

BOARD of SUPERVISORS



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MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Myrna Melgar, Chair
Land Use and Transportation Committee

FROM: John Carroll, Assistant Clerk

DATE: July 1, 2025

SUBJECT **COMMITTEE REPORT, BOARD MEETING**
Tuesday, July 1, 2025

The following file should be presented as COMMITTEE REPORT during the Board meeting on Tuesday, July 1, 2025. This ordinance was acted upon during the Land Use and Transportation Committee meeting on Monday, June 30, 2025, at 1:30 p.m., by the votes indicated.

BOS Item No. 4

File No. 241069

[Planning, Subdivision Codes - Condominium Conversion of Accessory Dwelling Units]

Ordinance amending the Planning and Subdivision Codes to allow separate conveyance of certain Accessory Dwelling Units and associated primary residences as condominiums; affirming the Planning Department's determination under the California Environmental Quality Act ("CEQA"); making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

Vote: Supervisor Myrna Melgar – Aye
Supervisor Chyanne Chen – Aye
Supervisor Bilal Mahmood – Aye

Cc: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy
Brad Russi, Deputy City Attorney

File No. 241069

Committee Item No. 8

Board Item No. 4

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date: June 30, 2025

Board of Supervisors Meeting:

Date: July 1, 2025

Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance - VERSION 3
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Legislative Digest - VERSION 3
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input type="checkbox"/>	<input type="checkbox"/>	Introduction Form
<input type="checkbox"/>	<input type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract / DRAFT Mills Act Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Form 126 – Ethics Commission
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Public Correspondence

OTHER

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Planning Commission Transmittal – February 27, 2025</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>CEQA Determination – November 15, 2024</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Referrals CEQA PC and FYI – November 6, 2024</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Referral BLA – April 23, 2025</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Committee Report Request Memo – June 25, 2025</u>
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<input type="checkbox"/>	<input type="checkbox"/>	<u> </u>

Prepared by: John Carroll

Date: June 27, 2025

Prepared by: John Carroll

Date: July 1, 2025

Prepared by:

Date:

[Planning, Subdivision Codes - Condominium Conversion of Accessory Dwelling Units]

Ordinance amending the Planning and Subdivision Codes to allow separate conveyance of certain Accessory Dwelling Units and associated primary residences~~dwelling units~~ as condominiums; affirming the Planning Department's determination under the California Environmental Quality Act ("CEQA"); making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and adopting findings of public necessity, convenience, and welfare under 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. Background and General Findings.

(a) San Francisco has been grappling with a housing affordability crisis for the past couple of decades; a crisis felt by low-, moderate-, and, more recently, middle-income households. To address this ongoing crisis, San Francisco has adopted a Housing Element that calls for the production of 82,069 new housing units by 2031.

(b) San Francisco's housing crisis stifles economic growth, contributes to the homelessness epidemic, consumes an ever-growing share of the paychecks of working families, and limits tens of thousands of residents from achieving the dream of homeownership. Decades of restrictive zoning, land use decisions, and burdensome

1 permitting policies have contributed to the gap between San Francisco's housing needs for all
2 income levels and the available supply of housing.

3 (c) As the cost of living in San Francisco has ballooned over the years, the City has
4 lost much of the social, cultural, and economic diversity that once was central to its identity.
5 Entry-level housing options serve the diverse communities that reflect the City's essential
6 values. But San Francisco has been unable to provide the needed housing for the wide range
7 of workers that our economy requires and the wide range of individuals and families that
8 ought to be able to live in our community.

9 (d) San Francisco's homeownership rates are among the lowest in California and
10 nationwide. High median home prices, supply limitations, and high development costs have
11 made economically attainable homeownership increasingly out of reach for many San
12 Franciscans, particularly immigrants, communities of color, and first-time homebuyers.

13 (e) San Francisco's housing shortage limits economic mobility and opportunity for the
14 City's workforce and residents. It contributes to longer commutes, overcrowding, and a
15 decline in the quality of life in the City.

