

File No. 250892

Committee Item No. 10

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Land Use and Transportation

Date: October 27, 2025

Board of Supervisors Meeting:

Date: _____

Cmte Board

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Prepared by: John Carroll

Date: October 24, 2025

Prepared by: _____

Date: _____

Prepared by: _____

Date: _____

[Planning, Business and Tax Regulations Codes - State-Mandated Accessory Dwelling Unit Program]

Ordinance amending the Planning Code and Business and Tax Regulations Code to modify the City’s State-mandated Accessory Dwelling Unit (“ADU”) approval process and conform to changes to State ADU law, including by removing any appeal to the Board of Appeals, and increasing size limits for certain detached, new construction ADUs on a lot containing a single-family dwelling; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Environmental and Land Use Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 250892 and is incorporated herein by reference. The Board affirms this determination.

(b) On October 23, 2025, the Planning Commission, in Resolution No. 21850, adopted

1 findings that the actions contemplated in this ordinance are consistent, on balance, with the
2 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
3 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
4 Board of Supervisors in File No. 250892, and is incorporated herein by reference.

5 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
6 amendments will serve the public necessity, convenience, and welfare for the reasons set
7 forth in Planning Commission Resolution No. 21850, and the Board adopts such reasons as
8 its own. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File
9 No. 250892 and is incorporated herein by reference.

10
11 Section 2. Article 2 of the Planning Code is hereby amended by revising Section
12 207.2, to read as follows:

13
14 **SEC. 207.2. STATE MANDATED ACCESSORY DWELLING UNIT PROGRAM.**

15 (a) **Exception to Dwelling Unit Density Limits for Certain Accessory Dwelling**
16 **Units Under the State-Mandated Program.** An exception to the calculations under Section
17 207 of this Code shall be made for Accessory Dwelling Units ("ADUs") and Junior Accessory
18 Dwelling Units ("JADUs"), as defined in Section 102 of this Code, meeting the requirements of
19 this Section 207.2 and ~~The purpose of this Section 207.2 is to implement California California~~
20 Government Code Sections 66314 and through 66333, which require ministerial consideration
21 of ADUs and JADUs that meet certain standards.

22 (b) **Applicability.** This Section 207.2 shall apply to the construction of ADUs and
23 JADUs in or attached to existing or proposed dwellings, or in a detached structure on the same
24 lot, if the ADU meets the applicable requirements of this Section 207.2 and California
25 Government Code Sections 66314 through 66333. An ADU constructed pursuant to this Section

207.2 is considered a residential use that is consistent with the General Plan and the zoning designation for the lot. Adding an ADU or JADU in compliance with this Section 207.2 does not exceed the allowable density for the lot. ~~Unless otherwise specified, for purposes of this Section 207.2, a “detached” structure or ADU shall not share structural walls with the primary structure on the lot. If construction of the ADU will not meet the requirements of this Section, the ADU is regulated pursuant to Section 207.1 and not this Section 207.2.~~ Planning Director Bulletin No. 3, entitled “State Accessory Dwelling Unit Program,” sets forth a comprehensive list of State and local requirements applicable to ADUs approved under this Section 207.2.

~~(c) **General Controls on Construction.** An ADU constructed pursuant to this Section 207.2 shall meet all of the following:~~

~~(1) The ADU must have independent exterior access from the existing or proposed primary dwelling or existing accessory structure, and side and rear setbacks sufficient for fire safety.~~

~~(2) For projects involving a property listed in the California Register of Historic Places, or a property designated individually or as part of a historic or conservation district pursuant to Article 10 or Article 11, the ADU or JADU shall comply with any objective architectural review standards adopted by the Historic Preservation Commission to prevent adverse impacts to such historic resources. Such projects shall not be required to obtain a Certificate of Appropriateness or a Permit to Alter.~~

~~(3) All applicable requirements of San Francisco’s health and safety codes shall apply, including but not limited to the Building and Fire Codes.~~

~~(4) No parking is required for the ADU.~~

~~(c) **Specific Controls for Hybrid**~~ **Streamlined ADUs Under Government Code Sections 66323 and 66333.** ~~The purpose of this subsection 207.2(d) is to implement~~ California Government Code Sections 66323 and 66333, ~~which~~ require ministerial consideration of ADUs and JADUs that meet certain standards (“Hybrid Streamlined ADUs”). ~~California Government Code Section~~

