

ACCESSORY DWELLING UNITS (ADU) PROGRAM FOR MULTI-UNIT BUILDINGS

Please note that there are several State bills effective January 1, 2020. The Planning Department is working to determine how these impact current laws. Generally, we believe these may offer additional opportunities or further relief from Planning Code requirements. By filing your ADU application now, you acknowledge that there may be minor revisions requested to align with State and local laws. Please reach out to CPC.ADU@sfgov.org for additional details.

Accessory Dwelling Units (ADUs), also called secondary units, in-law units, or cottages, are subordinate units added to existing residential buildings. In 2016, San Francisco's ADU Program became available in all zoning districts that permit residential use. Adding an ADU to your property can provide several benefits, such as providing housing for family members, simplifying your lifestyle, and increased financial flexibility. For more information on the benefits of ADUs, please see our video, "Are ADUs Right For You?" on our website at sf-planning.org/accessory-dwelling-units.

This fact sheet describes ADU program for multi-unit buildings, which is governed by Planning Code Section 207(c)(4). If you are a single-family homeowner, please review the [ADU fact sheet for single family homeowners](#). For more questions, contact the ADU Planning Counter by emailing CPC.ADU@sfgov.org. Please be aware that recent amendments were made to the Planning Code that may offer more flexibility to your project.

This fact sheet is intended to distribute helpful information; however, please consult a Planner for a more detailed review and discussion before submitting an application. Key ADU planners are available by emailing CPC.ADU@sfgov.org.

How many ADUs can I add to my property?

- If four (4) or less legal dwelling units are on the lot, one (1) ADU is permitted.
- If five (5) or more legal dwelling units are on the lot, then an unlimited number of ADUs are permitted.

There is no limit on the number of ADUs permitted on the lot for projects undergoing Mandatory or Voluntary Seismic ([AB-094](#)) upgrades.

Where can I put an ADU in my home?

ADUs are now permitted in conjunction with new construction. Many ADUs in multi-unit buildings are converted from underutilized space not part of an existing dwelling unit. In addition, up to 25 percent of an existing unit's ground floor or basement space can also be converted. The Zoning Administrator may waive this limit if:

- a) The resulting space on the ground or basement levels would not be usable for other reasonable uses, including but not limited to, storage or bicycle parking; or,
- b) Waiving the cap would help relieve any negative layout issues for the proposed ADU.

Please note that if the proposed ADU would convert housing services, which includes garage, laundry room and storage space, that is part of a tenancy subject to the Rent Ordinance, the property owner will need a "just cause" reason to sever the housing service. It is recommended that the owner consult with an attorney.

An ADU cannot remove space from ground floor retail or commercial space in Neighborhood Commercial Districts or in the Chinatown Business or Visitor Retail Districts.

Code Requirements: What's mandatory and what can I waive?

Planning Code

In addition to waiving the 25% ground and basement level conversion limit discussed above, the Zoning Administrator may waive rear yard, open space, and density requirements, may reduce the amount of exposure (access to natural light) required for the ADU.

Exposure requirement reduction: Units must face a code-compliant rear yard, street, or open area that is 25' x 25' on the ground floor and expands at subsequent floors. The Zoning Administrator is allowed to reduce the exposure requirement for an ADU through a waiver so that qualifying windows may face an open area that is no less than 225 square feet in size, has no horizontal dimension less than 9 feet, and is open to the sky with exception of permitted obstructions outlined in Section 140 of the Planning Code. Any exposure that is less than these dimensions will require the approval of a variance.

All other Planning Code requirements must be met. The most common requirements that must be met for adding ADUs include permeability and landscaping in your front setback, and street tree planting or payment of an in-lieu fee (under the regulation of Public Works).

Building Code and Equivalencies with Fire Department

All Building Code requirements must be met, including ceiling height, proper ventilation, light, fire safety, and egress. However, a pre-application meeting with the Department of Building Inspection and the Fire Department can determine if there are applicable equivalencies for meeting the Building Code. Planning staff attends these Preapplication meetings for ADU projects with Building and Fire staff.

Please also see [Administrative Bulletin FS-05](#) for information on sprinkler requirements on the ground floor, and [Administrative Bulletin EG-05](#) for more information on egress when providing a single-exit. For more on Building Code requirements, please visit DBI's website at <http://sfdbi.org/ADU>

Design: What's an existing built envelope and where can I expand for the ADU?

In multi-unit buildings, ADUs can be constructed in conjunction with new construction of a multi-unit building, or within the existing built envelope (the area within the walls of an existing building) or an auxiliary structure that has existed a minimum of three years prior to application, or within a new addition made to the existing building as long as it is within the buildable area of the lot and does not increase the existing height of the building. New construction or an addition requires neighborhood notification, and may require design review. On a corner lot, a legal stand-alone non-conforming garage or structure may be expanded within its existing footprint by up to one additional story to add an ADU(s). This expansion requires neighborhood notice, may require design review and may require preservation review. Lastly, ADUs can expand into the required rear yard under cantilevered rooms, rooms on columns, and decks (except for decks supported by columns, multi level, or taller than 10 feet), with no required notice or variance. These spaces must have existed as of July 11, 2016, and requires a pre-application meeting with adjacent neighbors prior to filing.

Can I increase the height of my building to add an ADU?

