

ACCESSORY DWELLING UNITS (ADU) PROGRAM

FREQUENTLY ASKED QUESTIONS

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

Accessory Dwelling Units (ADUs), also called secondary units, in-law units, or cottages, are units added to existing residential buildings. Nationwide, cities have been adopting ADU programs into their local laws to allow underutilized areas such as parking, yards, storage, or boiler room space to be converted to new homes. San Francisco, first adopted its ADU program in 2014 for select districts. As of September 4, 2016, the Accessory Dwelling Unit program is available for use Citywide. Amendments effective June 11, 2017 have expanded participation for single family homes throughout the City.

1. What is an Accessory Dwelling Unit (ADU) as defined in the San Francisco Planning Code?

An ADU is a new dwelling unit added entirely within the existing built envelope, the “living area” as defined in State law, or the buildable area of an existing building in areas that allow residential use or within the existing built envelope or buildable envelope of an existing and authorized auxiliary structure on the same lot in areas where residential use is allowed. Some minor additions are permitted.

ELIGIBILITY

2. Where are ADUs allowed?

ADUs are permitted in all districts that allow residential use.

3. How many ADUs are allowed per building?

In buildings with four or less existing units, you are permitted to add one ADU. In buildings with five or more existing units, you may add as many ADUs as fit and meet all planning and building code controls.

4. When and where ADUs are not allowed?

The program can't be used in buildings that have had owner move-in evictions in the last five years or other no-fault evictions in the last 10 years, prior to the permit application. This prohibition does not apply to ADUs in single family homes where no waiver is required.

Also, ADUs cannot take space from an existing residential unit except in single-family homes, where no waivers are required to add the ADU. Additionally, an ADU will not be permitted if it removes space from ground floor retail or commercial space in Neighborhood Commercial Districts or in Chinatown Business or Visitor Retail District.

5. Where in the building can you put them?

In single-family homes and multi-unit buildings that need waivers for open space, rear yard and/or exposure, ADUs must be constructed within the existing built envelope or existing, authorized auxiliary structures on the site, as they existed three years prior to application. In single-family homes that don't need waivers for open space, rear yard or exposure, ADUs can be constructed from existing living area and within the buildable area of the lot. Conversions of garages and storage rooms are the most common.

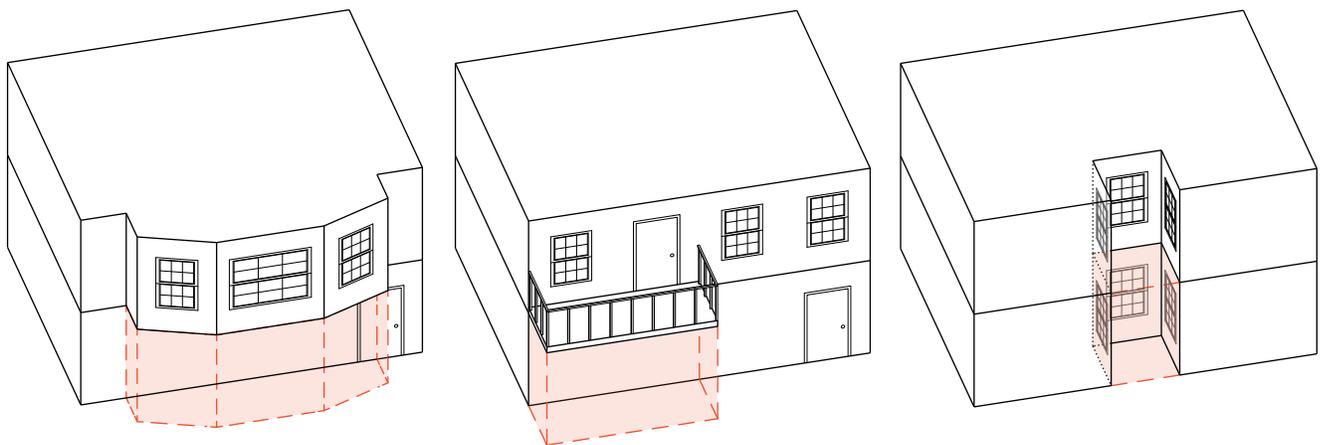
DESIGN

6. What does “existing built envelope” mean?

The existing built envelope is the area within the walls of an existing building as it has existed three years prior to the ADU permit application. For the purpose of the ADU program, minor expansions are allowed as follows:

1. Under cantilevered or column supported rooms.
2. Under decks that are no more than 10 feet in height above grade.
3. As infill into light wells if not visible from anywhere off-site, and are against a blank neighboring wall.

These expansions cannot encroach onto the required rear yard. Also, any of these expansions require Neighborhood Notification under Planning Code Section 311 or 312.



1. Under cantilevered room

2. Under deck

3. As infill into light wells

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

Only if you are simultaneously undergoing full seismic retrofitting of the entire building. In this case, you may raise the building up to three feet to create ground floor ceiling heights suitable for residential use. Design review and historic preservation review may be required.

PERMITTING

8. Can I get my ADU permit over the counter?

No. A permitting intake process by San Francisco Planning is required for all ADU permits. Other agencies may additionally require intake review.

9. What impact fees apply to ADU construction?

The impact fees for ADU construction are the childcare fees and all impact fees listed in the associated area plan. These are due when the building permit is issued by the Department of Building Inspection (DBI). There are additional to the intake fees for the permit application, and permit issuance fees. Check our website for current rates for Impact Fees and DBI fees.

10. Is any Neighborhood Notification required when adding an ADU?

Usually, no. Neighborhood Notification under Planning Code Section 311 or 312 is only required if you are expanding (per questions 5 and 6). For multi-unit buildings and single family homes that require waivers to add the ADU, minor expansion is permitted within the built envelope (see question 6). In single family homes that do not require waivers to add the ADU, expansion is permitted within the buildable area of the lot (see question 5).

