



# SAN FRANCISCO PLANNING DEPARTMENT

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

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Name:* **Planning Commission's Discretionary Review Reform Legislation**  
*Initiated by:* Planning Commission as part of the Action Plan  
*Staff Contacts:* Craig Nikitas, Senior Planner  
[craig.nikitas@sfgov.org](mailto:craig.nikitas@sfgov.org), 415-558-6306  
Elizabeth Watty, Planner  
[elizabeth.watty@sfgov.org](mailto:elizabeth.watty@sfgov.org), 415-558-6620  
*Reviewed by:* Elaine Forbes, Chief Administrative Officer  
[elaine.forbes@sfgov.org](mailto:elaine.forbes@sfgov.org), 415-558-6417  
Lawrence Badiner, Zoning Administrator  
[larry.badiner@sfgov.org](mailto:larry.badiner@sfgov.org), 415-558-6350

### 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.

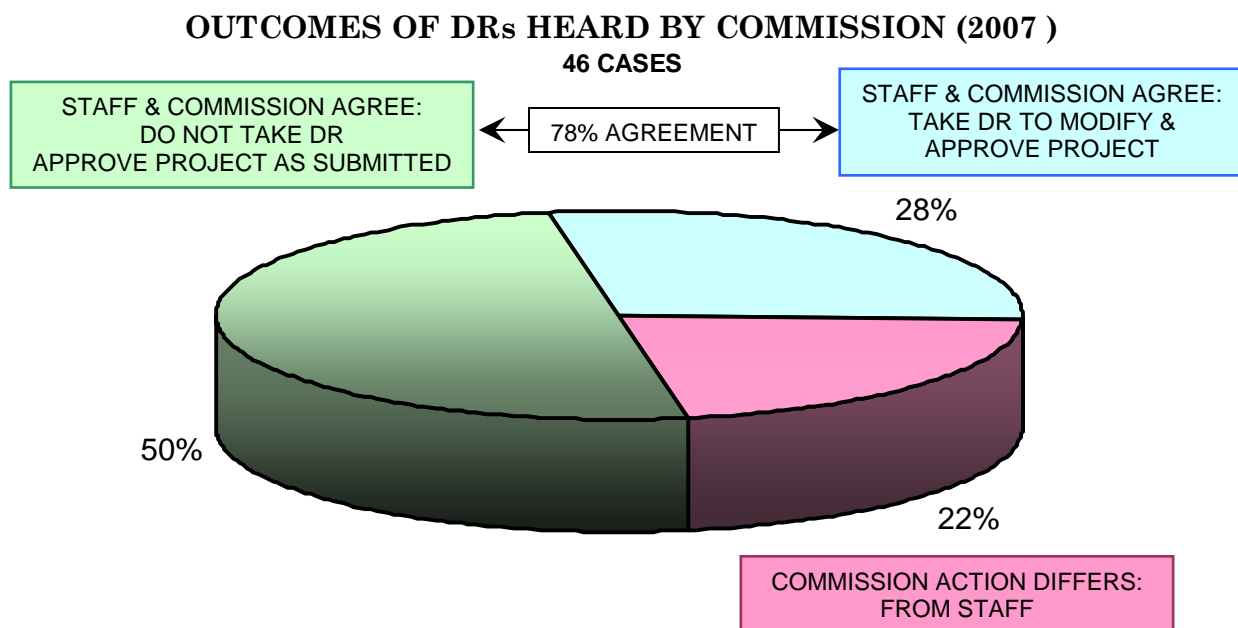
Similarly, when there is an existing noncomplying building at the rear of a lot that is the subject of an expansion, there is the potential for impacts on the midblock open space and on the rear yards of adjacent properties. The Residential Design Guidelines do not speak to alterations of existing noncomplying 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.