You can increase the height of your building to add an ADU if you are simultaneously undergoing full seismic retrofitting of the entire building. In this case, you may raise the building up to three (3) feet to create ground floor ceiling heights suitable for residential use. Design review and historic preservation review may be required. No neighborhood notification is required. An ADU cannot be incorporated into vertical addition.

Will my ADU be rent controlled?

New ADUs in multi unit buildings will likely be subject to rent control.

Please note that the Planning Department does not make determinations regarding the rent control status of any building or dwelling unit. For more information about the Rent Ordinance, please contact Jennifer Rakowski, supervisor at the San Francisco Rent Board at 415-252-4631.

Can I use my ADU for short-term rentals?

No. Accessory Dwelling Units are ineligible for the Short Term Rental program.

What if there's been a recent eviction in the building?

ADUs cannot be constructed in multi-unit buildings that have had owner move-in evictions in the last five (5) years, or other no-fault evictions in the last ten (10) years prior to the permit application. In case of temporary tenant evictions for capital improvements, there is no prohibition as long as a declaration from the property owner was submitted notifying the tenant of their right to reoccupy the unit.

Can I sell my ADU?

Typically no. However, some exceptions may apply. Please see Planning Code Section 207(c)(4)(E) for more specific information.

ADUs added in buildings undergoing soft-story seismic retrofitting (Mandatory or Voluntary) maintain eligibility to enter the condo-conversion programs, if such programs become available in the future.

Review process: What's involved?

Planning issues comments over the counter. Per current Executive Directive 18-01 by the Mayor's Office, complete applications will have action taken within four months by all City agencies. To learn more about streamlined review processes, please email: CPC.ADU@sfgov.org. Applications that request expansion and require neighborhood notice or require variances will likely take six months or more.

Fees

There are no additional fees for ADUs. The normal fees for the permit application and issuance apply. Planning's website for current rates for Building Permit Applications at <https://sfplanning.org/resource/fee-schedule-applications>. DBI's fee page is here: <https://sfdbi.org/FEES>

-  **5** San Francisco Planning Department reviews your drawings and permit application. ADU planning staff will provide you comments, providing real-time feedback for any required revisions. If revisions are requested, you will need to revise and then return to submit for Intake. Please email CPC.ADU@sfgov.org to request for an appointment.

Zoning Administrative Waivers for Code Requirements.

The Zoning Administrator must approve any necessary waivers from the rear yard, open space, density, parking, bicycle parking or reduced exposure requirements.

Regulatory Agreement (Costa Hawkins) for Rent Control.

If your ADUs are constructed in a rent-controlled building, and the project needs waivers from the Planning Code, the ADUs will be subject to rent control. The project will be required to execute a Regulatory Agreement between the Property Owner(s) and the City (Costa Hawkins Agreement) subjecting the units to rent control.

-  **6** The Planning Department approves your drawings and permit application. Once drawings are approved by Planning, they are sent to the concurrent review by all agencies.

-  **7** Concurrent review by all agencies, including Department of Building Inspection, SF Fire, Public Works and PUC.

A combined city plan check letter with all outstanding comments will be issued upon review. When all requested revisions have been made, a re-check appointment with all required agency staff will be held to approve plans.

-  **8** All final fees are paid and your building permit is issued by the Department of Building Inspection. You may now begin construction. Please note that your project is not fully approved until electrical and plumbing permits are issued. These permits are often available online from your contractors.

Construction

-  **10** Certificate of final completion is issued by Department of Building Inspection. Building inspections are conducted and a certificate of final completion is issued.

- 11** Your ADU is ready for move-in. Congratulations on completing your new unit(s)!

ADDITIONAL RESOURCES

Zoning:

Find your zoning using the Property Information Map at <http://propertymap.sfplanning.org>

Rent Control:

Find out if your building is under rent control by contacting the San Francisco Tenants Union at www.sftu.org/rentcontrol or learn more about Rent Control from the San Francisco Rent Board at www.sfrb.org

Historic Preservation:

Depending on the age of your building and its historic resource status, adding an ADU may require historic preservation review most likely through the building permit plan review process, if the project includes changes to the front facade of the building. Visit <http://sf-planning.org/historic-preservation-faqs> for more information. Email CPC.ADU@sfgov.org to learn more about designing your project and if any special review may apply to your property, and review the ADU Handbook for guidance.

Building Code Requirements:

All life safety requirements under the San Francisco Building Code must be met during ADU construction. These requirements can affect the design of your ADU and should be considered from the beginning of the process. Please visit <http://sfdbi.org/ADU> for more information. Please also see Equivalencies outlined for San Francisco Building and Fire: [Administrative Bulletin FS-05](#) for information on sprinkler requirements on the ground floor, and [Administrative Bulletin EG-05](#) for more information on egress when providing a single-exit.

Voluntary Seismic Retrofit Program:

Find out if your building is eligible for the Voluntary Seismic Retrofit Program by reviewing the Building Department's Administrative Bulletin AB-094. Visit <https://sfdbi.org/>



ADU Handbook:

The ADU Handbook contains detailed information regarding the ADU construction process, the Building and Planning Codes, potential designs, and financial feasibility. You can download the handbook at: <http://sf-planning.org/accessory-dwelling-unit>.

Questions? Please Contact:

ADU Planning Counter
Email: CPC.ADU@sfgov.org

Department of Building Inspection (DBI)
Email: dbi.adu@sfgov.org
*Questions about ADU Screening Form