



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Discretionary Review Reform Package HEARING DATE: FEBRUARY 22, 2010

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### BACKGROUND

As a component of the Planning Department's Action Plan, as adopted by the Planning Commission, the Department has worked with the public to create internal policies and amend legislation to reform the Discretionary Review (DR) process. Through staff and Commission dialog with the public, it became clear that DR requests have been symptomatic of problems in the review process; the public relies on the DR process as a way to be involved and as a measure of last resort. The current DR process does not produce consistent or fair results: it creates conflict in neighborhoods, it creates unrealistic expectations on the part of filers and project sponsors, it makes the development process more lengthy and costly for all involved, and it takes time away from the Commission that could be used to address larger planning issues. The Planning Commission approved a comprehensive DR Reform package that intends to institutionalize consistency, transparency, public access and fairness in the project review process. The Commission endorsed its DR Reform package on a two-year trial basis which will be fully evaluated with the public before the policy is made permanent.

### DISCRETIONARY REVIEW REFORM PROPOSAL

On June 18, 2009, the Planning Commission adopted the Discretionary Review Reform Policy and recommended that the Board of Supervisor's approve the Discretionary Review Reform legislation; together the policy and legislation comprise the DR reform package. The Department believes that the Commission's Discretionary Review Reform Package, outlined below, maintains the benefits of the existing process, while advancing the key goals of the reform effort. The proposal provides for more community engagement in the development process, improves communication and the quality of customer service provided to the general public and project sponsors, and creates a more systematic, transparent, and predictable development process. Design standards will be improved by the heightened level of scrutiny applied to projects and by the renaming of the "Residential Design

Guidelines” to be the “Residential Design Standards”. Overall, the Department’s Discretionary Review reform proposal should provide improvements for all interested parties, which is the goal of the Department’s Action Plan.

### **Planning Commission Policy**

The Planning Commission’s Discretionary Review Reform Policy does not require legislation and was implemented immediately following the Commission’s adoption. The Policy includes:

- A more robust Pre-Application process;
- An improved internal design review process;
- Better access to public information through information on the Pre-Application notice, documented and publically-accessible design review comments, and a Discretionary Review website;
- A definition for “exceptional and extraordinary circumstances”<sup>1</sup>;
- A 90-day timeline for the processing of Discretionary Review applications;
- Identification of policy issues for the Commission’s consideration;
- Using Commission decisions as policy guidance for review of future projects;
- A trial period of two-years, with an evaluation beginning 18-months into the trial period;
- Weekly updates on the disposition of that week’s Discretionary Review cases under the Director’s Report;
- Quarterly reports on the disposition of all Discretionary Reviews for the quarter as well as emerging policy topics.

These reforms ensure early communication among neighbors and improve the Department’s design review process by bringing consistency and professionalism into the review of residential projects. It also provides some certainty to the process by limiting the timeframe for the processing of Discretionary Reviews, while adding a substantial amount of transparency to the Reform. The Policy alone, however, does not achieve all of the goals of Discretionary Review Reform; allowing any project to be “DRd” for any reason is not in alignment with the City Attorney’s 1954 opinion, nor does it result in a predictable, fair, or consistent process.

### **Discretionary Review Reform Legislation**

The Planning Commission’s pending Discretionary Review legislation makes for a complete and comprehensive package of reforms. This legislation includes:

- A requirement that Discretionary Review applications demonstrate “exceptional and extraordinary circumstances” in order to advance a project to a Planning Commission hearing;
- The elimination of the option for project sponsors to file Discretionary Review on their own projects to advance out-of-scale and inappropriate projects;
- A name change for the Residential Design Guidelines to the Residential Design Standards to reinforce their required application to residential projects;

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<sup>1</sup> “Exceptional and extraordinary circumstances” occur where the common-place application of adopted Design Standards to a project does not enhance or conserve neighborhood character, or balance the right to develop the property with impacts on nearby properties or occupants. These circumstances may arise due to complex topography, irregular lot configuration, unusual context or other conditions not addressed in the Design Standards.