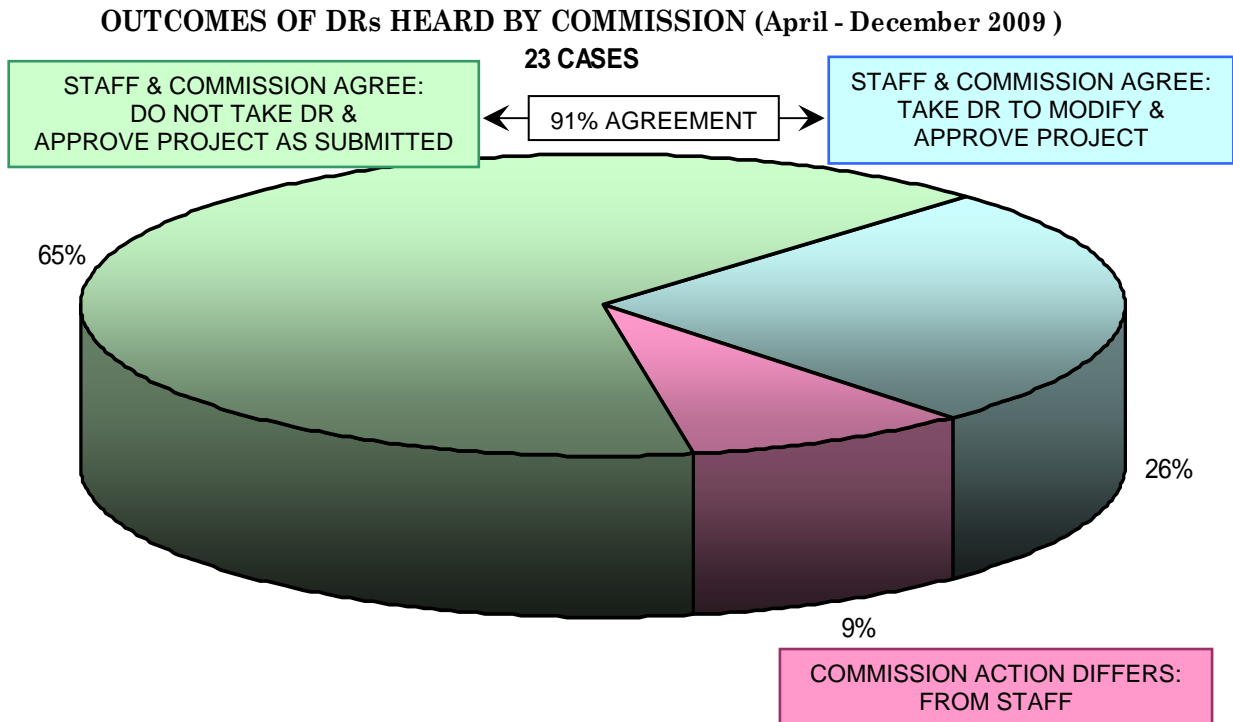
The remaining 62% of the 2007 DRs, comprising 46 cases, were brought to public hearing at the Planning Commission. Regarding project outcomes of those cases heard, staff's recommendations and the Commission's actions were in accord 78% of the time, either 1) in not taking DR, where the project is approved 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.



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.

DR Reform - Commission and Public Comments and Responses

	Recommendation	Source	Response
1	"Phase 1" approved as 18-month trial program with date-specific expiration, at which point Commission will have prerogative to re-authorize the program/policies. At 12-month mark, a robust review will begin of the trial program results, with at least one Commission informational hearing prior to the 18-month expiration date.	Neighborhood Network	Agree but with 18-month starting point for evaluation, and 24-month (2 year) end of trial period. The Commission would have the ability to re-authorize (or not) in 2 years. This provides sufficient time to see results.
2	Commission resolution directing staff to bring "Universal Planning Notification" proposal to Commission within 60 days, as complementary reform related to DR Reform.	Neighborhood Network	In Progress - expected to be presented to the Planning Commission by Fall '09. For specific timeline, contact Scott Sanchez (558.6326)
3	Commission directive to staff to pursue an aggressive schedule for preparing "Neighborhood Commercial District Standards" proposal to bring to Commission, as another complementary improvement related to DR Reform.	Neighborhood Network	Department is supportive of this work program effort, and has secured \$50K of funding which is on reserve at the Finance Committee. The cost would be approximately \$124K, or 1 FTE Planner III.
4	Pre-application requirement extended to Conditional Uses for use-allowances whether or not related to a building permit.	Neighborhood Network	Department will recommend this change to the Planning Commission at the first quarterly report.
5	Commission directive that Planning staff provide pre-calendared quarterly reports to the Commission during the 18-month trial period on policy issues that are identified through application of the Residential Design Standards	Neighborhood Network	Agree - the Department is planning on having quarterly policy hearings throughout the trial period (18-month evaluation initiated, 24-month (2 years) trial period).



