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
What is an accessory dwelling unit (ADU)?
A residential unit added to an existing residential building.

sfplanning.org/adu
Email: CPC.ADU@sfgov.org

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

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

- "Waiver" ADUs – all multi-unit 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 270(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 CFC.ADU@sfplanning.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.

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 (MSE or VSE) upgrades.

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

Where can I put an ADU on 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.
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
<table>
<thead>
<tr>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Accessory Dwelling Units (ADU)</strong></td>
</tr>
<tr>
<td><em>Some single-family homes will require waivers</em></td>
</tr>
<tr>
<td><strong>Within existing built envelope (as existed 3 years) or within additions permitted to incorporate ADU</strong></td>
</tr>
<tr>
<td><strong>ADUs created from underutilized space (storage, garage, boiler rooms, etc); &amp; 25% of ground floor/basement habitable space (unit)</strong></td>
</tr>
<tr>
<td><strong>Number of ADUs allowed: Varies depending on # of existing DU or concurrent seismic permit (see table next slide)</strong></td>
</tr>
<tr>
<td><strong>Rent controlled if the existing building is rent controlled (Costa Hawkins regulatory agreement)</strong></td>
</tr>
<tr>
<td><strong>Can obtain waivers from some Planning Code requirements: density, open space, rear yard and exposure</strong></td>
</tr>
<tr>
<td><strong>OMI evictions: 5-year wait period; certain other no-fault evictions: 10-year wait period</strong></td>
</tr>
</tbody>
</table>

*Some single-family homes will require waivers*
Number of ADUs

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

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

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

No administrative waivers from Planning Code requirements

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

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*
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.

1. Schedule an optional Pre-Application Meeting to discuss potential code issues with the DBI, Planning, and Fire (if your property is 2 or 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.
4. If your project is fully compliant, skip to step 9.
5. If your project is not compliant, you'll hear what needs to change.
6. Design professionals meet with City agencies to address needed changes.
7. Pay for your permit and pick it up.
8. If you need additional information, contact your public works representative.
9. Your permit is approved once it's compliant.

Find this ADU process, resources, and checklist at 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.


DBI Information Sheet 6-G-24: 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

<table>
<thead>
<tr>
<th>Planning</th>
<th>Public Works</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADU website: sfplanning.org/project/accessory-dwelling-units</td>
<td>This agency might need to review additional information.</td>
</tr>
<tr>
<td>Public Counter: ADU Planning Desk, Counter 38</td>
<td>Street tree website: sfpublicworks.org/plant-streettrees</td>
</tr>
<tr>
<td>1660 Mission, 5th Floor</td>
<td>Public Works ADU Checklist</td>
</tr>
<tr>
<td>Mon-Fri 8am to 4pm</td>
<td>Guidelines for work in the public right-of-way</td>
</tr>
<tr>
<td>Wed 3:30 to 4pm</td>
<td>Official property line maps and sidewalk widths</td>
</tr>
<tr>
<td>Email: <a href="mailto:sf.adu@sfgov.org">sf.adu@sfgov.org</a></td>
<td>Public Counter: Public Works, Counter 16 &amp; 17</td>
</tr>
<tr>
<td></td>
<td>1660 Mission, 5th Floor</td>
</tr>
<tr>
<td></td>
<td>Mon-Wed/Fri 9:30am to 11am</td>
</tr>
<tr>
<td></td>
<td>Public Counter: Bureau of Street &amp; Mapping Services Permit</td>
</tr>
<tr>
<td></td>
<td>1155 Market, 3rd Floor</td>
</tr>
<tr>
<td></td>
<td>Mon-Fri 7:30am to 5pm</td>
</tr>
<tr>
<td></td>
<td>Public Counter: Bureau of Urban Forestry</td>
</tr>
<tr>
<td></td>
<td>Street tree permit</td>
</tr>
<tr>
<td></td>
<td>1155 Market, 3rd Floor</td>
</tr>
<tr>
<td></td>
<td>Mon-Fri 10am to 4pm</td>
</tr>
<tr>
<td>ADU website: sfhlc.org/adu</td>
<td>Public Utilities Commission (PUC)</td>
</tr>
<tr>
<td>Information Sheet 6S website: sfhlc.org/information-sheets</td>
<td>Guidelines for water capacity charges for ADUs</td>
</tr>
<tr>
<td>Info Sheet 6-S: Local equivalencies for ADUs</td>
<td>General capacity charge information</td>
</tr>
<tr>
<td>Public Counter: Window 8</td>
<td>Process and info for requesting water service</td>
</tr>
<tr>
<td>1660 Mission, 1st floor</td>
<td>Public Counter: No. 18</td>
</tr>
<tr>
<td>Mon-Fri 8am to 4pm</td>
<td>1660 Mission, 5th Floor</td>
</tr>
<tr>
<td></td>
<td>Mon-Fri 10am to 3pm</td>
</tr>
<tr>
<td>Email: <a href="mailto:sfhlc.adu@sfgov.org">sfhlc.adu@sfgov.org</a></td>
<td></td>
</tr>
</tbody>
</table>

ADU page on SFPlanning: sfplanning.org/adu

Email: cpc.adu@sfgov.org
What is the Dwelling Unit Legalization Program?