- The option of “Reconsideration”, which allows for a secondary review by the Department and a full fee refund if the Department made an error in reviewing a project or if inaccurate information was submitted by the Project Sponsor.

The Planning Commission has the authority to delegate its review powers to the Department, which currently occurs for many projects, such as those routinely approved over-the-counter. By adopting this legislation, it *enables* the Commission to delegate its review of some Discretionary Review Applications to the Department. It also allows the Commission to end its delegation of Discretionary Review Applications at any time for any reason. This legislation gives the Planning Commission greater authority to manage the scope of projects it reviews so that DR cases the Commission reviews are about exceptional and extraordinary projects or ask a policy question that the Commission should resolve.

Based on the community feedback, the Commission’s direction, and the Discretionary Review reform proposals submittals by members of the community, the Department asks the Land Use Committee to forward the Commission’s proposed Discretionary Review Reform Legislation to the full Board of Supervisors with a recommendation to adopt.

## **PUBLIC COMMENT**

The Department conducted extensive public outreach prior to the Planning Commission’s adoption of the Discretionary Review Reform package. The outreach included four community outreach meetings, which were held at the Department on October 29, November 5, 12 and 19, 2008. Eighty-five individuals attended these meetings, providing staff with valuable feedback. Additionally, staff shared the proposal with the Action Plan’s Advisory Committee on October 13 and November 21, 2008, with the Coalition for San Francisco Neighborhoods on October 13, 2008, with the larger Stakeholders group on November 5, 2008, and with the Neighborhood Network on February 6, 2009.

Public comments submitted to the Department made evident a general desire to broaden the scope of Discretionary Review reform to include a more holistic analysis of the Department’s permit review process. Since Discretionary Review is often a symptom of problems in the review process, a broader approach is sensible. However, the Department believed there was a need to establish a proposal that could be adopted by the Commission and implemented by the Department in the near term. With this understanding, the Department crafted a proposal that responded to the shortcomings in the review process that could be address in the near term, while identifying specific issues that would require longer-term review. The Department recommended phased implementation for the Discretionary Review reform effort, recognizing that other identified issues – such as Universal Planning Notification and Design Review improvements – would be address under separate reform efforts in the Department’s Action Plan.

## **RESPONSES TO LAND USE COMMITTEE REQUESTS**

Discretionary Review Reform was heard at four Board of Supervisor’s Land Use Committee hearings. At the November 23, 2009 hearing the Land Use Committee requested that the Department conduct additional public outreach with the goal of reaching greater consensus on the proposal, and provide the Committee with more detailed statistics on the disposition of Discretionary Review cases since April 9, 2009.

### Examples of recent building permits or discretionary review cases

Following the November 23, 2009, Land Use hearing, the Department sought examples of recent projects – noticed in calendar year 2009 – where the public felt that the new design review procedures did not adequately balance the right to develop one’s property with impacts on the neighborhood character. The Department’s goal of this request was to determine whether the recent internal design review controls were improving the quality of projects leaving our Department, or whether there were any clear “holes” in the new review process. Staff sought these examples in preparation of the outreach meetings so that the findings could be discussed as possible modifications to the Commission’s proposal.

Staff received 9 examples in response to this request, which can be placed into four general categories:

- Discretionary Reviews that pre-date the 2009 internal design review controls;
- Use-related Discretionary Reviews;
- Discretionary Reviews where the Commission and Department are in complete alignment; and
- Discretionary Reviews that highlight an important land use decision.

This exercise provided the Department with two important categories on which to focus our attention since the last Land Use hearing: (1) Discretionary Reviews filed on new construction projects; and (2) Discretionary Reviews filed on expansions to structures located at the rear of the lot. The first four projects in the table above represent one of these two categories. The Department thinks that these two project types warrant Planning Commission input if a Discretionary Review is filed.