~~66323 authorizes the City to impose objective standards, including, but not limited to, design, development, and historic standards, on ADUs approved under this subsection 207.2(d). ADUs and JADUs shall strictly meet the requirements set forth in this subsection 207.2(d), and all other applicable Planning Code standards, including open space, exposure, buildable area, and other standards, without requiring a waiver of Code requirements pursuant to subsection 207.1(g); provided, however, that adding an ADU or JADU in compliance with this subsection 207.2(d) does not exceed the allowable density for the lot.~~ The City shall approve Streamlined ADUs and JADUs meeting the following requirements, in addition to the requirements of ~~subsection 207.2(b) and any other applicable standards~~ Government Code Sections 66323 and 66333:

(1) A detached, new construction Streamlined ADU on a lot containing a proposed or existing single-family dwelling shall not exceed the applicable height limit contained in subsection 207.2(d)(9), and shall be no greater than 850 square feet in Gross Floor Area for an ADU that provides one bedroom or less, and no greater than 1,000 square feet in Gross Floor Area for an ADU that provides more than one bedroom.

(2) A detached, new construction Streamlined ADU on a lot containing a proposed or existing multifamily dwelling shall not exceed the applicable height limit contained in subsection 207.2(d)(9).

~~(1) ADUs and JADUs within proposed space of a proposed single-family dwelling or within existing space of a single-family dwelling or accessory structure meeting the following conditions:~~

~~(A) The lot on which the ADU or JADU is proposed contains an existing or proposed single-family dwelling.~~

~~(B) Only one detached ADU, and one JADU, are permitted per lot in addition to an ADU permitted under this subsection 207.2(d)(1).~~

~~(C) Each proposed ADU and JADU includes an entrance that is separate from~~

1 ~~the entrance to the existing or proposed dwelling.~~

2 ~~(D) Side and rear setbacks will be sufficient for fire safety.~~

3 ~~(E) If an ADU is proposed, it will be within the existing space of a single family~~
4 ~~dwelling or accessory structure, or within the space of a proposed single family dwelling, or it will~~
5 ~~require an addition of no more than 150 square feet to an existing accessory structure to accommodate~~
6 ~~ingress and egress.~~

7 ~~(F) If a JADU is proposed, it meets the requirements of Planning Code Section~~
8 ~~102 and California Government Code Section 66333.~~

9 ~~(2) Detached, new construction ADUs on a lot containing a proposed or existing~~
10 ~~single family dwelling meeting the following conditions:~~

11 ~~(A) The lot on which the detached ADU is proposed contains an existing or~~
12 ~~proposed single family dwelling.~~

13 ~~(B) The lot on which the ADU is proposed does not contain more than one other~~
14 ~~ADU and one JADU.~~

15 ~~(C) The proposed ADU is detached from the single family dwelling and any~~
16 ~~other structure.~~

17 ~~(D) The proposed ADU is new construction.~~

18 ~~(E) The proposed ADU is located at least four feet from the side and rear lot~~
19 ~~lines, is no greater than 800 square feet in Gross Floor Area, and does not exceed the applicable height~~
20 ~~limit contained in subsection 207.2(e)(9).~~

21 ~~(3) ADUs within existing space of a multifamily dwelling meeting the following~~
22 ~~conditions:~~

23 ~~(A) The lot on which the ADU is proposed contains an existing multifamily~~
24 ~~dwelling.~~

25 ~~(B) The ADU is proposed within a portion of the multifamily dwelling structure~~

1 ~~that is not used as livable space, including but not limited to storage rooms, boiler rooms,~~
2 ~~passageways, attics, basements, or garages.~~

3 ~~(C) The total number of ADUs within the dwelling structure would not exceed~~
4 ~~25% of the existing number of primary dwelling units within the structure, provided that all multifamily~~
5 ~~dwelling structures shall be permitted to have at least one ADU pursuant to this subsection 207.2(d)(3)~~
6 ~~if all other applicable standards are met.~~

7 ~~(4) Detached, new construction ADUs on a lot containing a proposed or existing~~
8 ~~multifamily dwelling meeting the following conditions:~~

9 ~~(A) The lot on which the ADU is proposed contains a proposed or existing~~
10 ~~multifamily dwelling.~~

11 ~~(B) The proposed ADU is detached from the multifamily dwelling.~~

12 ~~(C) The proposed ADU is located at least four feet from the side and rear lot~~
13 ~~lines, except that if the existing multifamily dwelling has a side or rear setback of less than four feet,~~
14 ~~modification of the existing multifamily dwelling shall not be required as a condition of approving a~~
15 ~~proposed ADU that otherwise satisfies the requirements of this subsection 207.2(e)(4).~~