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 (i.e., 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.
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 CPCADU@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 207.6(d) 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 Mergers.”

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 unlawful evictions filed after March 13, 2014 if the notice was served within ten years prior to the permit application being filed for legalization.

Email: cpc.adu@sfgov.org
ADU page on SFPlanning: sfplanning.org/adu
ADU Permitting Process

1. Schedule an optional Pre-Application Meeting to 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.

4. Multiple City agencies will review your application at once, while Planning processes regulatory agreements as needed.

(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.
## 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

### Property Information

<table>
<thead>
<tr>
<th>Project Address</th>
<th>Block</th>
<th>Lot</th>
<th>Zoning District</th>
<th>Historic Status (circle)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Contact Name</th>
<th>Email</th>
<th>Phone</th>
<th>Total Excavation</th>
<th>Cubic Yards</th>
<th>Max Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Dwelling Unit Count</th>
<th>Number of Stories</th>
<th>Bldg. Construction Type</th>
<th>Bldg. Occupancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>(S) per BR</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ADU proposed</td>
<td>(Y)</td>
<td>(N)</td>
<td>(S)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fire Sprinklers Present</th>
<th>Fire Alarm (Manual/Automatic)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Y/N)</td>
<td>(Y/N)</td>
</tr>
<tr>
<td>Areas Covered</td>
<td>Areas Covered</td>
</tr>
</tbody>
</table>

### Required applications and forms checklist

(to be reviewed & completed by a design professional)

<table>
<thead>
<tr>
<th>Step</th>
<th>Agency</th>
<th>Application or Form</th>
<th>This column to be filled out by Applicant (Y/N)</th>
<th>This column to be filled out by Staff (Y/N)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Item below to be submitted prior to building permit application</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. DBI (Window 8 at DBI's 1st floor) Print the G-23 ADU Screening Form, fill out and submit</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Items below are to be submitted with building permit application</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. DBI (1st floor) Pick up and fill out the Building Permit Application (hard-copy) N/A</td>
</tr>
<tr>
<td>3. Planning (Counter 38 at DBI's 5th floor) Fill out, print, and bring the Project Application</td>
</tr>
<tr>
<td>4. Building (Window 8 at DBI's 1st floor) Fill out ADU Checklist for Building review with Building staff</td>
</tr>
<tr>
<td>5. Fire (Window 4 at DBI's 1st floor) No additional forms or applications required for Fire N/A</td>
</tr>
<tr>
<td>6. Public Works Fill out and submit the Required Checklist for Tree Planting and Protection via email N/A</td>
</tr>
<tr>
<td>7. PUC Fill out and submit the Street Tree Application &amp; Guidelines via email N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DBI – Central Permit Bureau</th>
<th>Submit Building Permit Application along with this Checklist, applications, and forms, and pay initial fees</th>
</tr>
</thead>
</table>
Accessory Dwelling Units (ADU)

Legalization Process

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/fees 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):

Page 1 of 17

Technical Services Division
1660 Mission Street - San Francisco CA 94103
Office (415) 558-6205 - FAX (415) 558-6491 - www.sfdbi.org

LEGALIZATION OF UNAUTHORIZED UNITS CHECKLIST

Look up your property and zoning information on the Property Information Map.

<table>
<thead>
<tr>
<th>Project Address</th>
<th>Block</th>
<th>Lot</th>
<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Contact Name</td>
<td>Email</td>
<td>Phone</td>
<td>Historic Status (circle)</td>
</tr>
<tr>
<td>Dwelling Unit Count</td>
<td>Number of Stories</td>
<td>Total Excavation (feet)</td>
<td>Screening Form</td>
</tr>
</tbody>
</table>

(E) per (N) #DU: (E) (N)

(required prior to submission of permit application)

Checklist

Site Plan showing:
If exterior changes are proposed (extensions, stairs, decks, etc.), include separate existing and proposed site plans.

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: Distance the distance from the existing building to the property line and all other structures on the lot. Only if there is an existing front setback

Landscape and Permeable Surfaces: Show areas in required front setback. Only if removing off-street parking

Curb Cuts: If vehicle parking to be removed, show curb cut(s) to be removed and note "remove curb cut". Only if removing off-street parking

Street Trees: Indicate the location of existing and proposed street trees. Yes

Floor Plans: Existing and proposed for all floors, showing:
On all plans views, label the street names, rooms, and areas. Yes

Location of New Unit: New Unit address, and square footage 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

Toilets: Location of dedicated space for trash, recycling, and compost carts on private property and screened from public view. visit SFPUC.org for more information. Yes

Parking: Include dimensions and outline of all existing and proposed vehicle and bicycle parking. Yes

Building Elevations:
As stated in the Plan Submittal Guidelines, if there are any exterior changes proposed, provide separate existing and proposed elevations for only the building front(s) impacted to the work. Only if small modifications are proposed

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.
Accessory Dwelling Units (ADU)

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.
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.
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 Questions
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