Currently, most projects that include demolition and new construction are subject to either a mandatory Discretionary Review or a Conditional Use. However, if new construction is proposed on a vacant lot or on the vacant portion of a lot, the project is not subject to a mandatory Discretionary Review since there is no loss of existing housing. Nonetheless, the new construction can often be a substantial change to the neighborhood fabric. In the Department’s opinion, if a Discretionary Review is filed, this type of project should always be forwarded to the Commission, even if the Department finds the new building to be appropriate.

Similarly, when there is an existing noncomplying building at the rear of a lot that is the subject of an expansion, there is the potential for impacts on the midblock open space and on the rear yards of adjacent properties. The Residential Design Guidelines do not speak to alterations of existing noncomplying buildings in required yards. Since there is not an adequate reference to support review of such projects, the Department does not feel that they should use administrative review if a Discretionary Review is filed; rather, the Department proposes to continue referring all such projects to the Commission until the Residential Design Guidelines adequately address modifications to noncomplying buildings.

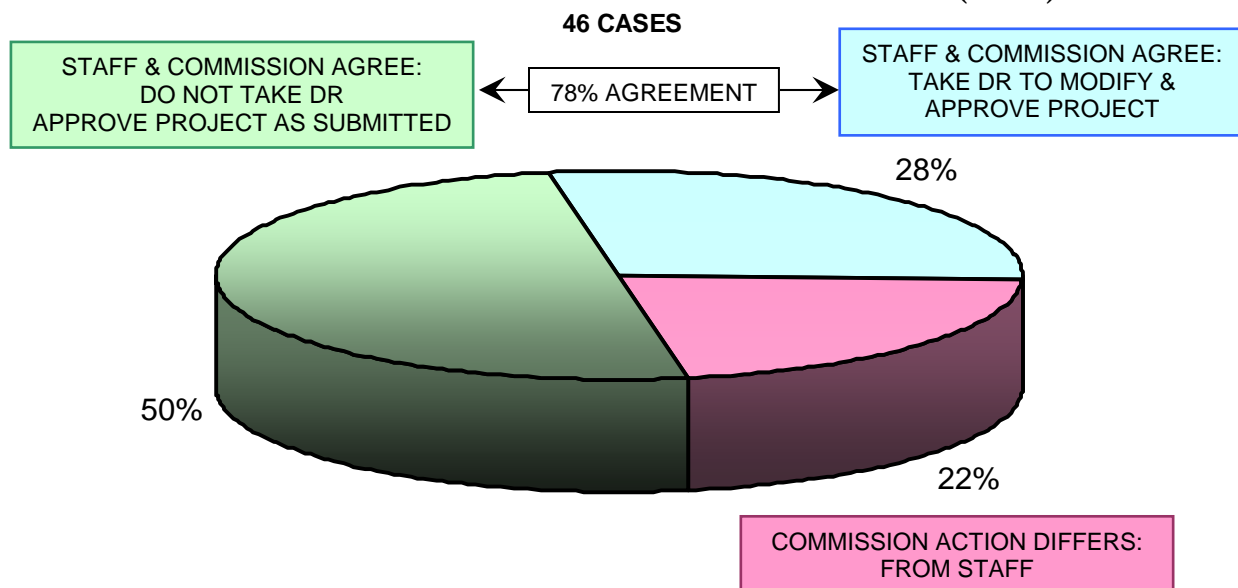
### Discretionary Review data requests

On November 23, 2009, the Land Use Committee requested more detailed statistics on the disposition of Discretionary Reviews both prior to and after the Department implemented its improved internal design review procedures.

Data have collected on all publicly filed and staff-initiated Discretionary Reviews that deal with physical building alterations (excluding all mandatory DRs, and those filed because of objections to a proposed *use*) from 2007. There were 74 such cases. Twenty-eight (38%) of those cases were closed without a public hearing, either because the DR Requestor withdrew the DR request, or the project sponsor withdrew the permit application, or staff cancelled the application due to unresponsiveness of the applicant.

