shows a significant improvement over the past three years in alignment between staff's recommendations and the Commission's decisions.



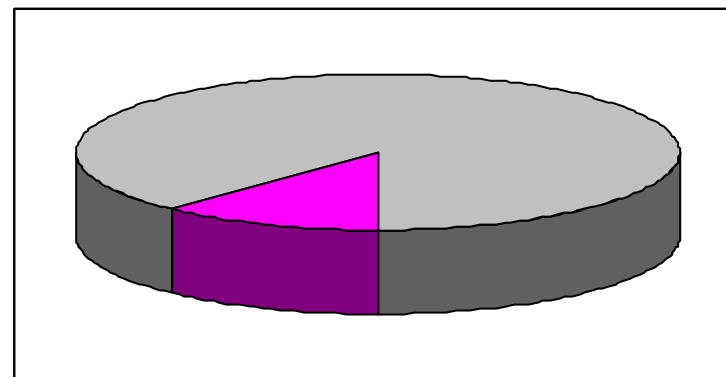
2007 (all)
 Staff recommended NO DR, but the Commission TOOK DR & MODIFIED
25% of DR Requests.



2008 (all)
 Staff recommended NO DR, but the Commission TOOK DR & MODIFIED
23% of DR Requests.



2009 (all)
 Staff recommended NO DR, but the Commission TOOK DR & MODIFIED
18% of DR Requests.



2009 (post-policy)
 Staff recommended NO DR, but the Commission TOOK DR & MODIFIED
12% of DR Requests.

Overall Concurrence

Project outcome concurrence is defined here to be agreement between staff's DR recommendation and the Commission's action on the DR Request.

This includes 1) cases for which there was agreement not to take DR, and 2) for which there was agreement that DR to modify was warranted, and 3) where the Commission modified a project without altering the height, massing, extension, or articulation of the building, and made only a minor change in fenestration or building skin, i.e., a *de facto* approval.

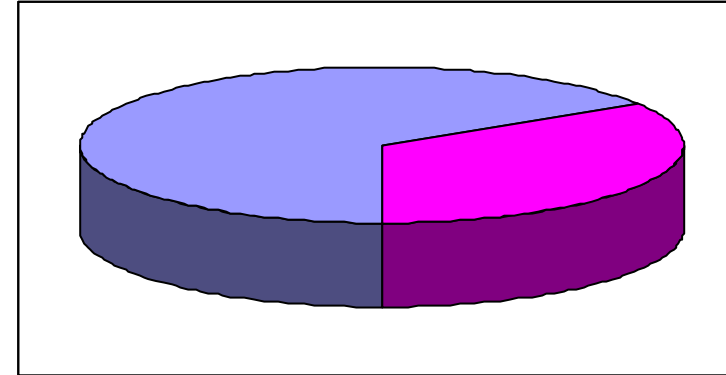
The charts at right show, once again, increasing alignment and improved concurrence, with the passage of time and following implementation of the Commission's DR policies for Pre-Application requirements and design review.

A salient element of the DR Reform proposal is **Hearing delegation**. There were 19 of 23 cases presented to the Commission that enable a clear comparison of staff and Commission determinations of whether the DR request should have a hearing, or be delegated to staff. The Department was in agreement with Commission on 18 out of 19 of those cases, or **95%** of the time.

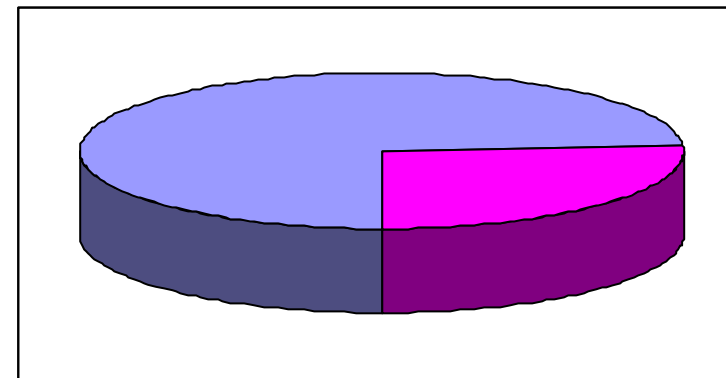
Conclusion

These analyses demonstrate that in those cases where DR reform would have an impact, i.e., on permit applications that physically alter a structure, the Department's strengthened internal design review has markedly improved concurrence between staff's recommendations and the Commission's determinations on project outcomes.