16 ~~(D) The proposed ADU does not exceed the applicable height limit contained in~~
17 ~~subsection 207.2(e)(9).~~

18 ~~(E) No more than two ADUs shall be permitted per lot pursuant to this~~
19 ~~subsection 207.2(e)(4).~~

20 ~~(de) **Specific Controls for Attached and All Other State-Mandated ADUs.**~~ The purpose of
21 this subsection 207.2(de) is to implement California Government Code Sections 66314 through
22 66333, which require streamlined, ministerial approval of ADUs meeting certain standards that
23 are not eligible for approval under California Government Code Section 66323 (“State ADUs”). An
24 ADU located on a lot that is zoned for single-family or multifamily use and contains an existing
25 or proposed dwelling, and that is constructed pursuant to this subsection 207.2(de), shall meet

1 all of the following requirements, in addition to the requirements of subsection 207.2(b) and
2 any other applicable standards; provided, however, that the City shall not impose any
3 requirement for a zoning clearance or separate zoning review, any minimum or maximum size
4 for an ADU, any size based upon a percentage of the proposed or existing primary dwelling,
5 or any limits on lot coverage, floor area ratio, open space, front setbacks, and minimum lot
6 size, for either attached or detached dwellings, that does not permit construction of an ADU
7 meeting all other requirements that is 800 square feet or less in Gross Floor Area, 16 feet or
8 less in height, and with four foot side and rear yard setbacks. ADUs under this subsection
9 207.2(de) shall meet the following conditions:

10 (1) Only one ADU will be constructed.

11 (2) The ADU will be located on a lot that is zoned for single-family or
12 multifamily use and contains an existing or proposed dwelling.

13 (3) The lot on which the ADU is proposed does not contain another ADU or
14 JADU.

15 (4) The ADU is either (A) attached to or will be constructed entirely within the
16 proposed or existing primary dwelling, including attached garages, storage areas, or similar
17 uses, or an accessory structure on the same lot, or (B) attached to or will be constructed
18 entirely within a proposed or legally existing detached structure on the same lot, or (C)
19 detached from the proposed or existing primary dwelling and located on the same lot as the
20 proposed or existing primary dwelling.

21 (5) Size Limits.

22 (A) Attached ADU Size Limit. If there is an existing primary dwelling, the
23 Gross Floor Area of an attached ADU that provides one bedroom or less shall not exceed
24 50% of the Gross Floor Area of the existing primary dwelling or 850 square feet, whichever is
25 greater. If there is an existing primary dwelling, the Gross Floor Area of an attached ADU that

provides more than one bedroom shall not exceed 50% of the Gross Floor Area of the existing primary dwelling or 1,000 square feet, whichever is greater.

~~(6)~~—**(B) Detached ADU Size Limit.** The Gross Floor Area of a detached ADU that provides one bedroom or less shall not exceed 850 square feet. The Gross Floor Area of a detached ADU that provides more than one bedroom shall not exceed 1,000 square feet.

~~(6)~~ **Passageway.** *No passageway shall be required in conjunction with construction of an ADU.*

(7) Setbacks. No setback is required for an ADU located within an existing living area or an existing accessory structure, or an ADU that replaces an existing structure and is located in the same location and constructed to the same dimensions as the structure being replaced. A setback of no more than four feet from the side and rear lot lines shall be required for an ADU that is not converted from either an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure; provided, however, that for an ADU that is part of new construction, such setback shall be required only for the portions of the ADU outside of the buildable area of the lot.

(8) Garages. When a garage, carport, or covered parking structure is proposed to be demolished in conjunction with the construction of an ADU or converted to an ADU, replacement of those off-street parking spaces is not required; and a permit to demolish a detached garage that is to be replaced with an ADU shall be reviewed with the application to construct the ADU and issued at the same time.

(9) Height limits. The ADU shall not exceed the following height limits:

(A) A height of ~~18~~6 feet for a detached ADU on a lot with an existing or proposed dwelling. *An additional two feet in height is allowed to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.*

~~(B)~~ *A height of 18 feet for a detached ADU on a lot with an existing or*

1 ~~proposed dwelling that is within one-half of one mile walking distance of a major transit stop or a high-~~
2 ~~quality transit corridor, as defined in Section 21155 of the California Public Resources Code. An~~
3 ~~additional two feet in height shall be permitted to accommodate a roof pitch on the ADU that is aligned~~
4 ~~with the roof pitch of the primary dwelling.~~

