



SAN FRANCISCO PLANNING DEPARTMENT

History of DR Reform – June 2011

JULY 2008 – MARCH 2010

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July 17, 2008: Action Plan (including DR Reform) approved by Planning Commission

- Goals from Matrix
 - The responsibility for review and approval or disapproval of simple discretionary permit applications should be delegated to the Zoning Administrator.
 - Appeals from the decisions regarding discretionary review permit applications should be made directly to the Board of Appeals.
 - Simple discretionary review permit applications should be processed with a one-page cover sheet.

December 11, 2008: Informational Hearing at Planning Commission

- Reduce time and cost for non- E&E projects
 - Define exceptional and extraordinary circumstances;
 - Improve Discretionary Review Application form
 - Residential Design Team (RDT) to evaluate DR applications and reject non E&E
- Improve internal design review process
 - Establish mandatory design review triggers
 - RDT reviews all DR's
- Provide more transparency about projects and Department's decision making process
 - Improve and standardize pre-application;
 - Provide RDT trigger checklist to the public
 - Formalize RDT comments,
 - Provide optional DR intake with planner and concerned party.
- More fair, reliable, and consistent entitlement process
 - Improve front-end design review by applying RDG's consistently citywide
 - Identify emerging planning issues
 - Define exceptional and extraordinary circumstances
 - Have Hearing Officer review DR's
- Free up Commission calendar for larger projects and policy discussion
- Maintain current benefits: public participation and third party review

April 2, 2009: Action taken at Planning Commission

- Intent to adopt Commission Policy: **PC Moved Policy to Call of Chair** (7-0-0)
- Intent to Initiate Legislation: **PC Initiated Legislation** (7-0-0)
- Changes from 12/11/08:
 - Establish Phase 1 and Phase 2 Concept
 - **Phase 1:** Improved Pre-app, public info (website, DR app, maps), Design review, RDG becomes RDS, 90-day timeline for DR, track policy topics, define E&E, Reconsideration
 - **Phase 2:** Story pole policy, hearing officer, codify DR process

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June 18, 2009: Action taken at Planning Commission

- Adoption of Commission Policy: **PC Adopted Policy** [4-1-2 (N:Moore, A: Lee, Olague)]
- Recommend Adoption of Legislation to BOS: **PC Recommended Adoption of Legislation** [4-1-2 (N:Moore, A: Lee, Olague)]
- Changes from 4/02/09:
 - Phase 1: Specify 2-year trial period for policy (U)
 - Phase 2: Changes to the cost burden.

October 19, 2009: Continued at Land Use Committee (LUC)

November 2, 2009: Continued at LUC

November 23, 2009: Continued at LUC

- Continued to conduct additional public outreach with goal of more consensus
- More detailed statistics – examples of projects requested from public by staff

January 27, 2010: Community Outreach Meeting @ Planning Department

February 2, 2010: Community Outreach Meeting @ Planning Department

February 22, 2010: Continued at LUC with memo prepared for hearing

- Discussed five amendments to the legislation but did not take action
- Staff proposed to modify Policy
 - Automatic referral of new construction, rear yard dwelling expansions to be amended into policy on 3/4/10.

March 4, 2010: Action at Planning Commission

- Adoption of Amended Commission Policy: **PC Adopted Amended Policy – supersedes 6/18/09 Policy document** [5-2-0 (Moore, Olague)]
- Pre-app for Formula Retail
- Automatic referral to PC for new construction, expansion to non-complying rear dwellings DR's
- Discussed potential Amendments of the Whole

March 8, 2010: Action at LUC

- 13 Amendments to the Whole – read into record by Supervisor Mar
 - A codification of the sunset of the trial period so that the Board of Supervisors would have to pass legislation for the policy to be continued at the end of the trial period. The trial period would be two years.
 - Clarify and set rules for the Commission to hear a DR case. The proposed language would allow for the Planning Commission to schedule a Discretionary Review hearing with the support of one commissioner.

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- Strike the words, “or its designee” throughout the legislation
- Allow neighborhood groups to file DR's.
- Add neighborhood serving not for profits with a focus on land use as well as merchant groups to the list of neighborhood organizations that can file a DR.
- Add language that states that throughout this trial period, the Commission and the Department shall work with the community to improve the Residential Design Standards and will support the adoption of neighborhood-specific design standards where the citywide standards are not adequate and/or can be augmented in order to enhance or conserve neighborhood character.
- Require that an officer or president of the neighborhood organization fill out an affidavit upon the filing of the DR claiming that they adhere to the qualifications of a neighborhood group as defined in the definition in the legislation. A neighborhood group would not be required to obtain a letter of support from the subject neighborhood group, but an officer of the group would fill out an affidavit form within the normal 311 time frame.
- Strike the language on p.1, line 9 "and to repeal the ability of a project sponsor to request discretionary review," and replace it with, "require public notification and a mandatory DR fee for project sponsors that request discretionary review.":
- Amending p. 6, line 3 to read "if the application requesting discretionary review demonstrates a likelihood of meeting the standard of exceptional and extraordinary circumstances" (amendment is in bold.)
- Amending p.6, line 13 to read "The Department's Residential Design Team will evaluate an application for discretionary review to determine if it may meet the standard of exceptional and extraordinary circumstances....." (amendment is in bold)
- p. 6, line 14 (d) Requests for Planning Commission Review. A request for ~~The Planning Commission or its designee~~ shall consider a public request to exercise ~~its~~ discretionary review powers over a specific building permit application if the application requesting discretionary review demonstrates a likelihood of meeting the standard of exceptional and extraordinary circumstances or a policy or emerging planning issue that the Planning Code and design standards do not address or an inconsistency with the General Plan and the Priority Policies of Planning Code Section 101.1. Exceptional and extraordinary circumstances occur where the standard 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. shall be considered by the Planning Commission if

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- p. 7, line 16 and p. 13, line 22 (4) An elected officeholder, or their designee, of the organization must present introduce the discretionary review request at the public hearing.
- p. 7, line 19 and p. 13, line 25 Any bona fide fraternal, charitable, benevolent, or other nonprofit organization that is exempt from taxation under the Internal Revenue laws of the United States and or the Revenue and Taxation Code of the State of California may also file a request for discretionary review provided that the organization is neighborhood-based and has a demonstrated interest in neighborhood land use issues, including economic and environmental justice.

If a project sponsor requests discretionary review, the sponsor must comply with public notice requirements and pay a mandatory discretionary review fee. ~~The project sponsor of a building permit application may request discretionary review by the Planning Commission to resolve conflicts between the Director of Planning and the project sponsor concerning requested modifications to comply with relevant design guidelines of the General Plan.~~

- **Continued to Call of the Chair [3-0]**