DR Reform - Commission and Public Comments and Responses

	Recommendation	Source	Response
6	Clarify that the DR "intake meeting" will be offered as a first step upon filing a DR case, and that both the DR applicant and the project sponsor will be encouraged to attend, providing a dispute resolution opportunity.	Neighborhood Network	Yes, DR "intake meeting" will be offered to the DR Requestor and the sponsor will be encouraged to attend. <b>The Department cannot act as mediators on issues that are not related to the Code and relevant design standards.</b>
7	Planning Department require a current site survey to be included when project plans are submitted for review (to ensure accurate dimensions on project plans).	Neighborhood Network	A site survey is required with all new construction and requested by the Dept. on a case-by-case basis if there is disputed info. Staff will consider with design professionals and the public changes to submission requirements and make recommendations to the Planning Commission at a quarterly update report if changes are desired (see items 7 & 8). <b>Requiring a current site survey for all projects may unnecessarily increase the cost of development since only a small number of projects are disputed for accuracy.</b>
8	Planning Department require 3-D renderings be included with project plans when submitted for review (exact specifications TBD through department consultation)	Neighborhood Network	Currently considered for Phase 2 Discussion. However, staff will consider with design professionals and the public changes to submission requirements and make recommendations to the Planning Commission at a quarterly update report if changes are desired (see items 7 & 8).

DR Reform - Commission and Public Comments and Responses

	Recommendation	Source	Response
9	Planning Department establish standards for tracking plans for project changes through project review process (e.g., date indications, plan text notations, drawing labels, etc).	Neighborhood Network	Agree - all revisions are kept during Planning review process; 311/312 plans kept for 3 years; all 311 plans scanned (recent). Department will look at a policy for docket maintenance and record keeping.
10	Planning Code ordinance for <b>delegation of DR authority to staff will be approved as 24-month trial program, with date-specific expiration in the ordinance.</b> At 18-month mark, a robust review will begin of the trial program results, with at least one Commission informational hearing prior to the 24-month expiration date. Continuation of the delegation of DR authority to staff will require re-authorization by the Board of Supervisors.	Neighborhood Network	The Commission has authorized the policy for 24-months, with complete evaluation beginning on the 18-month mark. The Commission will report results of evaluation to the BOS and will continue, amendment or discontinue the policy. <b>The legislation does not current include a sunset which would require re-authorization by the BOS.</b>
11	Proposed language for code revision acknowledging the evaluation period: A) Add to either the Commission Resolution recommending the Planning Code Amendments, or in Section 1, Findings for the proposed amendment, add : “It is the policy of the Planning Commission that this program be implemented on a trial basis, not to exceed 24 months” or words to that effect	Neighborhood Network	Yes, exact language was included in the policy.
12	Specific <b>“metrics” to be used for the trial program evaluation</b> should include sufficient detail for the Commission and the public to clearly understand how decisions are being made.	Neighborhood Network	Yes, the Department has proposed metrics to the Planning Commission which will be set at the first quarterly report.

DR Reform - Commission and Public Comments and Responses

	Recommendation	Source	Response
13	Change <b>trigger for pre-application requirement</b> from 10-foot horizontal extension to: “any horizontal extension of a building beyond the rear wall of an adjacent building and/or the horizontal extension of a building beyond the standard maximum lot coverage allowance of 55%, including rear yard permitted obstructions.” (Rear horizontal extensions are the types of potentially controversial projects, irrespective of how many feet they extend, that would be very well served by a pre-application process for benefit of both neighbors and sponsors).	Neighborhood Network	The Department will evaluate whether any projects under the 10/7 foot triggers are the subject of DR or RDT project modification and will recommended changes to the triggers following a careful evaluation. <b>The Department is not ready to recommend this change at this time.</b>
14	Clarify that the <b>pre-application requirement is applicable to Garage Addition projects.</b>	Neighborhood Network	The Department suggests requiring public notice for garage insertions, <b>but not requiring pre-application.</b>
15	Include <b>all residential, NC and mixed-residential zoning districts in requirement for pre-application.</b> (There are many different types of zoning designations beyond the R zones where residential development occurs)	Neighborhood Network	Yes. Agreed.
16	Commission directive to staff to begin process towards establishing <b>standards for pre-application requirement on Conditional Use applications</b> for formula retail uses, extension of operating hours, or CUs that are likely to increase use intensity (e.g. increased private school enrollment, or cases such as the proposed Masonic Auditorium CU), whether or not related to a building permit.	Neighborhood Network	Yes, agreed. Will be recommendation to Commission at first quarterly report.