The remaining 62% of the 2007 DRs, comprising 46 cases, were brought to public hearing at the Planning Commission. Regarding project outcomes of those cases heard, staff's recommendations and the Commission's actions were in accord 78% of the time, either 1) in not taking DR, where the project is approved as submitted indicating that staff & the Commission found the DR unnecessary, (50% of cases heard), or 2) in taking DR and modifying the project, indicating that while project modifications were appropriate, staff was recommending those modifications without the need for a hearing (28% of cases heard). In the remaining ten cases (22%), the project outcome determined by the Commission differed from staff recommendations. These results are summarized in the chart below.

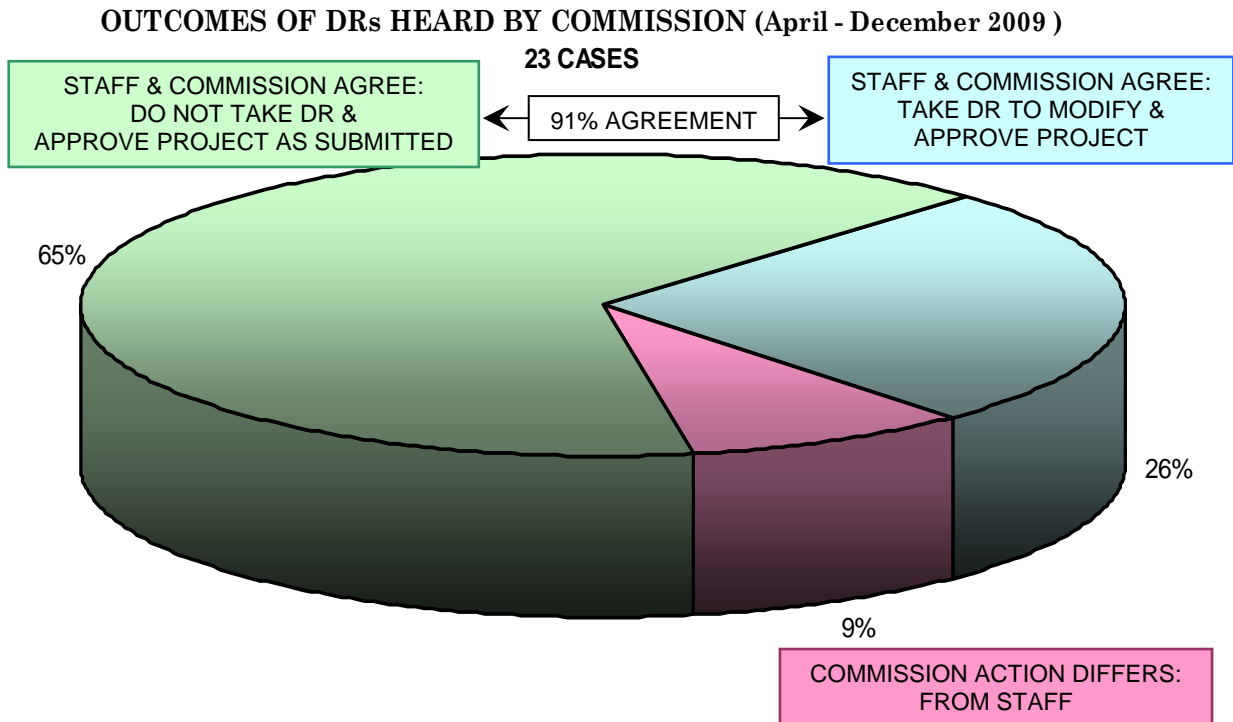
**OUTCOMES OF DRs HEARD BY COMMISSION (2007 )**



The Department has also tracked its alignment with the Commission's hearing actions on all publicly filed and staff-initiated Discretionary Reviews that deal with physical building alterations (excluding mandatory DRs and those filed because of objections to a proposed use) from April 9, 2009, through December 17, 2009. The data shows concurrence and disagreement between staff and the Commission on two issues relating to DR Reform: 1) *hearing delegation* (did the Commission and staff agree whether the case should be referred to a public hearing?) and 2) *project outcome* (did the Commission implement staff's recommendation on the physical aspects of the project?). The statistics for both of those categories are described below for those 23 cases out of 26 filed that went to a public hearing (three, or about 12% of filed cases, were withdrawn prior to hearing).

