

# MAKING THE BEST USE OF THE ADU & LEGALIZATION PROGRAMS

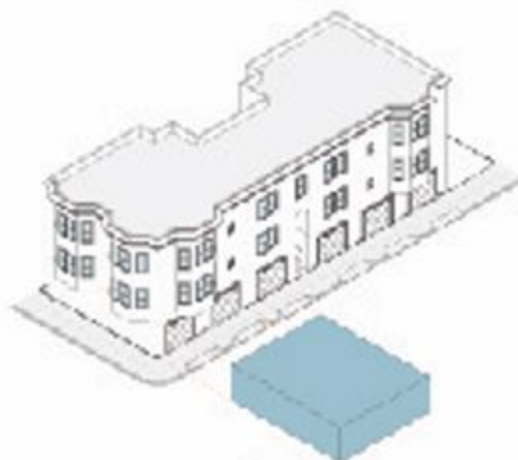
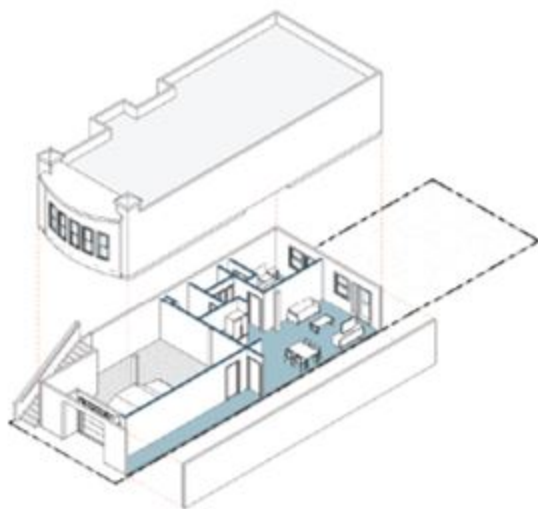
SF Planning Department  
Department of Building Inspection

EARTHQUAKE SAFETY FAIR ADU / LEGALIZATION WORKSHOP  
June 11, 2019



# What is the Accessory Dwelling Unit Program?

[CPC.ADU@sfgov.org](mailto:CPC.ADU@sfgov.org)



## What is an accessory dwelling unit (ADU)?

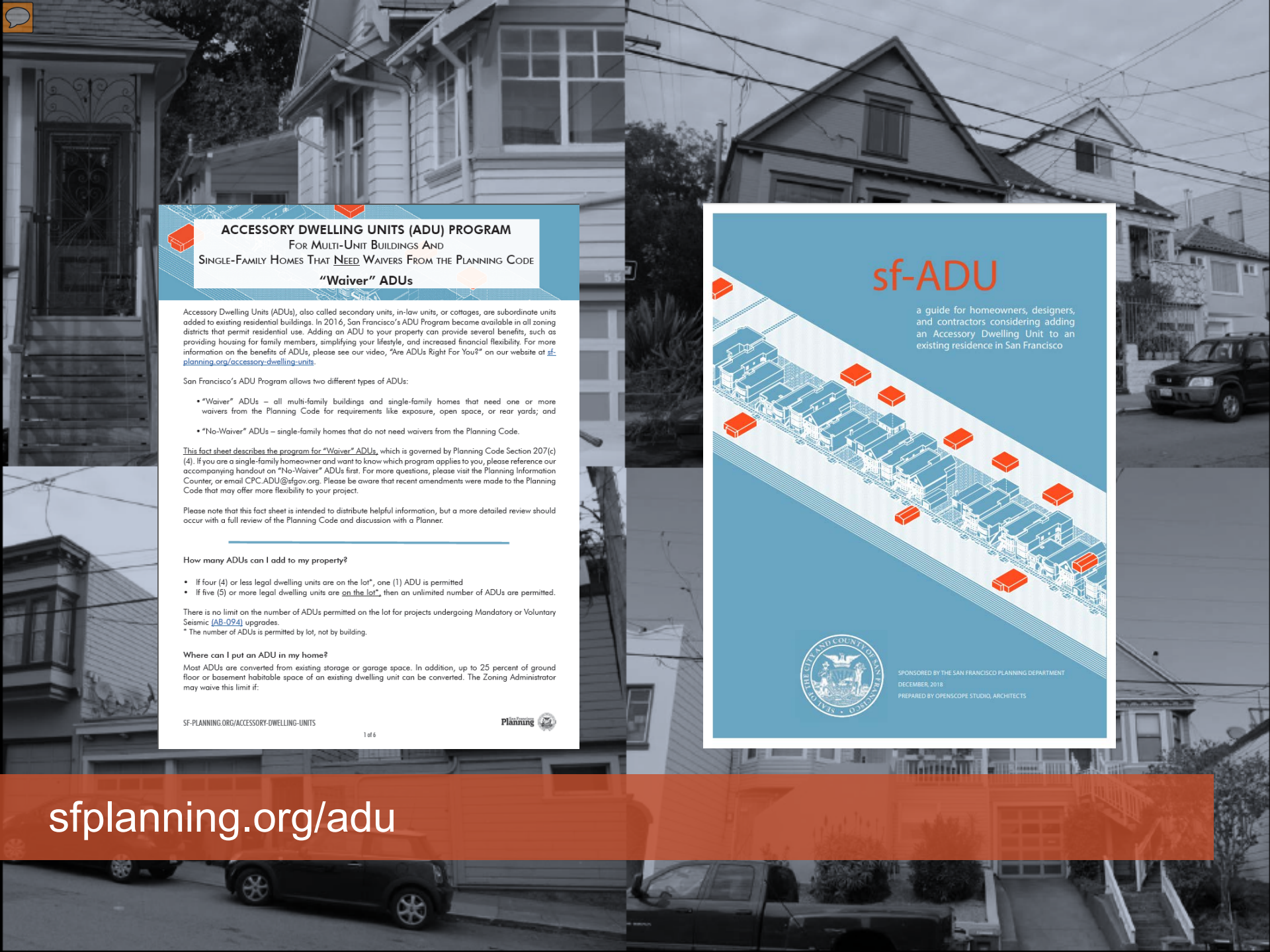
A residential unit added to an existing residential building.