DR Reform - Commission and Public Comments and Responses

	Recommendation	Source	Response
17	Commission resolution directing staff to bring " <b>Universal Planning Notification</b> " draft proposal to Commission within 60 days, and upon Commission direction proceed to initiate corresponding Planning Code amendments ordinance for introduction within subsequent 90 days. (Planning notification reforms are critically complementary to DR Reform).	Neighborhood Network	Done.
18	Clarify the process and timeline for issue-based <b>modifications to the Residential Design Standards</b> . Commission directive that at minimum policy issues and recommended RDS modification proposals should be brought to Commission by Planning staff at six month intervals during the 24-month trial period and at least annually thereafter.	Neighborhood Network	Done.
19	Commission directive that Planning staff provide <b>pre-calendared quarterly reports</b> to the Commission on policy issues that are identified through application of the Residential Design Standards on all project reviews (not just for DR cases)	Neighborhood Network	Done.
20	Commission directive to staff to establish a clear 1-year schedule for preparing " <b>Neighborhood Commercial District Standards</b> " proposal to bring to Commission, as another complementary improvement related to DR Reform.	Neighborhood Network	In process, and dependant of release of funds from the Finance Committee.
21	Clarify that the DR " <b>intake meeting</b> " will be offered as a first step upon filing a DR case, and that both the DR applicant and the project sponsor will be encouraged to attend, providing a problem-solving/mitigation opportunity.	Neighborhood Network	Done.

DR Reform - Commission and Public Comments and Responses

	Recommendation	Source	Response
22	<p>Something that has bothered me is that when a 311 notice is to legalize ILLEGAL CONSTRUCTION (one recently was for a 3-story illegal addition), why does an objecting neighbor have to pay the DR fee? Shouldn't the fee be shifted onto/paid by the ILLEGAL CONSTRUCTOR? It seems a bit much to have to pay \$400 to object to ILLEGAL construction.</p>	Sue Hestor	<p>Agreed. As part of DR Reform Internal Design Review Improvements, RDT looks at merit of project, regardless of whether it's already been constructed. If appropriate, then standard 311 and DR process; if not appropriate and project sponsor is unwilling to modify proposal, Dept. will file staff initiated Discretionary Review. Public can speak at DR hearing or file their own in addition for a standard fee.</p>
23	<p>Field inspection to verify conditions at site AT START. In discussions with DBI and Planning, convened by Sup. McGoldrick a couple years ago, DBI had agreed to have field inspectors verify the accuracy of existing conditions shown on plans (including relation to adjacent properties, slopes, etc). This field inspection could be covered by a fee paid to DBI as part of the permit application. Such verification can head off problems where conditions are not shown accurately on plans and allow correction BEFORE 311 notice is sent out.</p>	Sue Hestor	<p>At this time, neither Planning nor DBI have sufficient resources (including staffing) to conduct site visits at the onset of every building permit submittal. The Department has proposed a "Reconsideration" option, which provides a venue in which to address inaccuracies in plans (as well as poor application of the Design Standards).</p>
24	<p>Notes of staff review meetings (at bare minimum dates, attendees, instructions given to sponsor) must be attached to plans, and put in case file if one is opened.</p>	Sue Hestor	<p>Agreed. All formal correspondence from staff to Project Sponsor will be stored on internal shared drive, and also put in a file if one exists. RDT comments will be on the website if PC adopts Policy as proposed.</p>