- **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.
- **Project outcome.** All 23 cases presented to the Commission enabled a clear comparison between staff recommendation and Commission decision on Project outcomes. The Department was in agreement with the Commission on 21 out of 23 of those cases on substantive issues, or **91%** of the time. (The Commission did take DR in two of those cases, making minor changes such as moving a window and altering a facade detail. If those minor changes are considered, then the Department-

Commission agreement was 83%, with the Department in absolute concert with the Commission on 19 out of 23 cases.)



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 improved concurrence between staff's recommendations and the Commission's determinations on project outcomes. The second data set also shows an 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.

#### Additional Public Outreach

In response to the Land Use Committee's request that the Department further engage the community about the Discretionary Review Reform Package, the Department undertook four additional community outreach meetings. The Department held two outreach meetings at the Department, and attended two neighborhood organizations' meetings (Upper Noe Neighbors and District 11 Council). At all of these meetings the Department presented the Commission's Policy and proposed legislation, and sought recommendations from the public about ways to improve or modify the reform package such that it would be more widely supported.

As a result of these community outreach efforts, the Department gained the support and endorsement for a DR Reform trial period from the District 11 Council, the Upper Noe Neighbors, the St. Francis Homes Association. At the two meetings held at the Department, the Department heard concerns from the architectural community about the Department's Residential Design Team's more stringent application of the Residential Design Guidelines, noting that they had seen a clear shift in the rigor and consistency of the Department's review, but expressing concern that architects' stylistic freedom was being hampered. The Coalition of San Francisco Neighborhoods reiterated their formal position that they are in

support of pre-application and improved internal design controls, but are not – and likely would never be – in support of the Commission delegating administrative review discretion to the Department.

The Department’s additional community outreach efforts resulted in four possible amendments to the Commission’s Discretionary Review Reform Package, as indicated below. These possible amendments are outlined below for your consideration:

- Provide a 3-year trial period in order to gain a larger data pool for analysis;
- Provide an exemption for neighborhood organizations so that they do not have to show that a project demonstrates exceptional or extraordinary circumstances in order to advance to a Planning Commission hearing;
- Projects proposing new construction on a vacant lot or vacant portion of a lot that are “DRd” would not be subject to Administrative Review – all such Discretionary Reviews would be forwarded to the Planning Commission;
- Projects proposing expansions to noncomplying buildings located (entirely or partially) within the required rear yard would not be subject to Administrative Review – all such Discretionary Reviews would be forwarded to the Planning Commission.

Attachment A is a summary of all proposal recommendations received in the past year and 8 months, and whether these recommendations are incorporated into the DR reform package.

## **FINANCIAL CONSIDERATIONS**

Reflecting initial comments from the public, the Department is working to ensure that the new proposal will be less time- and cost-intensive than the current process to the public and project sponsors. The cost to the Department will be neutral because the proposal requires more internal review, but Discretionary Review applications should decline due to better community engagement, information, and setting realistic expectations. However, based on the initial proposal, the Department believes that for Discretionary Review requests that do not demonstrate “exceptional and extraordinary circumstances” and are therefore administratively rejected, the cost to the project sponsor, the Discretionary Review requestor and the Department will be substantially reduced. For requests that are “exceptional and extraordinary”, the cost to the project sponsor and the requestor will be about the same. Staff believes it is appropriate to shift costs away from Discretionary Review requests that are not “exceptional and extraordinary” to those cases that are.

## **CONCLUSION**

The Discretionary Review Reform Package maintains all of the benefits of the current practice, which includes an open process where the public has the opportunity to vet their concerns, an ability for the Department to mandate design improvements to a project, a third party review of the Department’s professional determinations, and an opportunity for the Planning Commission to review emerging planning issues. In addition, the Discretionary Review Reform Package offers more transparency and information to the public and project sponsors about project applications and the Department’s decision-making in project evaluation and ensures that outcomes of the Discretionary Review process are fair and predictable in order to create a more consistent and equitable entitlement process for project sponsors and the public. Based on the community feedback, the Commission’s direction, and the Discretionary Review reform proposals submittals by members of the community, the Department asks the Land Use Committee to forward the Commission’s proposed Discretionary Review Reform Legislation to the full Board of Supervisors with a recommendation to adopt.