[sfplanning.org/adu](https://sfplanning.org/adu)

Email: [CPC.ADU@sfgov.org](mailto:CPC.ADU@sfgov.org)

ADU Planning Desk, Counter 38  
1660 Mission, 5<sup>th</sup> Floor  
Mon / Tue / Thur / Fri: 8am to 4pm  
Wed: 10am to 4pm





## ACCESSORY DWELLING UNITS (ADU) PROGRAM FOR MULTI-UNIT BUILDINGS AND SINGLE-FAMILY HOMES THAT NEED WAIVERS FROM THE PLANNING CODE “Waiver” ADUs

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 [sfplanning.org/accessory-dwelling-units](http://sfplanning.org/accessory-dwelling-units).

San Francisco’s ADU Program allows two different types of ADUs:

- “Waiver” ADUs – all multi-family buildings and single-family homes that need one or more waivers from the Planning Code for requirements like exposure, open space, or rear yards; and
- “No-Waiver” ADUs – single-family homes that do not need waivers from the Planning Code.

This fact sheet describes the program for “Waiver” ADUs, which is governed by Planning Code Section 207(c)(4). If you are a single-family homeowner and want to know which program applies to you, please reference our accompanying handout on “No-Waiver” ADUs first. For more questions, please visit the Planning Information Counter, or email [CPC.ADU@sfgov.org](mailto:CPC.ADU@sfgov.org). Please be aware that recent amendments were made to the Planning Code that may offer more flexibility to your project.

Please note that this fact sheet is intended to distribute helpful information, but a more detailed review should occur with a full review of the Planning Code and discussion with a Planner.

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### 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-694](#)) upgrades.

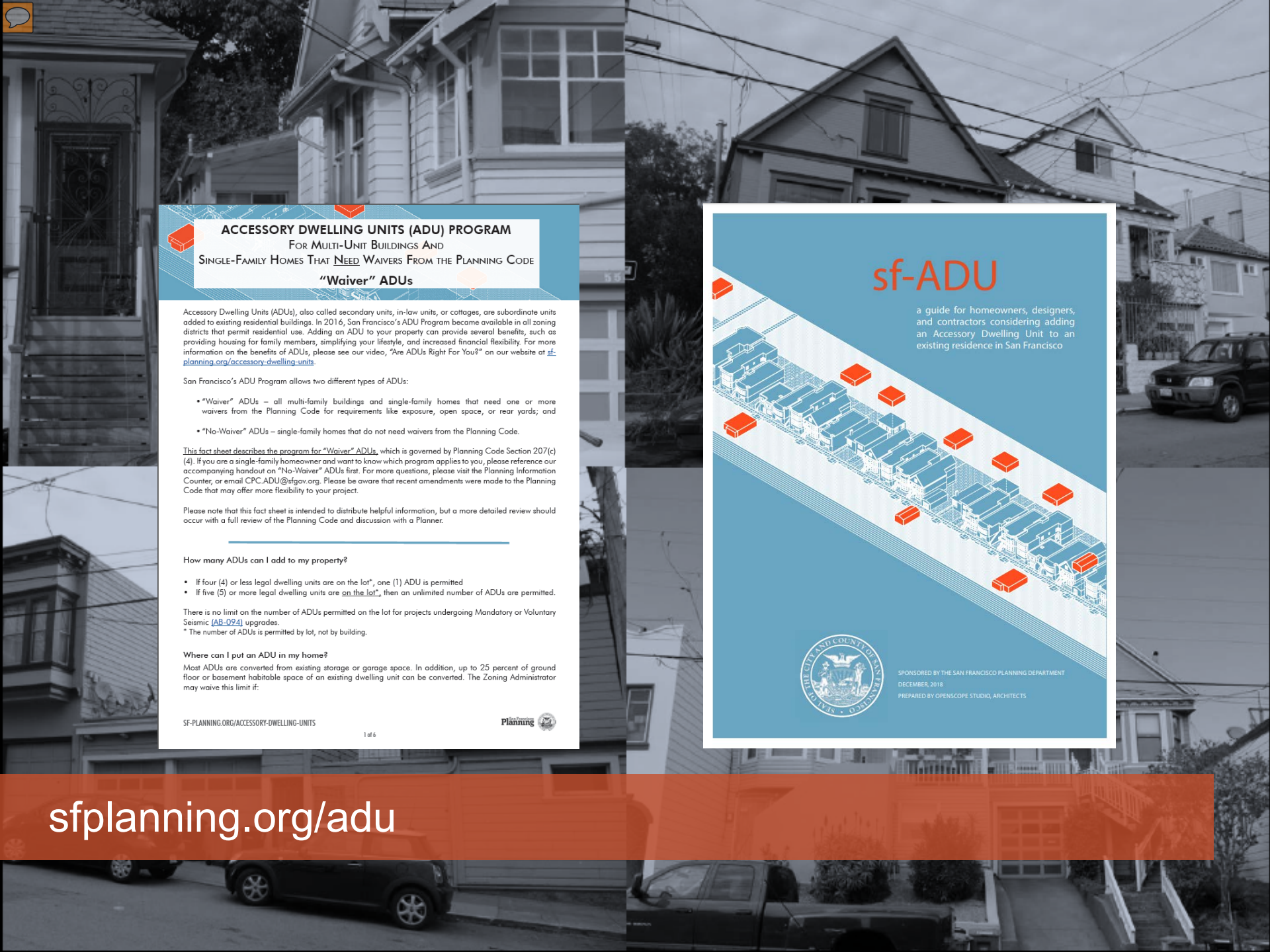

\* The number of ADUs is permitted by lot, not by building.

### Where can I put an ADU in my home?

Most ADUs are converted from existing storage or garage space. In addition, up to 25 percent of ground floor or basement habitable space of an existing dwelling unit can be converted. The Zoning Administrator may waive this limit if:


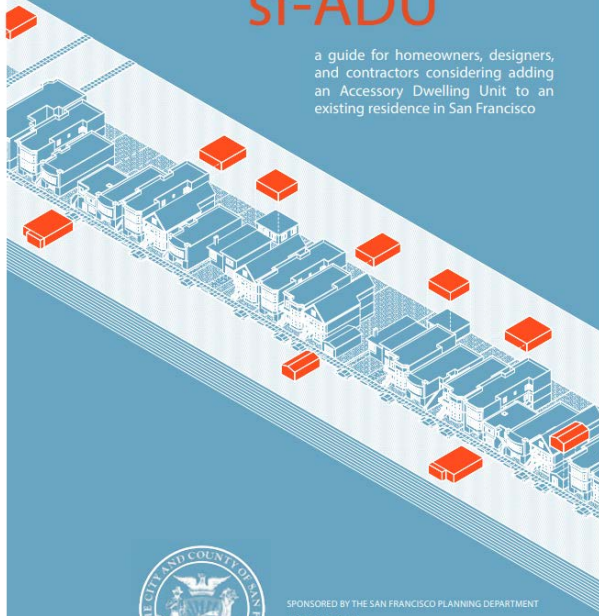
SF-PLANNING.ORG/ACCESSORY-DWELLING-UNITS