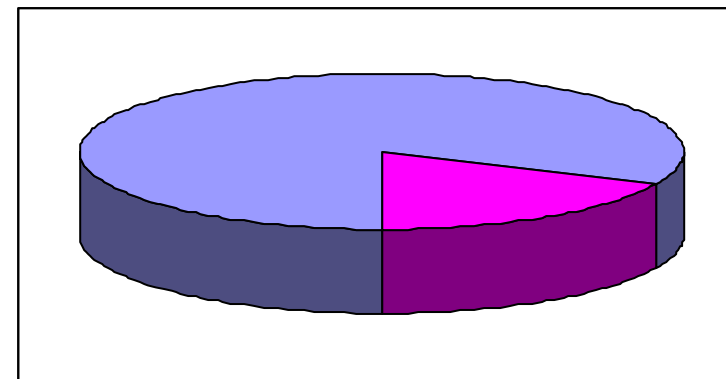
There is also extremely strong concurrence (95%) on those DR requests that raise a policy issue or for which the Design Standards do not adequately prescribe a solution, where hearings should be held, and those requests that do not rise to that level.



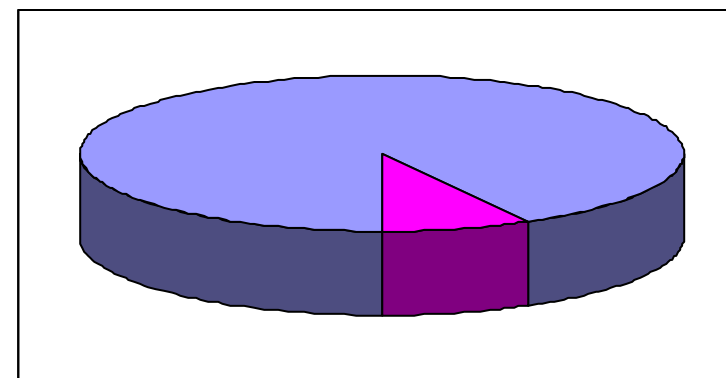
2007 (all)
66% substantive agreement between Staff recommendations and Commission actions.



2008 (all)
74% substantive agreement between Staff recommendations and Commission actions.



2009 (all)
82% substantive agreement between Staff recommendations and Commission actions.



2009 (post-policy)
92% substantive agreement between Staff recommendations and Commission actions.

SPREADSHEET DATA

THE FOLLOWING THREE PAGES CONTAIN SPREADSHEETS DETAILING ALL DR CASES IN WITHIN THE PARAMETERS FOR THIS DATASET.

THE FOURTH SHEET PROVIDES SOME CORRECTIONS TO THE LIST OF HEARINGS, CASES, AND OUTCOMES COMPILED BY MR. STEVE WILLIAMS IN AN UNDATED DOCUMENT ATTACHED TO AN EMAIL SENT 2/17/10, AND FORWARDED TO THE DEPARTMENT BY OTHERS

Memo to Land Use Committee
 2008 PUBLIC AND STAFF DRs
 Planning Commission DR Reform Legisla

