

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection
Sonya Harris, Secretary, Building Inspection Commission

FROM: Erica Major, Assistant Clerk
Land Use and Transportation Committee

DATE: November 13, 2018

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee duplicated the following matter from File No. 180268:

File No. 180743

Ordinance amending the Building Code to provide for a preapplication plan review for Accessory Dwelling Units.

The proposed ordinance is being transmitted pursuant to Charter, Section D3.750-5, for public hearing and recommendation. It is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Please forward me the Commission's recommendation and reports at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: Erica.Major@sfgov.org.

c: William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection

[~~Planning, Building Codes - Accessory Dwelling Units; Pre-application Plan Review~~]

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2
3 Ordinance amending the ~~Planning Code to 1) authorize the Zoning Administrator to~~
4 ~~waive or modify bicycle parking requirements for an Accessory Dwelling Unit (ADU), 2)~~
5 ~~allow more than one unauthorized unit constructed without a permit to be legalized, 3)~~
6 ~~exempt from the permit notification requirement ADUs constructed within the defined~~
7 ~~existing built envelope, 4) allow conversion of an existing stand-alone garage or~~
8 ~~storage structure to an ADU and expansion of the existing building envelope to add~~
9 ~~dormers, 5) eliminate the street tree requirement for an ADU, and 6) allow one ADU to~~
10 ~~be added to a new residential building of three units or less as a component of the new~~
11 ~~construction; amending the Building Code to provide for a preapplication plan review~~
12 ~~for Accessory Dwelling Units ADUs; affirming the Planning Department's determination~~
13 ~~under the California Environmental Quality Act; making findings of consistency with~~
14 ~~the General Plan and the eight priority policies of Planning Code, Section 101.1;~~
15 ~~adopting findings of public necessity, convenience, and welfare under Planning Code,~~
16 ~~Section 302; and directing the Clerk to send a copy of this ordinance to the California~~
17 ~~Department of Housing and Community Development.~~

18 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
19 **Additions to Codes** are in *single-underline italics Times New Roman font*.
20 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
21 **Board amendment additions** are in double-underlined Arial font.
22 **Board amendment deletions** are in ~~strikethrough Arial font~~.
23 **Asterisks (* * * *)** indicate the omission of unchanged Code
24 subsections or parts of tables.

25 Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

1 (a) ~~The Planning Department has determined that the actions contemplated in this~~
2 ~~ordinance comply with the California Environmental Quality Act (California Public Resources~~
3 ~~Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of~~
4 ~~Supervisors in File No. _____ and is incorporated herein by reference. The Board~~
5 ~~affirms this determination.~~

6 (b) ~~On _____, the Planning Commission, in Resolution No. _____,~~
7 ~~adopted findings that the actions contemplated in this ordinance are consistent, on balance,~~
8 ~~with the City's General Plan and eight priority policies of Planning Code Section 101.1. The~~
9 ~~Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of~~
10 ~~the Board of Supervisors in File No. _____, and is incorporated herein by reference.~~

11 (c) ~~Pursuant to Planning Code Section 302, the Board of Supervisors finds that this~~
12 ~~ordinance will serve the public necessity, convenience, and welfare for the reasons stated in~~
13 ~~Planning Commission Resolution No. _____.~~

14 (d) Pursuant to Charter Section D3.750-5, the Building Inspection Commission
15 considered this ordinance at a duly noticed public hearing held on _____, 2018.
16

17 Section 2. As introduced, this ordinance proposed revising Planning Code Sections
18 102, 138.1, 140, 155.1, 207, 207.3, 307, and 317. At the Land Use and Transportation
19 Committee meeting of July 9, 2018, the Committee amended the ordinance to remove those
20 sections.
21

22 Section 3. The Building Code is hereby amended by revising Section 106A.4.9, to read
23 as follows:

24 **106A.4.9 Preapplication plan review or inspection.** When a party wishes to discuss
25 specific design issues or submit preliminary designs for review and comment by the

1 Department prior to formal application for a permit, a request for preapplication plan review
2 must be submitted in writing to the Building Official. See Section 110A, Table 1A-B – Other
3 Building Permit and Plan Review Fees – for applicable fees. Payment of the minimum fee
4 must be submitted with the letter of request.

5 106A.4.9.1. Accessory Dwelling Units. A preapplication plan review meeting for
6 construction of an Accessory Dwelling Unit under Planning Code Section 207(c)(4) or 207(c)(6) shall
7 include representatives from the Department of Building Inspection, Fire Department, and Planning
8 Department. The representatives of these Departments shall review with the applicant all applicable
9 state and local Code requirements as well as acceptable Code equivalencies.

10
11 Section 4. Effective Date. This ordinance shall become effective 30 days after
12 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
13 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
14 of Supervisors overrides the Mayor's veto of the ordinance


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16 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
17 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
18 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
19 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
20 additions, and Board amendment deletions in accordance with the "Note" that appears under
21 the official title of the ordinance.

22
23 ~~Section 6. Directions to Clerk. The Clerk of the Board of Supervisors is hereby directed~~
24 ~~to submit a copy of this ordinance to the California Department of Housing and Community~~
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1 ~~Development within 60 days following adoption pursuant to Section 65852.2(h) of the~~
2 ~~California Government Code.~~

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4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By: 
7 JUDITH A. BOYAJIAN
8 Deputy City Attorney
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REVISED LEGISLATIVE DIGEST
(Amended in Committee, 7/9/2018)

[Building Code - Accessory Dwelling Units; Pre-application Plan Review]

Ordinance amending the Building Code to provide for a preapplication plan review for Accessory Dwelling Units.

Existing Law

Building Code Section 106A.4.9 establishes a process for preapplication plan review or inspection if a party wants to discuss specific design issues or submit preliminary designs for review and comment prior to formal application for a permit.

Amendments to Current Law

Building Code Section 106A.4.9 is amended to provide for a preapplication consultation at which the Planning, Building, and Fire Departments review with the applicant for an Accessory Dwelling Unit all applicable state and local Code requirements as well as acceptable Code equivalencies

Background Information

The State Legislature has declared that second units (ADUs) are a valuable form of housing in California for many reasons. They are also an affordable type of housing because they do not include the costs of purchasing land or require major new infrastructure. In San Francisco, an ADU can be added to an existing building without changing the character of the neighborhood. San Francisco first enacted an ADU ordinance in 2015 and since then has updated its ADU program in response to amendments to the state law. Providing for a pre-application plan review will enable a permit applicant to work out any issues with the reviewing Departments in advance of filing a permit application.

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