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## sf-ADU

a guide for homeowners, designers, and contractors considering adding an Accessory Dwelling Unit to an existing residence in San Francisco



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DECEMBER, 2018  
PREPARED BY OPENSOURCE STUDIO, ARCHITECTS

[sfplanning.org/adu](http://sfplanning.org/adu)





## ADUs permitted Citywide

*ADUs are permitted citywide. As of 2019, if the zoning district permits residential uses and includes existing residential building, then the lot is eligible for ADUs.*

*Additional amendments were introduced which are under consideration.*



# Generally, what's the difference between Local “Waiver” Program and State mandated “No Waiver” Program?

## ***State mandated “no waiver” Program***

- *Allows one ADU at single-family home*
- *All Planning Code requirements to be met*

## ***Local “waiver” Program***

- *Number of allowed ADUs varies*
- *Exceptions “waivers” from certain Planning Code requirements*





# Local “Waiver” Program for Multi-unit buildings\*: Requires Administrative Waivers

*Within existing built envelope (as existed 3 years) or within additions permitted to incorporate ADU*

*ADUs created from under-utilized space (storage, garage, boiler rooms, etc); & 25% of ground floor/basement habitable space (unit)*

*Number of ADUs allowed: Varies depending on # of existing DU or concurrent seismic permit (see table next slide)*

*Rent controlled if the existing building is rent controlled (Costa Hawkins regulatory agreement)*

*Can obtain waivers from some Planning Code requirements: density, open space, rear yard and exposure*

*OMI evictions: 5-year wait period; certain other no-fault evictions: 10-year wait period*

*\*Some single-family homes will require waivers*

# Number of ADUs

<i><b>Building/ Lot</b></i>	<i><b>Number of ADUs permitted</b></i>
<i>Four or less existing dwelling units on the lot</i>	<i>One ADU is permitted on the lot</i>
<i>Five or more existing dwelling units on the lot</i>	<i>No limit on number of ADUs permitted on the lot</i>
<i>Mandatory or voluntary seismic per AB-094 at a building on the lot, regardless of number of units</i>	<i>No limit on number of ADUs permitted on the lot</i>





# Administrative Waiver of Planning Code Requirements for ADUs

***Waivers: Density / Open Space/  
Rear Yard / Exposure\****

***Note: Refer to Information Sheet G-23 for a full listing  
of all  
City Code requirements and regulations***

***\*only partially***



# State Mandated “No Waiver” Program: Single-Family No Administrative Waivers

*Number of  
ADUs allowed:*

*One ADU*

*Created from  
any portion of  
the SFH or an  
authorized  
auxiliary  
structure*

*Additions  
permitted within  
buildable area  
of lot for ADU  
  
(currently  
requires notice)*

*Can be rented;  
subject to some  
components of  
the Rent  
Ordinance*

*No  
administrative  
waivers from  
Planning Code  
requirements*

*No eviction  
history from  
Rent Board*





# ADU Restrictions

- ***Can I sell this unit?***

*Typically no (ADUs added in buildings undergoing voluntary or mandatory seismic retrofitting maintain eligibility)*

- ***Can I use this unit for short-term rentals?***

*No*

- ***Will this unit be rent controlled?***

*Yes, if the existing building is rent controlled*

# ADU Resources



## Accessory Dwelling Unit (ADU) Process, Resources, and Checklists (for multi-family properties and some single-family homes\*)

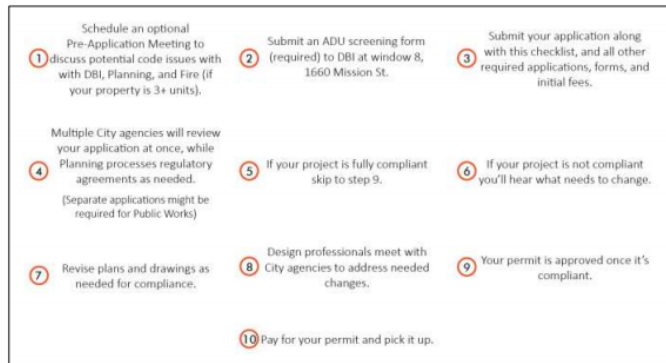
Learn what's needed for a complete application, so you can save time and streamline your permit.

\*This document applies to single-family homes adding more than one ADU and to single-family homes that do not meet all requirements and require a waiver.

Here you'll find requirements and resources from City agencies that will review the project, including San Francisco Planning, Department of Building Inspection (DBI), San Francisco Fire Department, Public Works, and Public Utilities Commission (PUC).

### ADU Process

Be aware of the permit process so you know what's expected and can be prepared.



Find this ADU process, resources, and checklist at [sfplanning.org/accessory-dwelling-units](https://sfplanning.org/accessory-dwelling-units)

### ADU Resources

Get info and answers about potential code issues so you can prepare plans that are more likely to be compliant

[ADU Handbook](#): Details on common City property types to help homeowners and design professionals.

[Plan Submittal Guidelines](#): What's needed for good drawings.

[DBI Information Sheet G-23](#): Multiagency resource for ADUs.

[Pre-Application Meeting](#): Details for optional meetings with DBI, Planning, and Fire about potential code issues that might slow the permit process.