## *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.



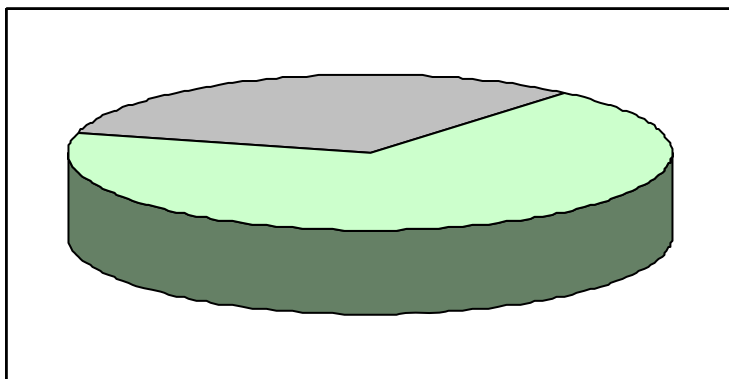


# *Commission & Staff DR Alignment*

- 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%**

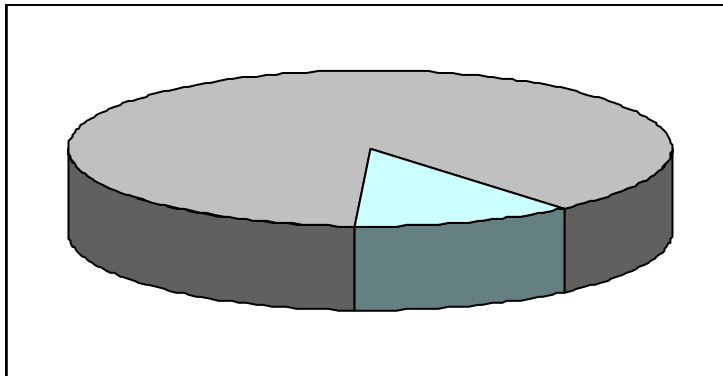
2008  
**49%**

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%**

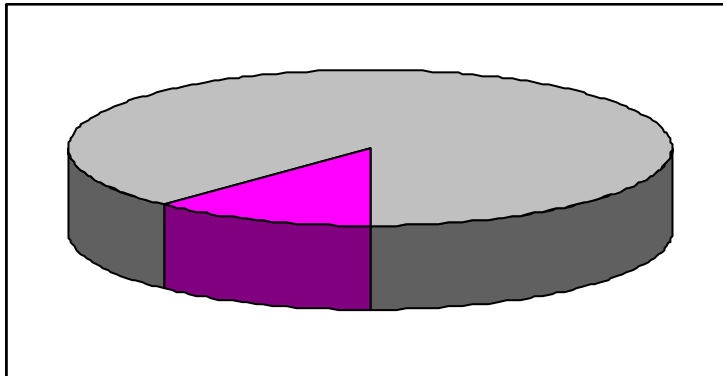