5 ~~(C) A height of 18 feet for a detached ADU on a lot with an existing or~~
6 ~~proposed multifamily, multi-story dwelling.~~

7 ~~(BD) A height of 25 feet or the applicable height limit for the primary~~
8 ~~dwelling, whichever is lower, for an ADU that is attached to the primary dwelling, except that the~~
9 ~~ADU shall not exceed two stories.~~

10 (10) **Historic Resources.** For projects involving a property listed in the California
11 Register of Historic Places, or a property designated individually or as part of a historic or
12 conservation district pursuant to Article 10 or Article 11 of this Code, the ADU or JADU shall comply
13 with any objective architectural review standards adopted by the Historic Preservation Commission to
14 prevent adverse impacts to such historic resources. Such projects shall not be required to obtain a
15 Certificate of Appropriateness or a Permit to Alter.

16 ~~(ef)~~ **Permit Application Review and Approval.** No requests for discretionary review
17 shall be accepted by the Planning Department for an ADU or JADU meeting the requirements
18 of this Section 207.2. The Planning Commission shall not hold a public hearing for
19 discretionary review of an ADU or JADU meeting the requirements of this Section 207.2. An
20 ADU or JADU meeting the requirements of this Section 207.2 shall not be subject to the
21 notification or review requirements of Section 311 of this Code.

22 ~~(g) **Appeal.** The procedures for appeal to the Board of Appeals of a decision by the~~
23 ~~Department under this Section 207.2 shall be as set forth in Section 8 of the Business and Tax~~
24 ~~Regulations Code.~~

25 ~~(fh)~~ **Prohibition of Short-Term Rentals.** An ADU or JADU authorized under this

1 Section 207.2 shall not be used for Short-Term Residential Rentals under Chapter 41A of the
2 Administrative Code.

3 (~~g~~) **Rental; Restrictions on Subdivisions.** An ADU or JADU constructed pursuant
4 to this Section 207.2 may be rented and is subject to all applicable provisions of the
5 Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative
6 Code). Notwithstanding the provisions of Article 9 of the Subdivision Code, a lot with an ADU
7 or JADU authorized under this Section 207.2 shall not be subdivided in a manner that would
8 allow for the ADU or JADU to be sold or separately financed pursuant to any condominium
9 plan, housing cooperative, or similar form of separate ownership, except that this prohibition
10 on separate sale or finance of the ADU shall not apply to an ADU that meets the requirements
11 of either: California Government Code Section ~~66333(f)~~66341, or Section 207.4 and
12 Subdivision Code Section 1316.

13 (~~h~~i) **Recordation for Junior ADUs.** The following restrictions shall be recorded as a
14 Notice of Special Restriction, as required by California Government Code Section 66333(c),
15 on the subject lot on which a JADU is constructed under this Section 207.2 and shall be
16 binding on all future owners and successors in interest:

17 (1) Notwithstanding the provisions of Article 9 of the Subdivision Code, a lot
18 with a JADU authorized under this Section 207.2 shall not be subdivided in a manner that
19 would allow for the JADU to be sold or separately financed pursuant to any condominium
20 plan, housing cooperative, or similar form of separate ownership, except that this prohibition
21 on separate sale or finance of the JADU shall not apply to a JADU that meets the
22 requirements of California Government Code Section 66333(f).

23 (2) The size and attributes of a JADU constructed pursuant to this Section
24 207.2 shall comply with the requirements of this Section 207.2 and California Government
25 Code Section 66333.

1 (i~~k~~) **Department Report.** ~~In addition to the information required by subsection~~
2 ~~207.1(i)(3), As part of the annual Housing Inventory, the Department shall include a description and~~
3 ~~evaluation of the number and report the~~ types of units being developed pursuant to this Section
4 207.2, their affordability rates, and such other information as the Director or the Board of
5 Supervisors determines would inform decision-makers and the public.

6 (i~~l~~) **Fees.** No impact fees shall be imposed on ADUs or JADUs authorized under this
7 Section 207.2, where the ADU or JADU is smaller than 750 square feet of Gross Floor Area,
8 or for ADUs that are proposed in lots with three existing units or fewer. Impact fees for all
9 other ADUs shall be imposed proportionately in relation to the Gross Floor Area of the primary
10 dwelling unit.