### ADU resources from City agencies

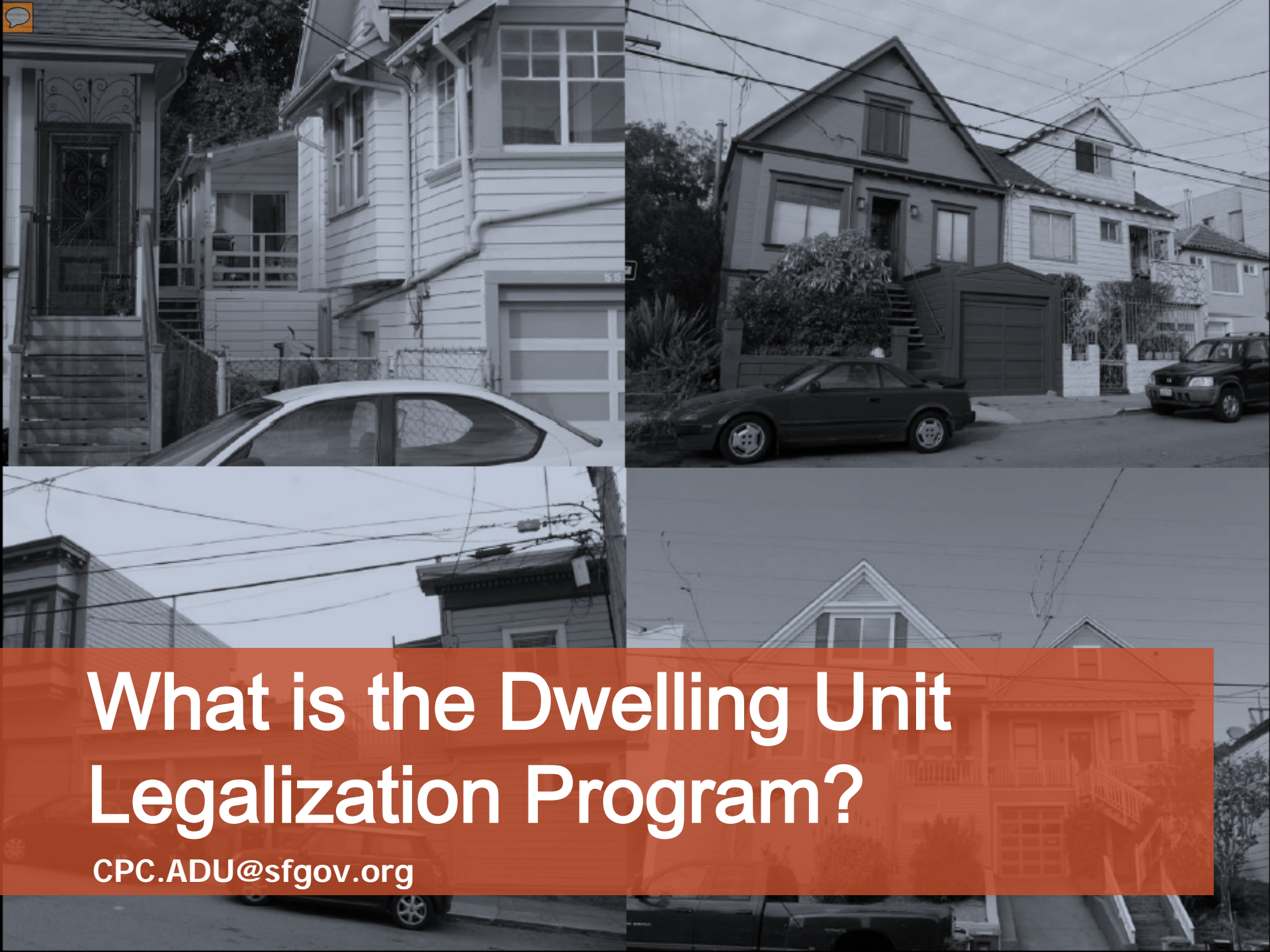
Planning	Public Works
ADU website: <a href="https://sfplanning.org/project/accessory-dwelling-units">sfplanning.org/project/accessory-dwelling-units</a> Public Counter: ADU Planning Desk, Counter 38 1660 Mission, 5th floor Mon/Tues/Thur/Fri 8am to 4pm Wed 10:15am to 4pm Email: <a href="mailto:cpc.adu@sfgov.org">cpc.adu@sfgov.org</a>	This agency might need to review additional information. Street tree website: <a href="https://sfpublishworks.org/plant-street-tree">sfpublishworks.org/plant-street-tree</a> <a href="#">Public Works ADU Checklist</a> <a href="#">Guidelines for work in the public right-of-way</a> <a href="#">Official property line maps and sidewalk widths</a>
Department of Building Inspection (DBI)	Public Counter: Public Works, Counter 16 & 17 questions 1660 Mission, 5th floor Mon/Wed/Fri 9:30am to 11am Public Counter: Bureau of Street & Mapping curb cut permit 1155 Market, 3rd floor Mon-Fri 7:30am to 5pm Public Counter: Bureau of Urban Forestry street tree permit 1155 Market, 3rd floor Mon-Fri 10am to 4pm
Fire	Public Utilities Commission (PUC)
<a href="#">Info Sheet FS-03: sprinkler requirements for single-family homes</a> Public Counter: Window 4 1660 Mission, 1st floor Mon-Fri 8am to 4pm	<a href="#">Guidelines for water capacity charges for ADUs</a> <a href="#">General capacity charge information</a> <a href="#">Process and info for requesting water service</a> Public Counter: No. 18 1660 Mission, 5th floor Mon-Fri 10am to 3pm

ADU page on SFPlanning:  
[sfplanning.org/adu](https://sfplanning.org/adu)

Email:  
[cpc.adu@sfgov.org](mailto:cpc.adu@sfgov.org)

Accessory Dwelling Units (ADU)





# What is the Dwelling Unit Legalization Program?

[CPC.ADU@sfgov.org](mailto:CPC.ADU@sfgov.org)





# Legalization Program

- *Legalization per Ordinance 43-14, effective May 17, 2014*
- *Voluntary program to allow one (1) unit to be legalized per lot. Property owners may utilize more than one option to bring additional units online (ex. as-of-right, ADU).*
- *If building meets Rent Control requirements (ie subject to Rent Ordinance), it will apply to legalized unit*
- *Remains as rental unit, no subdivision*
- *Applicant submits screening form and DBI determines eligibility, which includes proof of past tenancy prior to January 1, 2013*





# PLANNING CODE Requirements for Legalization of Dwelling Units

*Waived: Open Space| Rear Yard |  
Exposure| and Density*

*[no administrative waiver is required;  
These waivers from Code are part of the building permit  
approval process]*

*All other Planning Code Requirements  
required to be met.*



# Legalization Restrictions

- ***Can I sell this unit?***

*No*

- ***Can I use this unit for short-term rentals?***

*Yes (subject to Short-Term-Rental regulations)*

- ***Will this unit be rent controlled?***

*If the illegal unit was subject to rent control, it will continue to be rent controlled.*



# Legalization Resources

## DWELLING UNIT LEGALIZATION PROGRAM FREQUENTLY ASKED QUESTIONS

*Disclaimer: This document is for reference only. To ensure you meet ALL requirements of the Legalization program, please consult the Planning Code, speak to a Planner at the Planning Information Counter or send an email to [CPC.ADU@sfgov.org](mailto:CPC.ADU@sfgov.org).*

This handout is applicable for property owners of multi-unit buildings and single-family homes with an unwarranted dwelling unit (UDU) on the property who are seeking to legalize the unit.