CODE REQUIREMENTS

11. Can I waive any of the Building Code requirements?

No. 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. Please also see Administrative Bulletin FS-05 for information on sprinkler requirements on the ground floor. For more on building code requirements, please visit DBIs website at <http://sfdbi.org/UnitAddition>

12. What Planning Code requirements can I waive?

The Zoning Administrator may waive rear yard, parking, open space, and density requirements, and may reduce the amount of exposure required for the dwelling unit, except in ADUs for single family homes where no waivers are allowed.

13. What is the exposure requirement reduction?

Standard Planning Code requirements state that units must face a code-compliant rear yard, street, or an 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 so that qualifying windows may face an open area that is no less than 15' x 15' at any floor, as illustrated below. Any exposure that is less than 15' x 15' must request a variance through the standard variance process.



14. Are there Planning Code requirements I can't waive?

All Planning Code requirements must be met for bike parking, permeability and landscaping in your front setback, and street trees (under the regulations of Public Works).

RENTAL AND SALE

15. Will my new unit be rent controlled?

If the existing building is rent controlled, and Zoning Administrator grants Planning Code (administrative) waivers, the new unit will also be rent controlled. A regulatory agreement will be created adding the new ADU under rent control.

16. Can you use an ADU for a short term rental?

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

17. When can I subdivide and sell my ADU?

You may sell the ADU if it is added to a building, without an existing rental unit, that was already a condominium three years prior to July 11, 2016.

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

TIMELINE and PROCESS

18. How long does the permit process take?

Currently the permit review process can take four to six months. Applications that will require Neighborhood Notifications, variances, or a conditional use permit, will likely take six months or more. The timeline is 120 days for single family homes where no waivers are required to add the ADU and no expansion is proposed.

19. What is the process for getting my unit permitted and built?

-  **1** Visit the Planning Information Center (PIC) at 1660 Mission Street or email CPC.ADU@sfgov.org.
The PIC provides basic information about eligibility and will walk you through the ADU application process.
-  **2** Submit a Screening Form to the Department of Building Inspection (DBI).
Submit in-person or by mail to 1660 Mission Street, 1st floor, Counter 8. This form confirms your eligibility for adding units under the ADU program:
 - Ordinance No. 162-16 and No. 95-17 for Citywide ADU program
-  **3** Prepare your construction drawings.
Work with your architect or contractor to design your new unit(s).
Prepare construction drawings that meet Planning Code regulations.

RECOMMENDED

Hold a DBI/Fire Pre-Application Meeting.
This meeting is recommended to discuss any potential code issues with your design. Visit the Public Information Center at DBI to schedule an appointment (certain fees apply).
-  **4** Review and submit your building permit application.
This permit application requires two full sets of drawings.
Before you submit your applications, review all your documents with a planner at the Planning Information Center.

5 San Francisco Planning reviews your drawings.



The planner assigned to review your drawings will contact you with any required revisions. In this case, you may need to revise and resubmit your drawings.



IF APPLICABLE
Get Zoning Administrative Waivers for Code Requirements.
Waivers are permitted for reduced rear yard, open space, density, parking, and limited exposure requirements. The Zoning Administrator must sign off on these waivers.

IF APPLICABLE
Execute a Costa Hawkins Waiver for Rent Control.
If your ADUs are constructed under this program in a rent-controlled building they are also subject to rent controls. This waiver subjects the units to rent control.

6 The Planning Department approves your drawings.



Once drawings are approved by Planning, they are sent to the Department of Building Inspection.

7 The Department of Building Inspection reviews your drawings.



Your drawings will be reviewed for compliance with the San Francisco Building Code. Again, you may need to revise and resubmit your drawings. The optional pre-application meeting helps to ensure your building meets code requirements.



IF 3+ TOTAL UNITS
The Fire Department Reviews Your Drawings.
If your building contains three or more units (including the additional ADUs), your drawings will also need to be reviewed by the Fire Department.

8 Your building permit is issued.



You may now begin construction, but your project is not fully approved until electrical and plumbing permits are issued.

9 Obtain electrical and plumbing permits.

These permits are often available online from your contractors.

Construction

10 Certificate of final completion is issued.



Building inspections are conducted and a certificate of final completion is issued.

11 Tenants can 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:

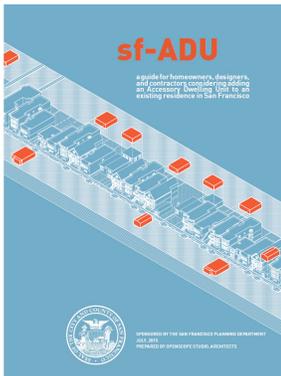
Find out if your building is under rent control by contacting at the San Francisco Tenants Union at www.sftu.org/rentcontrol or learn more about Rent Control from the San Francisco Rent Board at www.sfrb.org

Historic Preservation:

Depending on the age of your building and its historic resource status, your ADU may be subject to historic preservation review. You can find the historic status of your property at the Property Information Map. Visit <http://sf-planning.org/historic-preservation-faqs> for more information.

Building Code Requirements:

All life safety requirements under the San Francisco Building Code must all be met during ADU construction. These requirements can affect the design of your ADU and should be considered from the beginning of the program. Please visit <http://sfdbi.org/UnitAddition> for more information.



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>.

Fact Sheet:

- "ADU Program: Basics for Small Property Owners"
- Department of Building of Inspection Information Sheet NO.G-23

CONTACT THE PLANNING INFORMATION CENTER

1660 Mission Street, First Floor
San Francisco, CA

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