11
12 Section 3. Article 1 of the Business and Tax Regulations Code is hereby amended by
13 revising Sections 8 and 26, to read as follows:

14
15 **SEC. 8. METHOD OF APPEAL TO THE BOARD OF APPEALS.**

16 * * * *

17 (e) Appeals shall be taken by filing a notice of appeal with the Board of Appeals and
18 paying to said Board at such time a filing fee as follows:

19 * * * *

20 (9) **Additional Requirements.**

21 * * * *

22 (C) Except as otherwise specified in this subsection (e)(9)(C), the Board
23 of Appeals shall fix the time and place of hearing, which shall be not less than 10 nor more
24 than 45 days after the filing of said appeal, and shall act thereon not later than 60 days after
25 such filing or a reasonable time thereafter.

* * * *

~~(iii) — In the case of a decision on a permit application made pursuant to Planning Code Section 207.2, the Board of Appeals shall set the hearing not less than 10 days after the filing of said appeal, shall act thereon not more than 30 days after such filing, and shall not entertain a motion for rehearing.~~

(iii) In the case of a decision on a permit or determination of compliance regarding a homeless shelter located on City owned or leased property during a declared shelter crisis, the Board of Appeals shall set the hearing not less than 10 days after the filing of said appeal, shall act thereon not more than 30 days after such filing, and shall not entertain a motion for rehearing.

* * * *

SEC. 26. FACTS TO BE CONSIDERED BY DEPARTMENTS.

* * * *

~~(f) Notwithstanding subsection (a), the provisions of Planning Code Section 207.2 shall govern actions taken on the granting, denial, amendment, suspension, and revocation of permits regulated under that Section 207.2, not the standards set forth in subsection (a) of this Section 26.~~

Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

1 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
2 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
3 additions, and Board amendment deletions in accordance with the “Note” that appears under
4 the official title of the ordinance.

5
6 Section 6. Directions to Clerk. The Clerk of the Board of Supervisors is hereby
7 directed to submit a copy of this ordinance to the California Department of Housing and
8 Community Development within 60 days after adoption pursuant to Section 65852.2(h) of the
9 California Government Code.

10
11 APPROVED AS TO FORM:
12 DAVID CHIU, City Attorney

13 By: /s/ Peter Miljanich
14 PETER MILJANICH
Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning, Business and Tax Regulations Codes - State-Mandated Accessory Dwelling Unit Program]

Ordinance amending the Planning Code and Business and Tax Regulations Code to modify the City's State-mandated Accessory Dwelling Unit ("ADU") approval process and conform to changes to State ADU law, including by removing any appeal to the Board of Appeals, and increasing size limits for certain detached, new construction ADUs on a lot containing a single-family dwelling; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

Existing Law

Planning Code Section 207.2 establishes a state-mandated, ministerial Accessory Dwelling Unit (ADU) approval process for ADUs that meet certain state law requirements. The State-mandated approval process is divided into two categories: (1) the "State ADU" program, under which property owners may obtain approval of a single ADU subject to a combination of local and state law development standards; and (2) the "Hybrid ADU" program, under which property owners may in some cases seek approval of multiple ADUs that are generally subject to minimal State development standards and a more restrictive set of local development standards. California Government Code Section 66323, subdivision (g) previously authorized the City to impose these more restrictive local development standards on Hybrid ADUs.

Business and Tax Regulations Code Sections 8 and 26 set forth specific procedures for appeal of permitting decisions involving state-mandated ADUs under Planning Code section 207.2.

Amendments to Current Law

California Assembly Bill 130, which modified state ADU law and took effect in June 2025, removed Section 66323, subdivision (g) from the California Government Code. Consistent with this recent amendment to state law, this ordinance would amend Planning Code Section 207.2 to rename the Hybrid ADU program as the "Streamlined ADU" program, and to subject Streamlined ADUs to less restrictive local development standards. These less restrictive local development standards would include increased size limits for certain detached, new construction Streamlined ADUs on a lot containing a single-family dwelling.

This ordinance would also comply with State ADU law by amending Planning Code Section 207.2 and Business and Tax Regulations Code Sections 8 and 26 to remove any appeal of permitting decisions involving state-mandated ADUs under Planning Code section 207.2.

Background Information

This legislation includes amendments required by Assembly Bill 130, which modified state ADU law and took effect in June 2025.