JANUARY 10 THROUGH DECEMBER 18

DR Data
 March 3, 2010

CASE#	ADDRESS	STAFF RECOMMENDATION	COMMISSION			PLANNER	OUTCOME ACCORD?		
			ACTION	VOTE	DATE				
1	2007.0942D	221 SANTA ROSA AV	no DR & approve	no DR & approve	+6-0	01/17/08	Putra	TRUE	1-story addition
2	2007.1199D	160 BROADMOOR DR	no DR & approve	no DR & approve	+5-0	01/17/08	Putra	TRUE	1-story addition with rear roof deck
3	2007.1356D	526 9th AV	DR & modify	DR & modify	+4-0	02/07/08	Cabreros	TRUE	3-story rear addition to 3-story SFD
4	2007.1430D	101 ARBOR ST	no DR & approve	DR & modify	+7-0	02/14/08	Jaroslawsky	FALSE	Single-family dwelling is association with other permits CPC: continue working with staff on the window design
5	2007.1434D	1906 20th ST	no DR & approve	no DR & approve	+5-2	02/14/08	Teague	TRUE	add 3rd floor, flat roof addition @ front of SFD
6	2007.1373D	169 DELTA ST	DR & modify	DR & modify	+6-0	02/21/08	Bendix	TRUE	new 3-story, single-family dwelling on a vacant lot
7	2007.1211D	1140 POTRERO AV	no DR & approve	DR & modify	+5-0	02/28/08	Teague	FALSE	add 3rd story, 3-story horizontal rear expansion& 2 DUs CPC: additional 11.9 foot rear setback
8	2007.1372D	61-63 ALPINE TE	no DR & approve	no DR & approve	+3-2	02/28/08	Cabreros	TRUE	add partial 4th floor to 3-story, two-unit building CPC: absence of a successful motion, project deemed approved
9	2007.1393D	2655 GREENWICH ST	no DR & approve	DR & modify	+6-0	02/28/08	Cabreros	FALSE	add 4th floor @ 3-story, 2-unit building CPC: obscure glass on the 2 casement windows on the north side of the 4th floor.
10	2007.1167D	1843 16TH AV	no DR & approve	no DR & approve	+6-0	03/06/08	Putra	TRUE	1-story rear addition
11	2007.1432D	51 SEAL ROCK DR	no DR & approve	no DR & approve	+6-0	03/06/08	Lamarena	TRUE	replace 2 rear decks and stairs
12	2008.0109D	670 PARIS ST	no DR & approve	no DR & approve	+6-0	03/06/08	Crawford	TRUE	2-story rear horizontal addition
13	2007.1039D	3326 SANTIAGO ST	no DR & approve	no DR & approve	+6-0	03/13/08	Wang	TRUE	2nd-story vertical addition, replace existing garage
14	2008.0118D	393-395 DOUGLASS ST	no DR & approve	no DR & approve	+4-1	03/20/08	Watty	TRUE	1-story vertical addition
15	2007.0973DDD	1420 MONGOMERY ST	DR & modify	DR & modify	+4-1	03/27/08	Hollister	TRUE	add rooftop features: roof deck w/ 42-inch-high glass railings, two 48-inch-high windscreens, an outdoor kitchen counter, planters, skylights & photovoltaic array CPC: no amplified sound after 10p.m., no glass wind scr
16	2007.1193D	770 18TH AV	no DR & approve	DR & modify	+6-0	03/27/08	Lindsay	FALSE	revise previously-approved ato reduce depth of the first and second floors by 4'. CPC: remove 4th floor and ground floor extension; decrease number of ground floor bathrooms/rooms to consolidate the extra rooms,
17	2007.0434DDD	398 PENNSYLVANIA AV	DR & modify	DR & modify	+5-1	04/03/08	Jackson	TRUE	horizontal rear ground floor and partial fourth floor addition CPC: plan #5 w/ setback on the north side and no setback on the south side.
