

REVISED LEGISLATIVE DIGEST

(Substituted, 6/10/2025)

[Planning, Building Codes - Noncomplying, Unpermitted, and Accessory Structures]

Ordinance amending the Planning Code to provide conditions for repair and relocation of existing noncomplying structures within required yards, grant unpermitted residential structures within yards that were constructed before 2003 noncomplying status, and allow accessory structures up to 10 feet in height and 120 square feet within required yards; amending the Building Code to exempt accessory structures up to 120 square feet from building permits; 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 under Planning Code, Section 302.

Existing Law

The Planning Code allows small structures shorter than 8 feet in height and less than 100 square feet to be located in required yards. The Planning Code allows existing noncomplying structures—structures that were permitted when constructed, but do not comply with current Planning Code provisions—to be repaired, altered, relocated, or enlarged—but not replaced—provided that the extent of noncompliance is not intensified. Property owners seeking to repair, alter, or replace an unpermitted structure located within the required yard area must obtain a Variance determination to exempt the structure from Planning Code requirements.

The San Francisco Building Code requires building permits for accessory structures larger than 100 square feet.

Amendments to Current Law

The Proposed Legislation amends the Planning Code to increase the size of detached structures allowed to be located in required yards to up to 10 feet in height and/or 120 square feet. It also allows existing noncomplying structures of any size in yards to be altered, repaired, enlarged, or relocated within the yard provided that any increase in the structure's dimensions is required solely to comply with the Building Code and, if relocated, the structure is further set back from property lines. The Proposed Legislation would also provide a pathway for property owners in the RH, RM, and RTO districts to repair, alter, or replace unpermitted residential structures that were constructed before 2003 within the required yard area without the need for a Variance by granting these pre-2003 structures noncomplying status. The legislation also includes a permit fee refund for owners that sought Variance

determinations after January 1, 2021 to repair or replace yard structures that were under 10 feet in height and less than 120 square feet.

The Proposed Legislation amends the Building Code to harmonize with the California Building Code by exempting accessory structures up to 120 square feet from needing a building permit.

Background Information

This is a Substitute Ordinance that clarifies the original ordinance's provisions regarding permitted detached structures, repairing noncomplying yard structures, and replacing pre-2003 unpermitted yard structures. This Substitute Ordinance adds a new provision granting noncomplying status to pre-2003 unpermitted residential structures within yard areas, which would allow repairing, altering, and relocating such structures in addition to replacing in-kind.

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