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October 24, 2014

Ms. Angela Calvillo, Clerk
Honorable Mayor Lurie
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: **Transmittal of Planning Department Case Number 2025-008636PCA:**
State-Mandated Accessory Dwelling Unit Program
Board File No. 250892

Planning Commission Action: Adopted a Recommendation for Approval

Dear Ms. Calvillo and Mayor Lurie,

On October 23, 2025, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Mayor Lurie that would amend the Planning Code and Business and Tax Regulations Code to modify the City's State-mandated Accessory Dwelling Unit ("ADU") approval process and conform to changes to State ADU law. At the hearing the Planning Commission adopted a recommendation for approval.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

Aaron D. Starr
Manager of Legislative Affairs

cc: Peter Miljanich, Deputy City Attorney
Supervisor's Aide, Office of Mayor Lurie
John Carroll, Office of the Clerk of the Board

ATTACHMENTS :

Planning Commission Resolution
Planning Department Executive Summary



PLANNING COMMISSION RESOLUTION NO. 21850

HEARING DATE: October 23, 2025

Project Name: State-Mandated Accessory Dwelling Unit Program
Case Number: 2025-008636PCA [Board File No. 250892]
Initiated by: Mayor Lurie / Introduced September 2, 2025
Staff Contact: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

RESOLUTION ADOPTING A RECOMMENDATION FOR APPROVAL OF A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE AND BUSINESS AND TAX REGULATIONS CODE TO MODIFY THE CITY’S STATE-MANDATED ACCESSORY DWELLING UNIT (“ADU”) APPROVAL PROCESS AND CONFORM TO CHANGES TO STATE ADU LAW, INCLUDING BY REMOVING ANY APPEAL TO THE BOARD OF APPEALS, AND INCREASING SIZE LIMITS FOR CERTAIN DETACHED, NEW CONSTRUCTION ADUS ON A LOT CONTAINING A SINGLE-FAMILY DWELLING; AFFIRMING THE PLANNING DEPARTMENT’S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1; AND MAKING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE PURSUANT TO PLANNING CODE, SECTION 302.

WHEREAS, on September 2, 2025 Mayor Daniel Lurie introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 250892, which would amend the Planning Code and Business and Tax Regulations Code to modify the City’s State-mandated Accessory Dwelling Unit (“ADU”) approval process and conform to changes to State ADU law, including by removing any appeal to the Board of Appeals, and increasing size limits for certain detached, new construction ADUs on a lot containing a single-family dwelling;

WHEREAS, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on October 23, 2025; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15378 and 15060(c); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby adopts a **recommendation for approval** of the proposed ordinance. The Commission's proposed recommendation(s) is/are as follows:

Findings

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

The Commission recommends approval of the proposed ordinance because it ensures local compliance with recent changes to State ADU law, particularly Assembly Bill 130, thereby eliminating legal ambiguity and administrative inefficiencies. The ordinance supports the City's housing goals by streamlining the ADU approval process, expanding development standards for detached ADUs, and removing discretionary appeals that can delay or deter housing production. These changes align with the Housing Element's objectives to promote diverse, lower-cost housing options, especially in single-family neighborhoods, and advance racial and social equity by increasing access to housing for historically excluded populations. For these reasons, the Commission finds the ordinance consistent with City policy and recommends its adoption.

General Plan Compliance

The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

GOAL 4.

PROVIDE SUFFICIENT HOUSING FOR EXISTING RESIDENTS AND FUTURE GENERATIONS FOR A CITY WITH DIVERSE CULTURES, FAMILY STRUCTURES, AND ABILITIES.

OBJECTIVE 4.B

EXPAND SMALL AND MID-RISE MULTI-FAMILY HOUSING PRODUCTION TO SERVE OUR WORKFORCE, PRIORITIZING MIDDLE-INCOME HOUSEHOLDS

Policy 26

Streamline and simplify permit processes to provide more equitable access to the application process, improve certainty of outcomes, and ensure meeting State- and local-required timelines, especially for 100% affordable housing and shelter projects.

Policy 28

Affirm compliance in State housing law, requirements, and intent by strengthening data collection, clarifying definitions, and further supporting implementation.

Policy 31

Facilitate small and mid-rise multi-family buildings that private development can deliver to serve middle-income households without deed restriction, including through adding units in lower density areas or by adding Accessory Dwelling Units (ADUs).

This ordinance supports Goal 4 of the Housing Element by facilitating the creation of diverse housing types, including detached and attached ADUs, that can accommodate a range of household sizes, incomes, and abilities. It advances Objective 4.B and Policy 31 by enabling streamlined production of small-scale, lower-cost housing, particularly in single-family neighborhoods, without requiring deed restrictions, thereby expanding options for middle-income households. The ordinance also fulfills Policy 26 by eliminating discretionary appeals and simplifying the permitting process, improving certainty and access for applicants. Finally, it affirms compliance with Policy 28 by aligning local regulations with recent changes to State ADU law and enhancing implementation clarity.

Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to

office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

Planning Code Section 302 Findings.

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby ADOPTS A RECOMMENDATION FOR APPROVAL the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on October 23, 2025.



Jonas P. Ionin
Commission Secretary

Jonas P Ionin

Digitally signed by Jonas P Ionin
Date: 2025.10.23 16:28:41 -07'00'

AYES: Campbell, McGarry, Williams, Braun, Imperial, Moore, So
NOES: None
ABSENT: None
ADOPTED: October 23, 2025



EXECUTIVE SUMMARY

PLANNING CODE TEXT AMENDMENT

HEARING DATE: October 23, 2025

90-Day Deadline: December 18, 2025

Project Name: State-Mandated Accessory Dwelling Unit Program
Case Number: 2025-008636PCA [Board File No. 250892]
Initiated by: Mayor Lurie / Introduced September 2, 2025
Staff Contact: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

Environmental

Review: Not a Project Under CEQA

RECOMMENDATION: Adopt a Recommendation for Approval

Planning Code Amendment

Ordinance amending the Planning Code and Business and Tax Regulations Code to modify the City's State-mandated Accessory Dwelling Unit ("ADU") approval process and conform to changes to State ADU law, including by removing any appeal to the Board of Appeals, and increasing size limits for certain detached, new construction ADUs on a lot containing a single-family dwelling.

The Way It Is Now:

1. Hybrid ADU Program

- The Planning Code includes a "Hybrid ADU" program that allows for the development of certain ADUs under a combination of state and local standards.
- The City may apply more restrictive local development standards to Hybrid ADUs under Government Code Section 66323(g).

2. Appeals Process

- Permitting decisions for state-mandated ADUs may be appealed to the Board of Appeals under the Business and Tax Regulations Code.
- 3. **Development Standards for Detached ADUs**
 - Detached ADUs are limited to 800 square feet.
 - Detached ADUs on single-family lots are allowed to be up to 16' in height or 18' if located one-half of one mile walking distance of a major transit stop.
- 4. **Terminology and Program Structure**
 - The Planning Code uses the term “Hybrid ADU” and maintains a dual-track approval process for ADUs based on their compliance with state or local standards.

The Way It Would Be:

1. **Streamlined ADU Program**
 - The “Hybrid ADU” program would be renamed the “**Streamlined ADU**” program.
 - Streamlined ADUs would be subject to **less restrictive** local development standards, consistent with the repeal of Government Code Section 66323(g).
2. **Appeals Process Eliminated**
 - Appeals to the Board of Appeals for state-mandated ADU permits would be **eliminated**, in compliance with updated state law.
3. **Expanded Development Standards for Detached ADUs**
 - Detached ADUs on single-family lots would be allowed up to:
 - **850 sq. ft.** for units with one bedroom or less
 - **1,000 sq. ft.** for units with more than one bedroom
 - For detached ADUs the height would be up to 18' with an extra two feet allowed to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
4. **Updated Terminology and Structure**
 - The ordinance would update terminology throughout the Planning Code to reflect the new **Streamlined ADU** framework. Section 207.2 would be simplified in accordance with State Law.

Background

In response to recent changes in California state law, particularly Assembly Bill 130 which took effect in June 2025, the City and County of San Francisco introduced this ordinance to align its local regulations with updated state requirements for Accessory Dwelling Units (ADUs). The legislation amends the Planning Code and Business and Tax Regulations Code to eliminate local appeals for state-mandated ADU permits and to revise development standards for certain ADUs, including increasing size limits for detached units on single-family lots. These changes reflect the removal of the City’s authority under former Government Code Section 66323(g) to impose more restrictive local standards on certain ADUs—now reclassified from “Hybrid” to “Streamlined” ADUs. The ordinance ensures compliance with state law while supporting the City’s broader goals of housing production, regulatory clarity, and administrative efficiency.

Issues and Considerations

Compliance with State Law

Adoption of this ordinance is necessary to bring San Francisco's Planning and Business and Tax Regulations Codes into compliance with recent amendments to State ADU law, specifically Assembly Bill 130. While the City is legally obligated to follow State law regardless of whether this ordinance is adopted, updating local codes ensures clarity, consistency, and enforceability for applicants, staff, and the public. Without these amendments, local regulations would remain outdated and potentially misleading, creating confusion and administrative inefficiencies. Codifying these changes also reinforces the City's commitment to housing production and legal compliance.