DR Reform - Commission and Public Comments and Responses

	Recommendation	Source	Response
25	Story pole requirement. Additions at sloping sites or where conditions make it difficult for lay person to understand relationship of proposal to neighbors shall erect story poles NO LATER at least 3 weeks before 30 day notice period expires. The existence of the story poles shall be EXPLICITLY described in 311 notice. To be done at sponsor's cost. To be done for all NEW construction.	Sue Hestor	Currently considered for Phase 2 Discussion. However, if time permits, staff will consider with design professionals and the public story poles and 3-d renderings and make recommendations to the Planning Commission at a quarterly update report if changes are desired (see items 7 & 8).
26	Staff to require compliance with Residential Design Guidelines PARTICULARLY re setbacks BEFORE the 311 notice goes out. This includes showing all side windows facing project on abutting sites. No longer optional, depending on individual planner.	Sue Hestor	Agree - As part of DR Reform's Internal Improvements, staff will not send a project out for 311 if it does not comply with RDS's (unless Staff initiated DR is filed).
27	BEFORE the 311 notice is issued, Planning staff shall discuss issues with DBI staff, such as whether a project will require structural upgrades that will result in a de facto demolition. When questions arise after 311 notice, or while DR is pending, Planning shall seek that information and not defer issues until AFTER the plans have been approved by Planning.	Sue Hestor	Agreed. Under Section 317, Project Sponsor's are required to show their demo calculations graphically if a project appears to be close to tantamount to demo. Those that are closed will be reviewed with CN or LBB to determine if DBI review is needed.
28	This shall also include issues re exiting requirements and other matters that could affect the building envelope.	Sue Hestor	With the new Building Code, this is less of an issue. Staff often recommends pre-application meetings with DBI if they foresee this as an issue.
29	There is a perception that some staff persons value "numbers," i.e. getting cases off their desk, rather than doing a thorough analysis of major alterations. That their client is the developer, not the public. Adjust staff attitudes.	Sue Hestor	DR Reform is seeking consistency among staff. The quality of projects is being stressed by management.

DR Reform - Commission and Public Comments and Responses

	Recommendation	Source	Response
30	Establish a feedback system that solicits written input from the public on how they are being served to help the Department see where it is doing well and what could be improved. DBI and the Board of Appeals already solicit that input.	Sue Hestor	Agreed. Although not within the scope of DR Reform. Sr. Management is looking into this and researching DBI, Bd. of Sups., and Bd. of Appeals processes.
31	Quarterly reports to the Commission	Testimony - Jim Meko	Agreed and is included in Phase One Discretionary Review Reform
32	Date specific sunset date	Testimony - Peter Cohen	Agreed. A 2-year re-consideration is being proposed, with the evaluated initiated 18 months after the effective date of the Code changes. Commission will at that time have the ability to re-consider the DR Reform effort and vote to continue it, modify it, or discontinue the changes.
33	Send drawings to neighbors	Testimony - Peter Wilkerstein	This is already done under Section 311 notification. Under the DR Reform Pre-App improvements, neighbors attending the pre-app meeting can request reduced plans to be mailed.
34	Too much cost burden on the home owner, especially with more pre-application, 3d drawings, etc	Testimony - Property Owner who underwent the DR process.	Costs may be slightly higher at the beginning, with the goal of reducing cost and time associated with DRs.
35	Consent calendar of rejected DR	testimony - Alan Martinez	Weekly report provided through "Director's Report"; copy of DR Decision Letters (those DR Applications that failed to present exceptional & extraordinary circumstances) in Commission Packets for transparency.
36	Story poles are a good idea	Testimony - Bob Passmore	Proposed for Phase 2 Discussion

DR Reform - Commission and Public Comments and Responses

	Recommendation	Source	Response
37	First 12 months, all rejected DR go to Commission for review	Looking for Cow Hollow Association Letter, Jeff Wood	Weekly report provided through "Director's Report"; copy of DR Letters in Commission Packets for transparency.
38	Need to understand the standards the RDT uses	Testimony - Hiroshi Fekuda	All decisions are based on Residential Design Standards and past Commission decisions.
39	RDGs are qualitative, designed to be guidelines	Testimony - Martinez/Passmore	Agreed. The Department developed baseline metrics as a way to "trigger" RDT review, with the goal of achieving more consistent review throughout the Department. The RDT, however, looks at every project on its individual merits and context. The Guidelines have evolved over the years and were codified under Section 311.
40	Consent calendar of rejected DR to calibrate staff	Commissioner Antonini	We are providing a feedback loop via the Director's Report, copies of the DR letters in Commission packets, quarterly reports, and the trial period evaluate in 2 years. The PC can direct us to change our approach if they disagree with how we are analyzing projects.
41	RDS subjective - facades more in the eye of the beholder	Commissioner Antonini	We agree that design is subjective; however, we base design decisions on the adopted Residential Design Standards.
42	Quarterly discussions important	Commissioner Borden	Agreed. Included in Phase One