In 2014, under Ordinance No. 43-14, Planning Code Section 207.3 was established to permit one dwelling unit to be legalized per lot in districts that permit residential use. This is a voluntary program that allows property owners to formally register and rent their unwarranted units in San Francisco assuming all life-safety conditions are met. These additional, existing dwelling units were previously converted by a property owner to turn unused space into a rentable unit. Although it is common, this has been illegal. With this ordinance, one of these existing units may legally join the housing market should the owner follow the process.

This program offers waivers from several areas of the Planning Code in order to legalize the dwelling unit. The Department of Building Inspection (DBI) maintains a screening program and determines eligibility for enrollment in the legalization program.

*\*The legalization program can be used in conjunction with the ADU program; please see FAQ handout for ADUs with Waivers - or Planning Code Sections 207(c)(4) to learn more about that program.*

### WHAT YOU NEED TO KNOW

#### Number of Unwarranted Units Allowed to be Legalized

One unwarranted dwelling unit will be permitted to be legalized on each lot under the program pursuant to Planning Code Section 207.3.

#### Converting/ Removing Dwelling Unit Space

Within the existing built envelope, the unwarranted unit is permitted to expand, however the Planning Code limits the amount of floor area an existing dwelling can be reduced and be added to another dwelling unit. Generally, the floor area of an existing dwelling unit cannot be reduced by more than 25%. Please review more details in [Section 317 of the Planning Code](#) under 'Residential Merger'.

#### Subdivisions/ Evictions

Legalized units are ineligible for subdivision, which means they cannot be sold individually.

The legalization program cannot be used to legalize dwelling units that have had owner move-in evictions filed after March 13, 2014 if the notice was served within five years prior to the permit application being filed for legalization; or other no-fault evictions filed after March 13, 2014 if the notice was served within ten years prior to the permit application being filed for legalization.

[SF-PLANNING.ORG/ACCESSORY-DWELLING-UNITS](http://SF-PLANNING.ORG/ACCESSORY-DWELLING-UNITS)

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ADU page on SFPlanning:  
[sfplanning.org/adu](http://sfplanning.org/adu)

Email:  
[cpc.adu@sfgov.org](mailto:cpc.adu@sfgov.org)

Accessory Dwelling Units (ADU)

# ADU Permitting Process

- Schedule an optional Pre-Application Meeting to
- 1 discuss potential code issues with DBI, Planning, and Fire (if your property is 3+ units).

- 2 Submit an ADU screening form (required) to DBI at window 8, 1660 Mission St.

- 3 Submit your application along with this checklist, and all other required applications, forms, and initial fees.

- Multiple City agencies will review your application at once, while Planning processes regulatory agreements as needed.
- 4
- (Separate applications might be required for Public Works)

- 5 If your project is fully compliant skip to step 9.

- 6 If your project is not compliant you'll hear what needs to change.

- 7 Revise plans and drawings as needed for compliance.

- 8 Design professionals meet with City agencies to address needed changes.

- 9 Your permit is approved once it's compliant.

- 10 Pay for your permit and pick it up.

- 10



# ADU Permitting Process



## ADU Checklists

Learn what you'll need for a complete application, so you can save time and streamline the permit process. Follow the instructions for each section.

You and your design professional MUST complete the checklist items:

- Property Information
- Plan set checklist
- Required applications and forms checklist
- Applicant's affidavit

Look up your property and zoning information at: [propertymap.sfplanning.org](http://propertymap.sfplanning.org)

### Property Information

Project Address		Block	Lot	Zoning District		Historic Status (circle)	
						Article 10 Article 11	CEQA: A / B / C
Project Contact Name		Email		Phone		Total Excavation	
						Cubic Yards:	Max Depth:
Dwelling Unit Count		Number of Stories		Bldg. Construction Type		Bldg. Occupancy	
(E) per 3R	# ADUs proposed	(E)	(N)	(E)	(N)	(E)	(N)
Fire Sprinklers Present				Fire Alarm (Manual/Automatic)			
(Y/N)		Areas Covered		(Y/N)		Areas Covered	

### Required applications and forms checklist (to be reviewed & completed by a design professional)

Step	Agency	Application or Form	This column to be filled out by Applicant (Y/N)	This column to be filled out by Staff (Y/N)
Item below to be submitted prior to building permit application				
1	DBI (Window 8 at DBI's 1 <sup>st</sup> floor)	Print the <a href="#">G-23 ADU Screening Form</a> , fill out and submit		
Items below are to be submitted with building permit application				
2	DBI (1 <sup>st</sup> floor)	Pick up and fill out the Building Permit Application (hard-copy)		N/A
3	Planning (Counter 38 at DBI's 5 <sup>th</sup> floor)	Fill out, print, and bring the <a href="#">Project Application</a> Review in advance and complete <a href="#">Planning's ADU checklist for multi-family homes</a> with Planning staff		
4	Building (Window 8 at DBI's 1 <sup>st</sup> floor)	Fill out <a href="#">ADU Checklist for Building</a> review with Building staff		
5	Fire (Window 4 at DBI's 1 <sup>st</sup> floor)	No additional forms or applications required for Fire	N/A	
	Public Works	Fill out and submit the <a href="#">Required Checklist for Tree Planting and Protection</a> via email Fill out and submit the <a href="#">Street Tree Application &amp; Guidelines</a> via email		N/A
	PUC	Fill out and submit the <a href="#">Fixture Count Form</a> via email		N/A
6	DBI – Central Permit Bureau	Submit Building Permit Application along with this Checklist, applications, and forms, and pay initial fees	N/A	N/A

# Legalization Process

City and County of San Francisco  
Department of Building Inspection



Edwin M. Lee, Mayor  
Tom C. Hui, S.E., C.B.O., Director

## Legalization of Dwelling Units Installed Without a Permit SCREENING FORM – No fee to file

The screening form shall be completed by a California licensed architect, civil or structural engineer or contractor. Submittal of this Screening Form is to summarize the evaluation performed on the building and to identify code issues related to the legalization of existing unauthorized dwelling units under Ordinance No. 43-14.

