



SAN FRANCISCO PLANNING DEPARTMENT

New Planning Code Summary: Accessory Dwelling Unit Program Amendments in Compliance with State Law

Amended Sections: 102 and 207
Case Number: 2017-001170PCA
Board File/Enactment #: 170125/095-17
Initiated by: Supervisor Peskin
Effective Date: June 11, 2017

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

The Ordinance amended the Planning Code to bring the requirements and procedures for authorizing the construction of Accessory Dwelling Units (ADUs) in single-family homes into conformity with the new mandates of state law.

The Way It Was:

Applicability of ADU program

1. The local ADU program allowed construction of one or more ADUs in all zoning districts where residential use is allowed, except for RH-1(D) districts.
2. In RH-1(D) districts, the Planning Code referred to State Law provisions for ADUs.

Controls

3. The local ADU program did not allow using space from an existing unit when constructing an ADU.
4. Planning Code requirements including density, rear yard, and open space could be waived by the Zoning Administrator. Exposure requirements also applied, but could be partially waived by the Zoning Administrator.
5. Parking requirements for the main unit could be waived if the required parking was being converted into an ADU.
6. If the existing building contained a Rental Unit per Section 27.2(r) of the Administrative Code, the ADU was subject to the Residential Rent Stabilization and Arbitration Ordinance.

Prohibitions

7. ADUs could not be added to buildings where a tenant was evicted within 5 years prior to the filing of application for the ADU per owner-move in evictions, or within 10 years of all other no-fault eviction causes.
8. ADUs could not be used as Short-term Rentals.

9. ADUs could not be subdivided and sold separately, except if the building was a condominium at least three years and had no history of no-fault evictions within 10 years prior to July 11, 2016; and except if the building was undergoing mandatory seismic retrofitting.

Review Process

10. Review timeline of ADU permits was not regulated and approvals were subject to discretionary review.

The Way It Is Now:

Section 207 (c)(6) is added to the Planning Code to create a new type of ADU program that implements the requirements of State Law. This section only applies to ADUs in single-family homes in all zoning districts where residential use is allowed, and no waivers from the Planning Code are needed. This section does not apply to ADUs in RH-1(D) districts.

Applicability of ADU Program

1. ADU controls remain the same in multi-unit buildings and single-family homes where no waivers from the Planning Code are needed. For ADUs added to single-family homes in all zoning districts, except for RH-1(D), where no waiver is required from the Planning Code new controls would be added. The new controls are listed below under "Controls."
2. For ADUs in single-family homes in RH-1(D) districts, the Planning Code still refers to State Law provisions. Per the ZA interpretation the same controls for ADUs in single-family homes where no waiver from the Planning Code is required (subsection 207 c(6)) applies to ADUs in single-family homes in RH-1(D) districts.

Controls

The following controls apply for ADUs in single-family homes where no waivers from the planning Code are needed

3. ADUs can now take space from an existing unit.
4. Rear yard, open space and exposure requirements cannot be waived by the Zoning Administrator; however, the ADU does not count toward density and therefore does not need a density waiver, and no setback is required for an existing garage that is converted to an ADU.
5. If required parking is demolished in order to construct the ADU, only parking required by the Code must be replaced. Replacement parking can be in any configuration including: covered, uncovered, tandem, or by use of mechanical lifts.
6. The ADU is subject to the applicable portions of the Residential Rent Stabilization and Arbitration Ordinance.

Prohibitions

7. Eviction history prohibitions do not apply to ADUs in single-family homes in all zoning districts, except in RH-1 (D) districts, where no waiver is required.
8. All ADUs are still prohibited from being used as Short-term Rentals. Notice of Special Restriction shall be recorded on the subject lot.
9. The existing prohibitions on subdivision and sales apply to all ADUs.

Review process

10. ADUs in single-family homes in all zoning districts, except in RH-1(D) districts, where no waiver is required are subject to ministerial approval within 120 days from receipt of Code complying application. These ADUs are not subject to discretionary review. The ministerial approval for these ADUs can still include application of Residential Design Guidelines as well as Department review of impacts on a property listed in the California Register of Historic Places.

Link to Signed Legislation:

<https://sfgov.legistar.com/View.ashx?M=F&ID=5170884&GUID=F4CABC66-C96B-41FE-A2AA-321AB6DFF79A>