



SAN FRANCISCO PLANNING DEPARTMENT

New Planning Code Summary: Construction of Accessory Dwelling Units in Supervisor Districts 8 and 3

Amended Sections: Sections 124, 140, 207, 307, 401
Case Number: 2015-005464PCA & 2015-007459PCA
Board File/Enactment #: 150804/161-15 & 150805/162-15
Initiated by: Supervisors Christensen and Wiener
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The proposed Ordinances would allow construction of Accessory Dwelling Units in Supervisorial Districts 8 and 3 and establish the controls regulating such units.

The Way It Was:

Accessory Dwelling Units were allowed in the following areas:

1. Castro NC District and a 1,750 ft. buffer around the Castro NC District under the following controls:
 - Buildings of 10 units or less can add only one ADU, while buildings with more than 10 units can add only two ADUs.
 - ADUs are not permitted in RH-1(D) districts.
 - ADUs can only be built within the existing built envelope and cannot use space from an existing unit.
 - ADU applications can seek a Zoning Administrator waiver from certain provisions of the Planning Code such as rear yard, open space, partial exposure, and parking.
 - If the original building is subject to rent control law, the new unit(s) would also be subject to the rent control law.
2. In Supervisor District 3, ADUs were not allowed beyond the density limits.
3. Buildings that are undergoing voluntary or mandatory seismic retrofitting in compliance with Chapter 34B or the San Francisco Department of Building Inspections' Administrative Bulletin 094.
 - There is no limit on the number of ADUs can be added.
 - ADUs are not permitted in RH-1 or RH-1(D) districts.
 - The rest of the controls are similar to the controls for Castro ADUs.
 - In addition, if permitted by the Building Code, the building can be raised up to three feet to create suitable ground floor ceiling height for the new ADU.

4. The definition of Accessory Dwelling Unit was in Section 207(c)(4) of the Code.
5. ADUs were not monitored for use as Short-Term Rentals.

The Way It Is Now:

The two proposed ordinances expand the areas where accessory dwelling units (ADUs) are allowed:

1. ADUs are allowed in all residential buildings in Supervisor District 8, including the already eligible area of Castro NCD and the 1750 buffer around.
 - The controls for ADUs in the Castro NCD are unchanged and similar controls apply to all ADUs in District 8.
2. ADUs are also allowed in residential buildings in Supervisor District 3.
 - Buildings of 4 units or less can add only one ADU, while buildings with more than 4 units have no limit on number of ADUs allowed.
 - All other controls for ADUs in District 8 are applicable to ADUs in District 3 as well.
3. For ADUs in buildings undergoing seismic retrofitting, all the controls remains the same with the following clarification:
 - When raising a building for a maximum of three feet: a) notification requirements of Section 311 and 312 do not apply, and b) a variance is not required if expanding a noncomplying structure.
4. The definition for ADUs is in Section 102 of the Planning Code.
5. Applicants are required to disclose whether they intend to use the proposed ADU as Short-Term Residential Rentals. The Department shall not approve the application unless such information is provided. In addition to the existing monitoring for affordability of ADUs, the Department will monitor use of ADUs as Short-Term Rentals based on the data collected.

Link to Signed Legislation:

<http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances15/o0161-15.pdf>

<http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances15/o0162-15.pdf>