18	2007.1450D	4850 17th ST	no DR & approve	no DR & approve	+5-1	04/03/08	Lamarena	TRUE	3-story horizontal addition
19	2006.0608DDD	445 WAWONA ST	no DR & approve	no DR & approve	+6-0	04/03/08	Smith	TRUE	ARDEN WOOD 3 3-story SFDs of 8 future
20	2007.0585D	111 COLON AV	no DR & approve	DR & modify	+5-0	05/08/08	Jaroslawsky	FALSE	2-story rear & partial 3rd-story vertical additions CPC: approved horizontal addition but disapproved the vertical addition
21	2008.0246D	1949 OAK ST	no DR & approve	no DR & approve	+5-1	05/08/08	Starr	TRUE	3-story rear addition
22	2007.1467DD	1671 11th AV	no DR & approve	DR & modify	+5-0	05/22/08	Smith	FALSE	1-story, full-floor, vertical addition and alter the front façade CPC: no bathroom on the ground floor, no rear deck, no extension beyond existing front wall, front bay allowed only if wall set beck NSR
23	2008.0245D	119 23rd AV	no DR & approve	DR & modify	+5-0	05/29/08	Lamarena	FALSE	2-story horizontal rear addition CPC: require removal of north bay window @ 2nd floor
24	2008.0623D	762 CLAYTON ST	no DR & approve	no DR & approve	+7-0	07/17/08	Starr	FALSE	alter the roof-line @ rear create habitable space at the 4th floor
25	2007.0909Dx6	2 KRONQUIST CT	DR & modify	DR & modify	+4-2	08/14/08	Crawford	TRUE	3rd floor vertical & 2 foot rear horizontal additions CPC: approved per staff recommendation
26	2008.0438D	242 SAGAMORE ST	no DR & approve	no DR & approve	+6-0	08/14/08	Crawford	TRUE	single family dwelling on a vacant lot
27	2007.1422DDD	126 GUERRERO ST	no DR & approve	no DR & approve	+6-0	08/14/08	Middlebrook	TRUE	3-story vertical addition for new DU
28	2008.0712D	527 4th AV	DR & modify	no DR & approve	+5-1	08/14/08	Cabreros	FALSE	side & 3-story rear horizontal additions
29	2008.0537D	2342 41st AV	DR & modify	DR & modify	+6-0	09/04/08	Jaroslawsky	TRUE	3-story rhorizontal rear & partial third story additions CPC: approved the project as modified by staff
30	2008.0805D	313 28th ST	DR & modify	DR & modify	+6-0	09/04/08	Middlebrook	TRUE	10-foot deep one-story horizontal rear addition w/ roof deck CPC: approved the project as modified by staff
31	2008.0492D	2655 SCOTT S	no DR & approve	DR & modify	+4-2	09/04/08	Cabreros	FALSE	partial 4th-floor vertical addition CPC: approved with modifications
32	2008.1224D	59 MIRABEL AV	no DR & approve	no DR & approve	+6-0	09/11/08	Bendix	TRUE	3-story horizontal rear addition & façade alterations
33	2008.0724D	2522 40th AV	DR & modify	DR & modify	+6-0	09/11/08	Jaroslawsky	TRUE	2-story rear horizontal addition CPC: approved the project as modified by staff
34	2008.0478D	526 ELLINGTON ST	DR & modify	DR & modify	+5-1	09/11/08	Crawford	TRUE	2-story horizontal rear addition CPC: approved the project as modified by staff
