

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 sf-planning.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, visit the Planning Information Counter, or email 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.

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.

* 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 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 an existing garage, laundry room or storage space that is part of a tenancy subject to the Rent Ordinance, the property owner will need a “just cause” reason specified in the Rent Ordinance Section 37.9(a) to sever such a space from the tenancy. It is recommended to 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, parking, open space, and density requirements, and may reduce the amount of exposure 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 15’ x 15’ at any floor. Any exposure that is less than 15’ x 15’ 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 bicycle parking, permeability and landscaping in your front setback, and street trees (under the regulation of Public Works).

Building Code

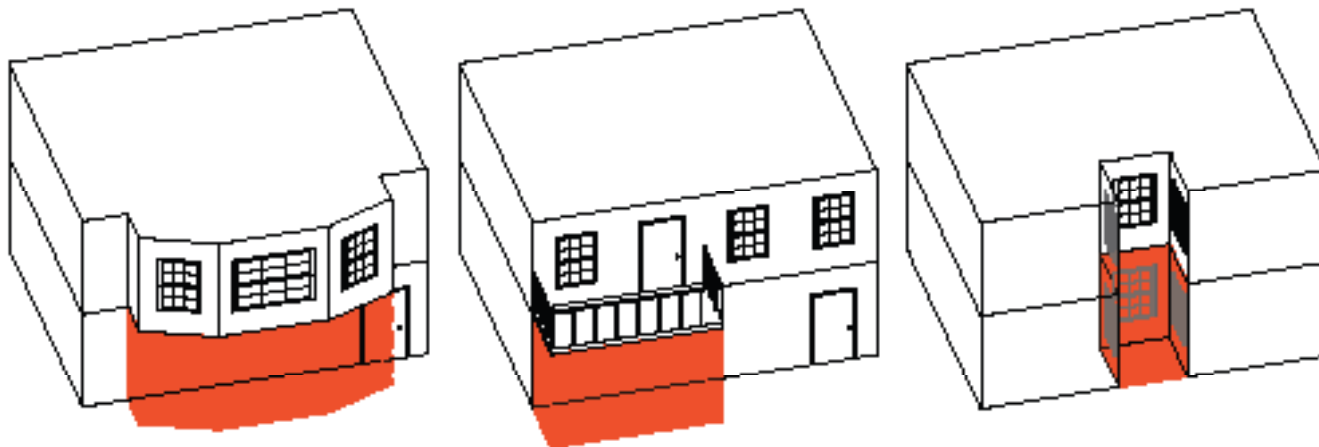
All Building Code requirements must be met, including ceiling height, proper ventilation, light, fire safety, and egress. However, a pre-application meeting with the Department of Building Inspection and the Fire Department can determine if there are applicable equivalencies for meeting the Building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

Design: What’s an existing built envelope?

Under the “Waiver” ADU Program, ADUs must be constructed 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, with the exception of the following minor expansions:

1. Under cantilevered or column supported rooms that existed as of July 11, 2016.
2. Under decks that are no more than 10 feet in height above grade that existed as of July 11, 2016.
3. As infill into light wells if not visible from anywhere off-site, and if against a blank neighboring wall.

These minor expansions are permitted so long as they do not encroach into the required rear yard.



1. Under cantilevered room

2. Under deck

3. As infill into light wells

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.

Will my ADU be rent controlled?

Under the “No-Waiver” Program, it is possible that a new ADU may not be subject to rent control but may be subject to other components of the Rent Ordinance such as eviction controls. If the project falls under the “Waiver” Program, the ADU 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?

The “Waiver” ADU Program cannot be used in 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?

ADU permits cannot be issued over the counter. Currently, the permit review process for the "Waiver" ADU Program can take several months. Applications that require variances will likely take six months or more. There is no neighborhood notification requirement for adding an ADU under the "Waiver" program, unless a variance is being sought.


Fees

There are fees for the permit application and issuance. Check our website for current rates for Building Permit Applications at http://forms.sfplanning.org/Fee_Schedule.pdf


When gross floor area increases, impact fees may be required. Applicable impact fees for ADU construction are generally the childcare impact fees (Planning Code Section 414A), which are due when the building permit is issued by the Department of Building Inspection (DBI). There may be additional site-specific impact fees if the property is located in a plan area or in certain zoning districts. Check our website for current rates for Impact Fees at sf-planning.org/impact-fees.

Next Steps

- 1 Visit the Planning Information Center (PIC) at 1660 Mission Street, email CPC.ADU@sfgov.org, or call (415) 558-6377.

 Staff at PIC can provide 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). This form confirms your eligibility for adding units under the ADU Program Ordinance No. 162-

 16. You can submit this form in-person or by mail to:
1660 Mission Street, 1st floor, Counter 8.
- Ordinance No. 162-16

- 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.





Hold a DBI/Fire Pre-Application Meeting.

RECOMMENDED

We recommend that you hold this meeting at this time to discuss any potential code issues relating to 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 sets of drawings. Before you submit your applications, review all your documents with a planner at the Planning Information Center. The Planning Department's [Permit Intake Checklist](#) for ADUs is a useful guide in preparation of plans and required information, and is available on our website.


-  **5** San Francisco Planning Department reviews your drawings and permit application. The assigned planner will contact you with any required revisions. If revisions are requested, you will need to revise and resubmit your drawings through the Building Department.


Zoning Administrative Waivers for Code Requirements.

The Zoning Administrator must approve any necessary waivers from the rear yard, open space, density, 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 Department of Building Inspection for their review and approval.

-  **7** The Department of Building Inspection (DBI) reviews your drawings and permit application. Your drawings will be reviewed for compliance with the San Francisco Building Code. It is recommended that you schedule an optional pre-application meeting to help ensure your building meets code requirements. Other agencies, such as Public Works and the Public Utilities Commission, may also review the permit.


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** 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 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, adding an ADU may require historic preservation review, if the project includes changes to the front facade of the building. 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 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.

Questions? Please Contact:

The Planning Information Center
1660 Mission Street, First Floor
San Francisco, CA 94103
Phone: (415) 558 - 6377
Email: CPC.ADU@sfgov.org

Department of Building Inspection's ADU Counter
1660 Mission, First Floor, Counter 8
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