

1 [Planning, ~~Building Codes - Accessory Dwelling Units; In-Lieu Fee for Street Trees~~]

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

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

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

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3 Section 1. Findings.

4 (a) The Planning Department has determined that the actions contemplated in this
5 ordinance comply with the California Environmental Quality Act (California Public Resources
6 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
7 Supervisors in File No. 180268 and is incorporated herein by reference. The Board affirms
8 this determination.

9 (b) On June 21, 2018, the Planning Commission, in Resolution No. 20213, adopted
10 findings that the actions contemplated in this ordinance are consistent, on balance, with the
11 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
12 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
13 Board of Supervisors in File No. 180268, and is incorporated herein by reference.

14 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
15 ordinance will serve the public necessity, convenience, and welfare for the reasons stated in
16 Planning Commission Resolution No. 20213.

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

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20 Section 2. As introduced, this ordinance proposed revising Planning Code Sections
21 102, 138.1, 140, 155.1, 207, 207.3, 307, and 317. At its regular meeting on July 17, 2018, the
22 Board of Supervisors duplicated the file, and amended this ordinance to remove the
23 amendments to Sections 102, 140, 155.1, 207, 207.3, 307, and 317 such that this ordinance
24 amends only Section 138.1.

1 Section 3. The Planning Code is hereby amended by revising Section 138.1, to read
2 as follows:

3
4 **SEC. 138.1. STREETScape AND PEDESTRIAN IMPROVEMENTS.**

5 * * * *

6 (c) **Required streetscape and pedestrian improvements.** Development projects
7 shall include streetscape and pedestrian improvements on all publicly accessible rights-of-way
8 directly fronting the property as follows:

9 (1) **Street trees.** Project Sponsors shall plant and maintain street trees as
10 set forth in Article 16, Sections 805(a) and (d) and 806(d) of the Public Works Code; *provided,*
11 however, that where a property owner is either (A) adding an Accessory Dwelling Unit pursuant
12 to Section 207(c)(4) or 207 (c)(6) of this Code or (B) legalizing a Dwelling Unit pursuant to
13 Section 207.3 of this Code, the owner may elect to pay the in-lieu fee authorized by Section
14 807(f) of the Public Works Code a street tree or trees shall not be required for an ADU
15 authorized to be constructed pursuant to Section 207(c)(4) or 207(c)(6) of this Code.

16 * * * *

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18 Section 4. Effective Date. This ordinance shall become effective 30 days after
19 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
20 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
21 of Supervisors overrides the Mayor’s veto of the ordinance

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23 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
25

1 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
2 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
3 additions, and Board amendment deletions in accordance with the "Note" that appears under
4 the official title of the ordinance.

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

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11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By: _____
14 JUDITH A. BOYAJIAN
15 Deputy City Attorney
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