Submit the completed Screening Form (with the supporting documents) as a hardcopy in person or by U.S. mail to Department of Building Inspection, 1660 Mission Street, San Francisco, CA 94103

BLOCK / LOT  
NUMBER \_\_\_\_\_

ADDRESS \_\_\_\_\_

CONTACT (OWNER  
OR AGENT) \_\_\_\_\_

### SECTION 1 – ADMINISTRATIVE INFORMATION

Contact Name \_\_\_\_\_

Contact Telephone \_\_\_\_\_

Contact Email \_\_\_\_\_

Contact Mailing Address \_\_\_\_\_

### SECTION 2 – DOCUMENTATION OF EXISTING UNAUTHORIZED DWELLING UNITS AND IDENTIFICATION OF RELATED CODE ISSUES

- ☐ Attach floor plans for the entire building to demonstrate egress or other code issues
- ☐ Attach site (plot) plan showing the location of existing buildings, other structures on the site, property lines and locations of adjacent streets or alleys.
- ☐ Assessment/costs prepared by licensed contractor, architect or engineer that outlines compliance plan to meet codes (or any equivalencies subject to approval by DBI, Fire and Planning):

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Technical Services Division  
1660 Mission Street – San Francisco CA 94103  
Office (415) 558-6205 – FAX (415) 558-6401 – [www.sfdbi.org](http://www.sfdbi.org)



San Francisco  
Planning

1650 MISSION STREET, SUITE 400  
SAN FRANCISCO, CA 94103  
SFPLANNING.ORG / 415.575.9010

## LEGALIZATION OF UNAUTHORIZED UNITS CHECKLIST

Look up your property and zoning information on the [Property Information Map](#).

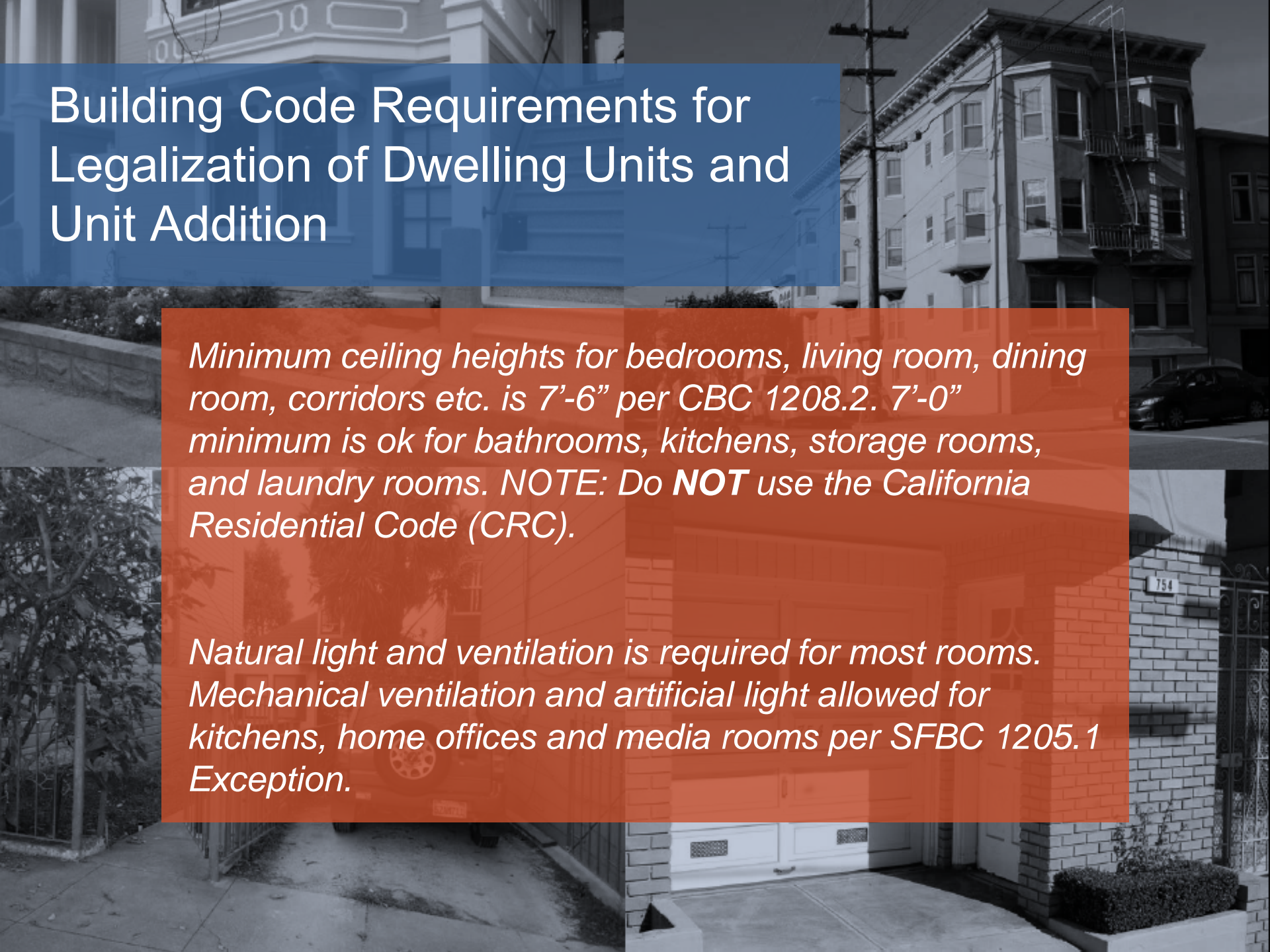
Project Address		Block	Lot	Zoning District	
Project Contact Name		Email	Phone	Historic Status (circle)	
				Article 10	CEQA:
				Article 11	A / B / C
Dwelling Unit Count		Number of Stories		Total Excavation (Cubic Yards)	Screening Form
(E) per 3R:	# DU:	(E)	(N)		Required prior to submittal of permit application.