35	2006.0400D	530 SANCHEZ ST	no DR & approve	no DR & approve	+3-3	09/11/08	Crawford	TRUE	4-story, 2 DUs (exceeds threshold value for mandatory hearing)
36	2007.0667DDD	1408 SHOTWELL ST	no DR & approve	no DR & approve	+6-0	09/18/08	Frye	TRUE	vertical addition & rear roof deck
37	2007.0468DD	497 VALLEY ST	DR & modify	DR & modify	+6-0	09/18/08	Wang	TRUE	4-story SFD CPC: approved the project as modified by staff
38	2008.0099D	3444 ULLOA ST	no DR & approve	no DR & approve	+6-0	10/16/08	Putra	TRUE	2-story horizontal rear addition
39	2007.1380D	3512 CLAY ST	DR & disapprove	DR & disapprove	+4-1	10/16/08	Starr	TRUE	Excavate a basement garage, remove part of the rounded bay
40	2008.0501DDD	79 26th AV	DR & modify	DR & modify	+5-1	11/06/08	Cabreros	TRUE	partial 4th floor and 3-story rear addition CPC: approved the project as modified by staff
41	2008.0881D	2824 FILBERT ST	no DR & approve	no DR & approve	+7-0	11/13/08	Purdue	TRUE	alter the front façade & horizontal addition
42	2008.0881/0941D	1864 GREEN ST	no DR & approve	DR & modify	+7-0	11/13/08	Purdue	FALSE	raise the building approximately 1.5' for garage, plus 3-story rear horizontal addition CPC: move addition to the west
43	2008.0644D	2425 WAWONA ST	no DR & approve	DR & modify	+5-0	11/20/08	Smith	FALSE	1-story vertical addition CPC: modify roof style
44	2008.1221D	718 OLMSTEAD ST	no DR & approve	no DR & approve	+5-0	11/20/08	Jackson	TRUE	new rear staircase with landings & firewall
45	2008.1106D	2626 FILBERT ST	no DR & approve	DR & modify	+4-2	11/20/08	Cabreros	FALSE	demolition of 4-story, SFD and new 3-story, SFD CPC: required continued design review on front windows
46	2008.1093D	30 WOODLAND AV	no DR & approve	no DR & approve	+4-2	11/20/08	Purdue	TRUE	install dormers at the roof of a 3-story, 2-unit building
47	2008.1172D	1101-06 S. VAN NESS AV	no DR & approve	no DR & approve	+6-0	11/20/08	Bendix	TRUE	new 4-story 3-family dwelling
48	2008.0982D	2967 PINE ST	no DR & approve	no DR & approve	+7-0	12/04/08	Starr	TRUE	vertical & horizontal additions
49	2007.0684D	260 RIPLEY ST	no DR & approve	DR & modify	+5-2	12/04/08	LaValley	FALSE	2-story over basement horizontal rear addition at front & rear
50	2008.0868DD	2734 BAKER ST	no DR & approve	no DR & approve	+7-0	12/11/08	Cabreros	TRUE	1-story rear addition
51	2008.1285D	2259 BAY ST	no DR & approve	no DR & approve	+5-0	12/18/08	Starr	TRUE	2-story rear horizontal addition
52	2008.1071D	61 POND ST	no DR & approve	no DR & approve	+5-0	12/18/08	Jaroslawsky	TRUE	demolish & reconstruct rear stairs & deck plus small 4th-story vertical addition
53	2008.0600D	4033 26th ST	DR & modify	DR & modify	+5-0	12/18/08	Middlebrook	TRUE	2-story vertical & rear horizontal addition CPC: approved the project as modified by staff
	SAN PUBLIC DR		no DR & approve	DR & disapprove			Commission ≠ staff recommendation	FALSE	
	PLANNING DE	COLOR LEGEND	DR & modify	DR & modify			Commission = staff recommendation	TRUE	