DR Reform - Commission and Public Comments and Responses

	Recommendation	Source	Response
43	What is the process of how the guidelines become standards; need more specific standards	Commissioner Moore	The change is just nomenclature at this time, in order to underscore their required application for residential projects. The RDS's will evolve via Commission Policy. Weekly reports on the disposition of DR under Director's report, Commissioner decisions on public DR cases that demonstrate exceptional and extraordinary circumstances and staff initiated DR, and quarterly policy updates will result in the evolution of the Standards. Further, staff will host brownbag discussions with the Commission, design professionals and the public on aspects of the standards that reflect emerging issues and/or areas that require refinement.
44	Story poles are a good idea	Commissioner Olague	Phase 2 Discussion
45	RDS are a work in progress	Commissioner Olague	Agreed. They will evolve via Commission Policy.
46	Would like to be aware of rationale behind rejecting DR	Commissioner Olague	Agree - Decisions will be clearly documented in writing. Copies will be provided to the Commission in their packets weekly. The Director will also go through decisions weekly under "Director's Report".
47	Staff's improvement and strengthening of the pre-application process and better community notification to resolve many issues that normally trigger DR	Cow Hollow Association, Inc.	Agreed. Pre-application should help minimize the number of DRs filed.

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48	Expanding the Pre-App notice are to 150 feet to be consistent with Building Permit Application 311 notices so that there is more consistency	Cow Hollow Association, Inc.	Preapplication requirement will include neighborhood organizations and all abutting property owners and tenants including properties across the street. We disagree will expanding this to 150 feet since pre-App is intended to discuss impacts from the proposal on most immediately affected people and the 150 foot radius would include too many individuals, many of whom are not immediately affected by the proposal.
49	Including in both the Pre-App materials and the 311 notice the change in square footage and an existing /proposed photo/rendering of the subject property	Cow Hollow Association, Inc.	Agree (in part) - Improved pre-application will include (E) and (P) square footage. Renderings are expensive to create at the pre-application phase when the project is very likely to change. Rendering discussion and possible policy changes may be included under Phase Two, or prior to Phase Two if time permits.

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	Recommendation	Source	Response
50	Starting with the Pre-Application meeting, the project architect, neighborhood association, and Planning staff completion of a "neighborhood character" checklist based on the Residential Design Standards or individual neighborhood design guidelines. If the checklist is the same for every project in a specific neighborhood, a standardized information flow will result. (CHA Checklist is attached)	Cow Hollow Association, Inc.	Disagree - The RDS's are general enough to cover all residential districts; the Department does not believe that individual "neighborhood character" districts are necessary throughout the entire City. Projects are looked at individually, and neighborhood context will be evaluated during RDT review. There are only a handful of districts that are either neighborhood character districts or have their own adopted Design Guidelines. Projects in those areas are analyzed with the specific design criteria.
51	Providing online access to 311 notices, historic/environmental review, demolition calculations, and plan revisions for each proposed project	Cow Hollow Association, Inc.	Agreed. This is in progress through the UPN and permit tracking processes. These items are under separate Action Plan Items. Demolition calculations are required by staff when a project is close to being determined "tantamount to demolition".
52	Review by the Planning Commission during the first 12 months of the new program any staff rejected DR applications that fail to meet "exceptional and extraordinary circumstances"	Cow Hollow Association, Inc.	Agreed. During the 2 year trial period for Phase One Implementation, staff will include weekly reports under the "Director's Report", and DR Letters will be included in the Commissioner's weekly packets.
53	Conduction a 12-month up to 18-month trial period of Phase I and generating a report at the end of that period to be presented to the Commission and the same organizations that participated in the study	Cow Hollow Association, Inc.	Agreed - The Department proposes an 24-month trial period, with the evaluation to be initiated at the 18-month point.

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	Recommendation	Source	Response
54	Carrying forward DR case histories, beginning with the implementation of the Residential Design Team (Dec. 17, 2008), including information on DR's that were withdrawn by DR applicants.	Cow Hollow Association, Inc.	Agreed. All RDT comments are memorialized and available as public records. If the Planning Commission adopts the proposed Policy, the RDT comments will be posted on the Department's website.