Checklist	Required?
<b>Site Plan showing:</b> <i>If exterior changes are proposed (expansions, stairs, decks, etc.), include separate existing and proposed site plans.</i>	
Adjacent Lots: (both sides) with full outlines of buildings on those adjacent properties.	Yes
Direction of True North: indicate if project North is different.	Yes
Dimensions: Dimension the distance from the existing Building Walls to Property Lines and other structures on the lot.	Yes
Landscape and Permeable Surface: show areas in Required Front Setback.	Only if there is an existing front setback
Curb Cuts: if vehicle parking is to be removed, show curb cut(s) to be removed and note "remove curb cut".	Only if removing off-street parking
Street Tree: indicate the location of existing and proposed street trees.	Yes
<b>Floor Plans, existing and proposed for all floors, showing:</b> <i>On all plan views, label the street names, rooms, and areas.</i>	
Location of New Unit: New Unit ##, and square foot area of new unit.	Yes
Existing Dwelling Units: location of all dwelling units in the building. These units to be labeled "Existing Units" with all the rooms and spaces labeled according to their use(s).	Yes
Laundry and Storage: location of services.	Yes
Toters: location of dedicated space for trash, recycling and compost carts on private property and screened from public view. Visit <a href="http://SFRecology.com">SFRecology.com</a> for more information.	Yes
Parking: include dimensions and outline of all existing and proposed vehicle and bicycle parking.	Yes
<b>Building Elevations:</b> <i>As stated in the Plan Submittal Guidelines, if there are any exterior changes proposed; provide separate existing and proposed elevations for only the building face(s) related to the work.</i>	
Partial Elevations for Non-Public Facing Facades: partial elevations of floor level on which work is proposed will be accepted in-lieu of full elevations if the project does not include an expansion. These partial elevations would be suitable for new openings or modifications to openings.	Only if small modifications are proposed





# Building Code Requirements for Legalization of Dwelling Units and Unit Addition

The background of the slide is a collage of black and white photographs of urban environments. It includes a close-up of a building's corner with the number '10' visible, a multi-story apartment building with a fire escape, a street view with a car, and a brick building with a white door and a house number '754'.

# Building Code Requirements for Legalization of Dwelling Units and Unit Addition

*Minimum ceiling heights for bedrooms, living room, dining room, corridors etc. is 7'-6" per CBC 1208.2. 7'-0" minimum is ok for bathrooms, kitchens, storage rooms, and laundry rooms. NOTE: Do **NOT** use the California Residential Code (CRC).*

*Natural light and ventilation is required for most rooms. Mechanical ventilation and artificial light allowed for kitchens, home offices and media rooms per SFBC 1205.1 Exception.*



# Building Code Requirements for Legalization of Dwelling Units and Unit Addition

*Not all rooms can be a bedroom. A bedroom requires an emergency escape and rescue window that leads to the public way or opens to a rear yard (25'-0" minimum depth per Information Sheet EG-04).*

*One hour rated separation between units and one hour rated separation between units and common area per CBC 420.2 and CBC 1020.1.*



# Building Code Requirements for Legalization of Dwelling Units and Unit Addition

*When added or legalized; the building does not exceed the number of allowable stories permitted by CBC Table 504.4.*

*The legalized dwelling unit should not reduce the number of required exits from the other units.*

*Sprinkler requirements: Review DBI Information Sheet FS-05. Be prepared to at least partially sprinkler your building.*

*NOTE: A pre-application meeting with the Building Department and Fire Department is suggested for safety items that might not meet the letter of the code but meets the spirit of the code.*



# THINGS TO CONSIDER

- DBI suspends current Notice of Violation if owner pursue legalization.
- Changing from a two unit building to a three unit building places you into the jurisdiction of the San Francisco Housing Department (SFHD) and the San Francisco Fire Department (SFFD) annual housing inspection, periodic fire escape inspection, etc.
- New street address is created after a permit for addition or legalization of dwelling unit is issued.