2008  
**23%**

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%**

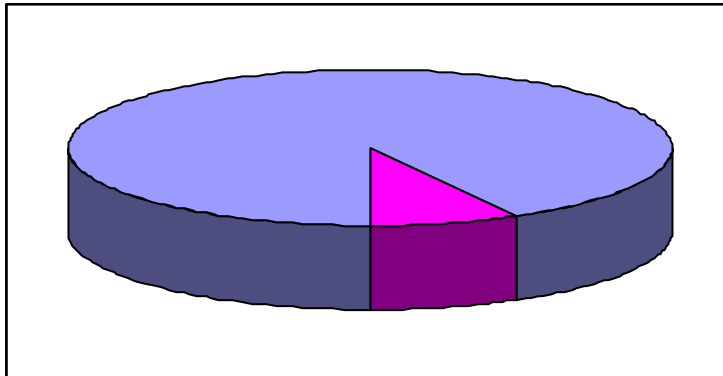
2008  
**23%**

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.**



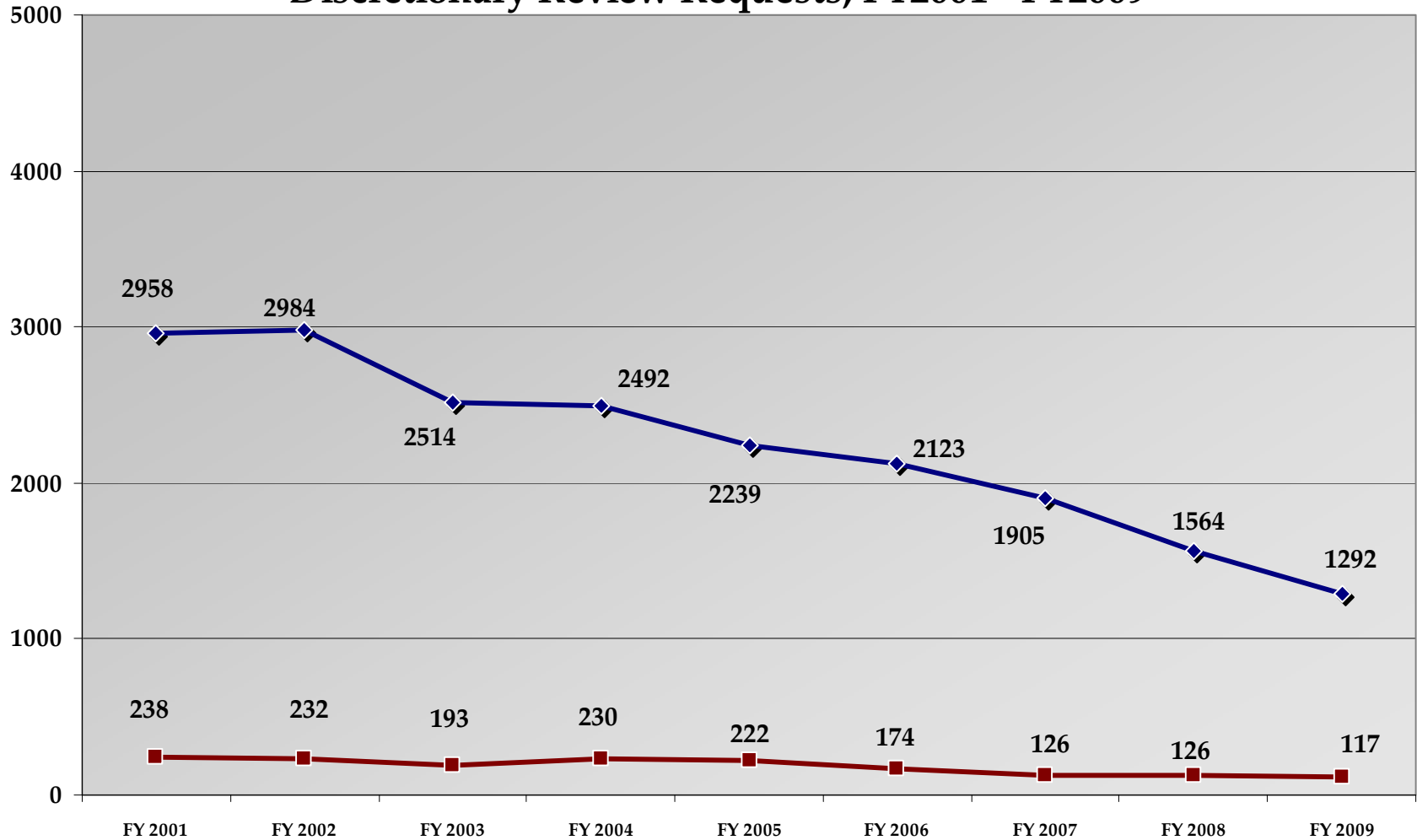
2007  
**66%**

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
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