2009 PUBLIC AND STAFF DRs			JANUARY 8 THROUGH DECEMBER 17					W/ PROPOSED DR REFORM, WOULD THERE BE A DR HEARING?			
CASE #	ADDRESS	STAFF RECOMMENDATION	COMMISSION			PLANNER	OUTCOME ACCORD?	RDT	CPC	ACCORD?	
			ACTION	VOTE	DATE						
1	2008.1282D	40 MCLAREN AV	no DR & approve	no DR & approve	+7-0	01/08/09	LaMorena	TRUE			
2	2008.0147D	763 UNIVERSITY ST	no DR & approve	DR & modify	+4-3	01/15/09	Fu	FALSE			
3	2005.0751DDD	733 27th AV	no DR & approve	DR & modify	+6-0	01/22/09	Cabrerros	FALSE			
4	2009.0038D	32-40 VARENNES ST	DR & disapprove	DR & disapprove	+6-0	02/05/09	Heitter	TRUE			
5	2009.0040D	32-40 VARENNES ST	no DR & approve	no DR & approve	+3-3	02/05/09	Heitter	TRUE			
6	2008.1287D	1381 SANCHEZ ST	DR & modify	DR & modify	+7-0	02/19/09	Middlebrook	TRUE			
7	2009.0021DD	4024 26th St	no DR & approve	DR & modify	+5-2	03/12/09	Smith	FALSE			
8	2008.1309D	2829 GREEN ST	DR & disapprove	DR & modify	+5-1	03/26/09	Cabrerros	FALSE			
9	2008.0359D	7 SEYMOUR ST	no DR & approve	no DR & approve	+6-0	04/02/09	Caltagirone	TRUE			
10	2009.0158D	66 ELLSWORTH ST	no DR & approve	no DR & approve	+6-0	04/09/09	LaValley	TRUE	NO	NO	TRUE
11	2008.1383D	3944 21ST ST	no DR & approve	no DR & approve	+6-0	04/23/09	Putra	TRUE	NO	NO	TRUE
12	2008.0327D	2012 14TH AV	no DR & approve	no DR & approve	+6-0	05/14/09	Putra	TRUE	NO	NO	TRUE
13	2006.0401D	395 ATHENS ST	no DR & approve	no DR & approve	+6-0	05/21/09	Watty	TRUE	n/a		n/a
14	2009.0256D	1760-70 FILBERT ST	DR & modify	DR & modify	+6-0	05/28/09	Velve	TRUE	n/a		n/a
15	2007.0129Dx3	100 32ND AV	no DR & approve	DR & modify	+4-2	06/04/09	Cabrerros	FALSE	n/a		n/a
16	2008.0285D	109 ALPINE TE	no DR & approve	no DR & approve	+4-0	06/04/09	Wang	TRUE	NO	NO	TRUE
17	2009.0230D	138 25th AV	no DR & approve	no DR & approve	+6-0	06/18/09	Lamorena	TRUE	NO	NO	TRUE
18	2009.0337D	574 NATOMA ST	no DR & approve	DR for Code issue	+5-0	06/18/09	Teague		NO	NO	TRUE
19	2007.0231D	2750 VALLEJO ST	no DR & approve	no DR & approve	+6 -0	07/23/09	Cabrerros	TRUE	NO	NO	TRUE
20	2009.0556D	226 28th ST	no DR & approve	no DR & approve	+7 -0	08/13/09	Woods	TRUE	NO	NO	TRUE
21	2009.0635D	635 BURNETT AV	no DR & approve	no DR & approve	+7 -0	08/13/09	Watty	TRUE	NO	NO	TRUE
22	2009.0547D	225-227 LAGUNA ST	no DR & approve	DR & disapprove	+7 -0	08/13/09	Cabrerros	TRUE	NO	YES	FALSE
23	2009.0642D	2642-2644 HYDE ST	no DR & approve	no DR & approve	+6-0	09/24/09	Ionin	TRUE	NO	NO	TRUE
24	2009.0479D	772 WISCONSIN ST	no DR & approve	no DR & approve	+5-1	09/24/09	Teague	TRUE	NO	NO	TRUE
25	2009.0750D	70 LINDA ST	no DR & approve	DR & modify	+6-0	10/01/09	Teague	FALSE	NO	NO	TRUE
26	2008.1106D	2626 FILBERT ST	no DR & approve	no DR & approve	+6-0	10/22/09	Cabrerros	TRUE	n/a		n/a
27	2008.1106D	2626 FILBERT ST	no DR & approve	DR & modify	+6-0	10/22/09	Cabrerros	FALSE	n/a		n/a
28	2009.0584DD	3900 22nd ST	no DR & approve	no DR & approve	+5-2	11/05/09	Jaroslawsky	TRUE	NO	NO	TRUE
29	2009.0950D	820-822 BAY ST	no DR & approve	no DR & approve	+3-3	12/03/09	Starr	TRUE	NO	n/a	n/a
30	2009.0825D	1354 RHODE ISLAND ST	no DR & approve	no DR & approve	+6-0	12/03/09	Teague	TRUE	NO	NO	TRUE
31	2009.0382D	71 GRANADA AV	DR & modify	no DR & approve	+7-0	12/10/09	Crawford	FALSE	YES	YES	TRUE
32	2009.0667D	1826 32nd AV	DR & modify	DR & modify	+4-3	12/10/09	Lai	TRUE	YES	YES	TRUE
33	2009.0102DPV	1966 GREAT HIGHWAY	DR & modify	DR & modify	+7-0	12/17/09	Jaroslawsky	TRUE	YES	YES	TRUE
34	2009.0904D	1701 9th AV	no DR & approve	no DR & approve	+7-0	12/17/09	Jaroslawsky	TRUE	NO	NO	TRUE
	PUBLIC DR		no DR & approve	DR & disapprove	Commission ≠ staff recommendation			FALSE			
	STAFF DR	COLOR LEGEND	DR & modify	DR & modify	Commission = staff recommendation			TRUE			