# DBI Information on ADU

***DBI's Website: <http://sfdbi.org/ADU>***

- ***G-23 Informational Bulletin***
- ***Screening Form***

***Counter 8, First Floor, 1660 Mission Street***

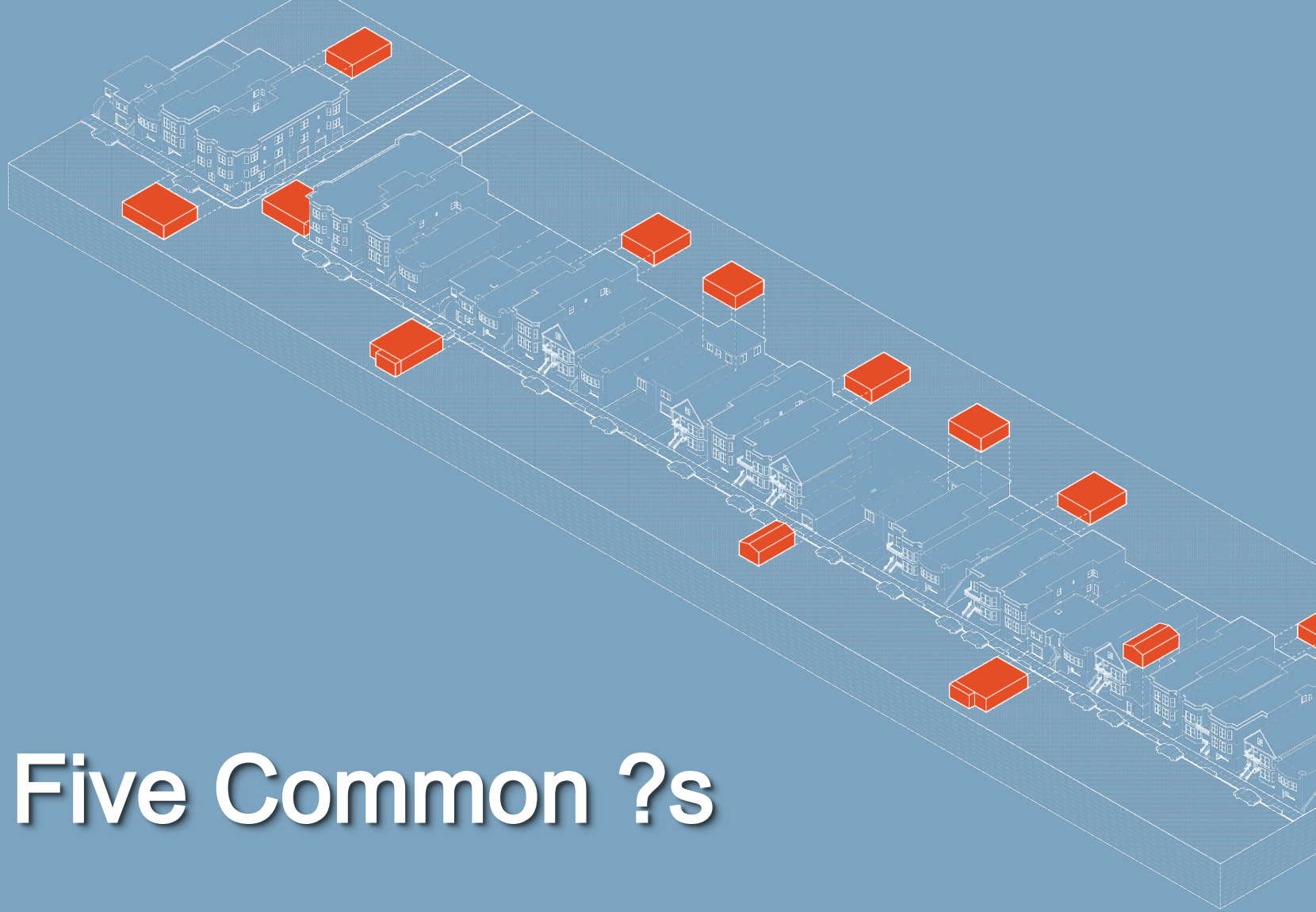


# DBI Information on Unit Legalization

***DBI's Website:***  
***<http://sfdbi.org/UnitLegalization>***

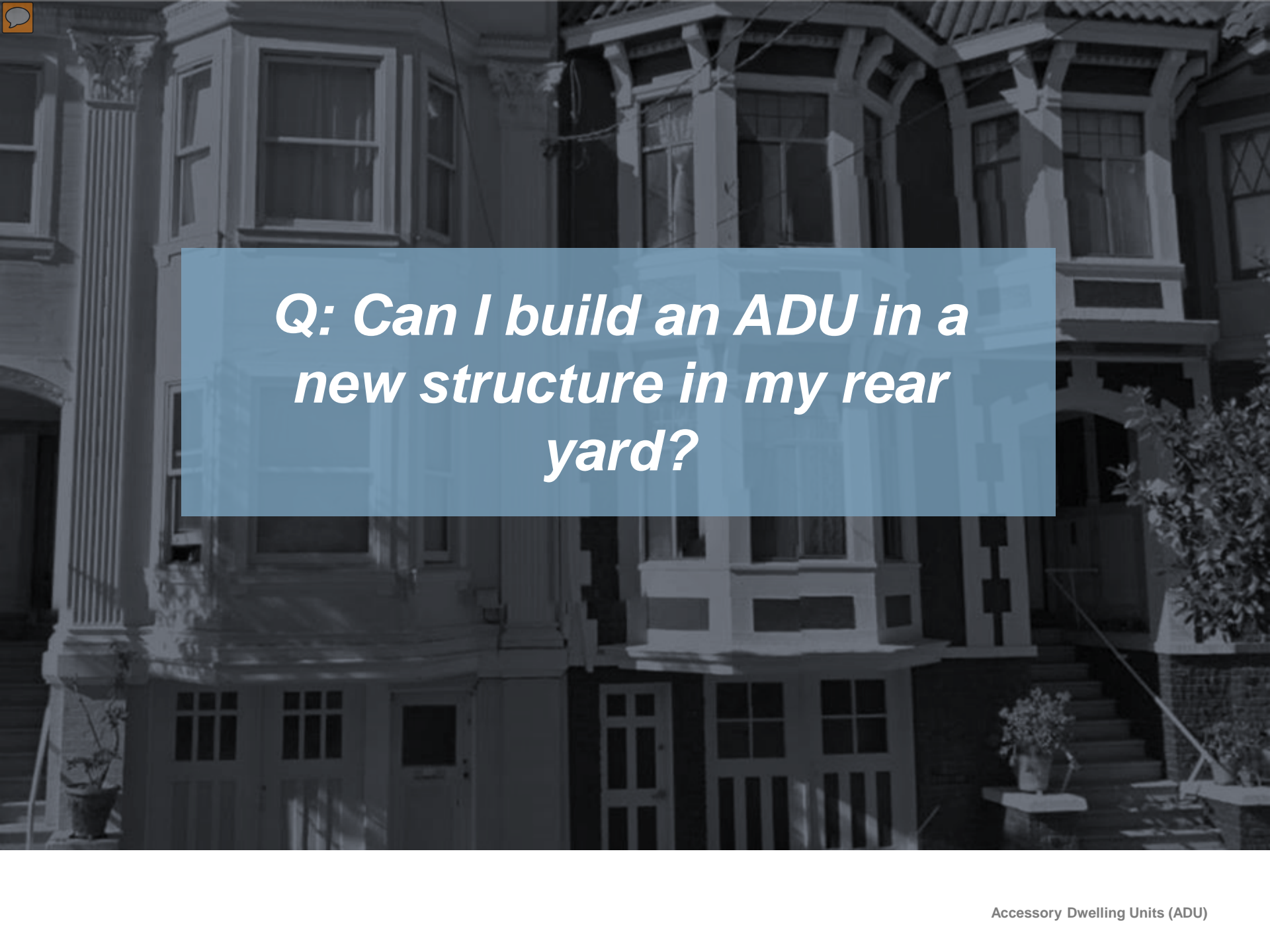
- ***Unit Legalization FAQ***
- ***G-17 Informational Bulletin***
- ***Screening Form***

***Counter 8, First Floor, 1660 Mission Street***



# Top Five Common ?s





***Q: Can I build an ADU in a new structure in my rear yard?***



***Q: Can I take out the garage  
parking spaces and add  
ADUs?***





***Q: Will my new ADU(s) be  
subject to rent control?***

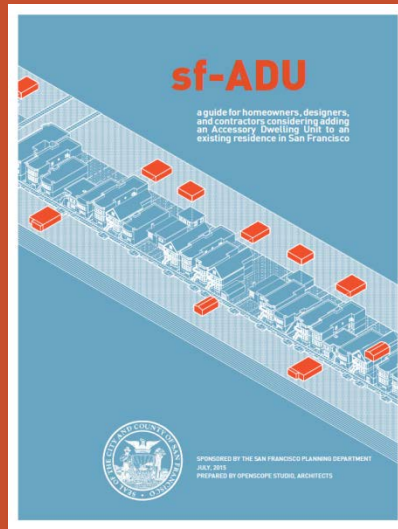


***Q: How many ADUs are  
allowed per building?***





***Q: Can I waive any of the  
Building Code requirements?***



# THANK YOU

*[www.sf-planning.org/ADU](http://www.sf-planning.org/ADU)*



**San Francisco**  
**Planning**