General Plan Compliance

This ordinance supports Goal 4 of the Housing Element by facilitating the creation of diverse housing types, including detached and attached ADUs, that can accommodate a range of household sizes, incomes, and abilities. It advances Objective 4.B and Policy 31 by enabling streamlined production of small-scale, lower-cost housing, particularly in single-family neighborhoods, without requiring deed restrictions, thereby expanding options for middle-income households. The ordinance also fulfills Policy 26 by eliminating discretionary appeals and simplifying the permitting process, improving certainty and access for applicants. Finally, it affirms compliance with Policy 28 by aligning local regulations with recent changes to State ADU law and enhancing implementation clarity.

Racial and Social Equity Analysis

This ordinance aligns San Francisco's ADU regulations with recent state law changes by streamlining approvals, increasing size limits for certain detached ADUs, and removing the right to appeal permitting decisions. These changes are expected to support housing equity by facilitating the creation of lower-cost units in single-family neighborhoods, which have historically excluded renters and lower-income residents—many of whom are people of color. While the removal of appeal rights may limit procedural input, the ordinance maintains protections for historic resources and prohibits short-term rentals, helping preserve neighborhood stability. Ongoing monitoring of ADU production by neighborhood and affordability will be essential to ensure equitable outcomes.

Implementation

The Department has determined that this Ordinance will impact our current implementation procedures; however, the proposed changes can be implemented without increasing permit costs or review time.

Recommendation

The Department recommends that the Commission **adopt a recommendation for approval** of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

Basis for Recommendation

The Planning Department recommends approval of the proposed ordinance because it ensures local compliance with recent changes to State ADU law, particularly Assembly Bill 130, thereby eliminating legal ambiguity and administrative inefficiencies. The ordinance supports the City's housing goals by streamlining the ADU approval process, expanding development standards for detached ADUs, and removing discretionary appeals that can delay or deter housing production. These changes align with the Housing Element's objectives to promote diverse, lower-cost housing options, especially in single-family neighborhoods, and advance racial and social equity by increasing access to housing for historically excluded populations. For these reasons, the Department finds the ordinance consistent with City policy and recommends its adoption.

Required Commission Action

The proposed Ordinance is before the Commission so that it may adopt a recommendation of approval, disapproval, or approval with modifications.

Environmental Review

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

Public Comment

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

Exhibit A: Draft Planning Commission Resolution

Exhibit B: Board of Supervisors File No. 250892

Exhibit C: Letters of Support/Opposition or other supporting documentation, etc.

ATTACHMENTS:

Portions of this report were drafted and/or edited with the assistance of Microsoft Copilot, in accordance with the City and County of San Francisco's policy on the use of generative AI tools.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

Date: September 15, 2025
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 250892
Planning, Business and Tax Regulations Codes - State-Mandated Accessory Dwelling Unit Program

- ☒ California Environmental Quality Act (CEQA) Determination *(California Public Resources Code, Sections 21000 et seq.)* Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.
☒ Ordinance / Resolution
☐ Ballot Measure
10/3/2025 *Joy Navarrete*
- ☒ Amendment to the Planning Code, including the following Findings:
(Planning Code, Section 302(b): 90 days for Planning Commission review)
☒ General Plan ☒ Planning Code, Section 101.1 ☒ Planning Code, Section 302
- ☐ Amendment to the Administrative Code, involving Land Use/Planning
(Board Rule 3.23: 30 days for possible Planning Department review)
- ☐ General Plan Referral for Non-Planning Code Amendments
(Charter, Section 4.105, and Administrative Code, Section 2A.53)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- ☐ Historic Preservation Commission
☐ Landmark *(Planning Code, Section 1004.3)*
☐ Cultural Districts *(Charter, Section 4.135 & Board Rule 3.23)*
☐ Mills Act Contract *(Government Code, Section 50280)*
☐ Designation for Significant/Contributory Buildings *(Planning Code, Article 11)*

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

OFFICE OF THE MAYOR
SAN FRANCISCO



DANIEL LURIE
MAYOR

TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Adam Thongsavat, Liaison to the Board of Supervisors
RE: Planning, Business and Tax Regulations Codes - State-Mandated Accessory Dwelling Unit Program
DATE: September 2, 2025

Ordinance amending the Planning and Business and Tax Regulations Codes to modify the City's State-mandated Accessory Dwelling Unit ("ADU") approval process and conform to changes to State ADU law, including by removing any appeal to the Board of Appeals, and increasing size limits for certain detached, new construction ADUs on a lot containing a single-family dwelling; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

Should you have any questions, please contact Adam Thongsavat at adam.thongsavat@sfgov.org