**Memo to Land Use Committee
Planning Commission DR Reform Legislation**

At the previous Land Use Hearing, Mr. Williams raised questions about the Department's data and conclusions. Supervisor Chiu requested a response. The table at right responds to assertions made in a widely circulated mid-February letter from Attorney Steve Williams. It appears that his thesis is there are too few DR cases to necessitate DR reform and that staff's conclusions about projects are too divergent from the Commission's to justify administrative review of cases where there aren't exceptional and extraordinary circumstances.

The green cells indicate cases where Mr. Williams's data corresponds with the adopted Planning Commission minutes from hearings in 2009. All orange cells indicate inaccuracies, discrepancies or omissions.

Inexplicably, his data omits all three December hearings and the six DR cases heard then. He also omitted cases heard on 11/5, 10/22, 6/18, 3/26, and 2/5, and included one that the Commission took no action on except to continue it indefinitely, a *de facto* denial of the DR request.

This means that instead of the 24 cases he states were heard in 2009, there were actually 34 DRs that could be affected by DR Reform.

He concludes that staff and the Commission disagreed on outcomes 40% of the time. Please see Planning staff's discussion in other sections of this memo in refutation of that misstatement, in that overall in 2009, we find a substantive concurrence 85% of the time, not 60%.

There are other verbal assertions in the letter that are not based on the complete data, or that draw different conclusions from it, than staff's analysis. Please forward any specific questions to Planning staff.

DR Data
March 3, 2010

ANALYSIS OF WILLIAMS MEMO							
	REGULAR HEARING DATE	# of CASES WILLIAMS:	# of CASES IN REALITY:	CASES HEARD			
1	12/17/2009	nothing	2	2009.0102DFV (1966 GREAT HY)	2009.0904D (1701 9th AV)		
2	12/10/2009	nothing	2	2009.0382D 71 GRANADA AV	2009.0667D 1826 32nd AV		
3	12/3/2009	nothing	2	2009.0950D 820-822 BAY ST	2009.0825D 1354 RHODE ISLD		
	11/19/2009	0	NOT A REGULAR MEETING - SPECIAL CALENDAR ONLY				
4	11/12/2009	0	0				
5	11/5/2009	0	1	2009.0584DD 3900 22nd ST			
6	10/22/2009	0	1	2008.1106D 2626 FILBERT ST	2008.1106D 2626 FILBERT ST		
7	10/15/2009	0	0				
8	10/8/2009	0	0				
9	10/1/2009	1	1	2009.0750D 70 LINDA ST			
10	9/24/2009	2	2	2009.0642 2642 HYDE ST	2009.0479D 772 WISCONSIN ST		
11	9/17/2009	0	0				
12	9/10/2009	0	0				
13	9/3/2009	0	0				
14	8/13/2009	3	3	2009.0635D 635 BURNETT ST	2009.0556D 226 28th ST	2009.0547D 225-227 LAGUNA ST	
15	8/6/2009	0	0				
16	7/23/2009	1	1	2007.0231D 2750 VALLEJO ST			
17	7/16/2009	0	0				
18	7/9/2009	0	0				
19	6/25/2009	0	0				
20	6/18/2009	2	2	2009.0337D 574 NATOMA ST	2009.0230D 138 25th AV		
21	6/11/2009	0	0				
22	6/4/2009	2	2	2008.0285D 109 ALPINE TE	2007.0129Dx3 100 32ND AV		
23	5/28/2009	1	1	2009.0256D 1760-70 FILBERT ST			
24	5/21/2009	1	1	2006.0401D 395 ATHENS ST			
25	5/14/2009	2	1	2008.0327D 2012 14TH AV	464 HICKORY DU DENSITY	CONTINUED INDEFINITELY	
26	5/7/2009	0	0				
27	4/23/2009	1	1	2008.1383D 3944 21ST ST			
28	4/16/2009	0	0				
29	4/9/2009	1	1	2009.0158D 66 ELLSWORTH ST			
30	4/2/2009	1	1	2008.0359D 7 SEYMOUR ST			
31	3/26/2009	0	1	2008.1309D 2829 GREEN ST	Staff Recommendation* Disapprove Commission: Modify & approve		
32	3/19/2009	0	0				
33	3/12/2009	1	1	2009.0021DD 4024 26th St			
34	3/5/2009	0	0				
35	2/26/2009	0	0				
36	2/19/2009	2	2	2008.1287D 1381 SANCHEZ ST	2008.0971D 177 INVERNESS DR		
37	2/12/2009	0	0				
38	2/5/2009	0	2	2009.0038D 32-40 VARENNES ST	2009.0040D 32-40 VARENNES ST		
39	1/22/2009	1	1	2005.0751DDD 733 27th AV			
40	1/15/2009	1	1	D 763 UNIVERSITY ST			
41	1/8/2009	1	1	2008.1282D 40 MCLAREN AV			
		GRN = WILLIAMS MEMO CORRECT	ORNGE = WILLIAMS MEMO INCORRECT	TOTAL CASES	BLUE = STAFF & COMMISSION CONCUR	PINK = STAFF & COMMISSION DIVERGE	YEL. = CPC SMALL FAÇADE CHANGE