



SAN FRANCISCO PLANNING DEPARTMENT

New Planning and Building Code Summary:

Planning, Building, Administrative, and Subdivision Codes – Legalization of Dwelling Units Installed without Permits

Code Changes:	New sections 207.3 in the Planning Code, Amendments to Section 311, New Section 106A.3.1.3 in the Building Code, Amendments to Section 37.7 of the Administrative Code, and Amendments to Section 1359 of the Subdivision Code.
Case Number:	Board File No. 13-1148
Initiated by:	Supervisor Chiu
Effective Date:	May 19th , 2014

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The Way It Was:

A significant number of dwelling units have been built in San Francisco without obtaining required permits. These units have been known as unauthorized or illegal units. If these units were beyond the density limits of a property, there was no path to legalize these units. If the City received complaints about the existence of such illegal unit, the owners had to remove the unit.

The Way It Is Now:

The new legislation amended the Planning, Building, Administrative and Subdivision codes to allow legalizing one illegal unit per lot, regardless of density on the lot.

- A pre-screening process is established with DBI through which DBI determines whether or not the unit is eligible for the program (i.e. is the unit “existing” per the ordinance, can the unit meet minimum Building Code Standards, etc.).
- The pre-screening process with DBI requires the applicant to submit: 1) documentation to prove that the unit existed prior to January 1, 2013 (through water bills, lease agreements, etc.), and 2) a report from a licensed contractor indicating how the unit would comply with the program.
- Building and Housing Code requirements remain relevant for these units except for some existing equivalencies.
- Only one unit per lot is allowed to pursue this new legalization process (whether or not legal nonconforming units already exist on the lot).
- Exemptions from Planning Code requirements include: Open space, rear yard, exposure, and parking reduction.
- Planning Code requirements that remain relevant: street tree requirement, permeable pavers for front setback, bicycle parking, etc.
- Section 311 has been modified to **not** require noticing for the addition of new unit(s) that do not expand the building envelope.

- Planning Department has to inquire from the Rent Board on whether or not specific no-fault evictions have occurred within the last 5 or 10 years (based on the type of eviction) before the application date, but no earlier than March 13, 2014.
- Pre-existing notices of violations should be temporarily suspended while the unit is going through legalization process and rescinded once the units is approved and legalized.
- Once the unit is legalized, it will be considered legal nonconforming use and will be placed on a master list of legalized units.
- Legalized units cannot be subdivided to be sold separately.
- The unit will remain rent control if the subject building was subject to rent control.
- Applications should be routed upstairs to the new Housing Planner IV.
- The Housing Planner IV will approve the projects or work with quadrant managers to assign a planner.

Link to signed legislation:

Board File No. 13- 1148	Ord. No. 0043-14	Planning, Building, Administrative, and Subdivision Codes - Legalization of Dwelling Units Installed Without a Permit
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