16 (f) According to the Federal Reserve's 2022 Survey of Consumer Finances,
17 homeownership is a powerful tool for closing the racial and ethnic wealth gap in our society.
18 Without question, homeownership remains one of the most effective ways in which all San
19 Franciscans can build wealth and assets.

20 (g) Small, multi-family housing construction projects in San Francisco, including the
21 construction and legalization of Accessory Dwelling Units ("ADUs"), have historically faced
22 unique challenges and constraints. The combination of high land values and construction
23 costs presents significant barriers that discourage the average homeowner and developer
24 from pursuing this type of housing. In addition, small housing projects in well-resourced
25

1 neighborhoods have often faced strong localized opposition, which undermines community
2 support for this type of housing as reasonable, appropriate, and a viable option to build.

3 (h) This ordinance authorizes the separate conveyance of primary ~~dwelling units~~
4 residences and ADUs as condominiums. The goal is to provide an option to homeowners and
5 property owners to expediently seek a return on the capital investment required to construct
6 ADUs, while reducing long-term liabilities and potential risks associated with managing rental
7 property. The intent is to incentivize the production of ADUs, especially in neighborhoods
8 dominated by single-family homes, and thereby increase the supply of affordable, entry-level
9 housing units.

10 (i) ADUs are an affordable housing option because they do not require the purchase of
11 land, major new infrastructure, structured parking, or elevators. These units can be built using
12 cost-effective wood frame construction, which is significantly less costly than homes in new
13 multifamily infill buildings, while providing as much living space as many newly-built
14 apartments and condominiums. Reducing construction costs on ADUs when sold separately
15 as condominiums can help reduce for-sale prices of these units and increase the supply of
16 entry-level homes.

17 (j) According to the Planning Department's 2022 Housing Element and the United
18 States Census Bureau, nearly 30% of San Francisco's housing stock is comprised of single-
19 family homes, totaling 122,816 housing units. About two-thirds of these single-family homes –
20 an estimated 66% – are owner-occupied. Despite high home prices, 50% of single-family
21 homes are owned by moderate- or low-income owners. Single-family homes have much
22 lower turnover rates than multifamily ownership units or rental units. Forty-six percent of
23 single-family homes have been owner-occupied for 20 years or more, and 70% have been
24 owner-occupied for 10 years or more. These longtime residents are often pillars of
25 neighborhood identity, diversity, and culture. Allowing these homeowners the option to build

1 and separately convey their ADUs as condominiums presents a significant opportunity to
2 increase production of new, desperately needed housing units within existing, well-resourced
3 neighborhoods. This would help provide sufficient housing for current residents and future
4 generations, and help support and maintain a city with diverse cultures, family structures, and
5 communities, without having to rely on large-scale area plans and capital-intensive, large-lot
6 redevelopment projects.

7 (k) Longtime homeowners are often constrained by limited liquidity and cash assets,
8 even as the value of their home and property has appreciated over decades. Access to this
9 accrued wealth is typically only possible when these assets are sold, which can displace
10 longtime residents and separate multigenerational extended families. The City can help
11 prevent such displacement and create opportunities to build generational wealth by allowing
12 these homeowners the option to convey an ADU separately from the owner-occupied primary
13 dwelling unit. This option allows seniors to age in place as they require more care, and
14 provides an additional source of income for homeowners.

15 (l) Nothing in this ordinance is intended to promote speculative real estate investments
16 that may seek to displace current residents, demolish existing housing stock, build new units,
17 and quickly sell those units. Further, nothing in this ordinance is intended to reduce the
18 supply of ADUs subjected to rent control under Planning Code Section 207.1.

19 (m) This Board of Supervisors finds that the separate conveyance of ADUs as
20 condominiums is consistent with the City's obligation to affirmatively further fair housing
21 pursuant to California Government Code Section 8899.50 et seq. Promoting greater density
22 within well-resourced neighborhoods in this manner meaningfully addresses significant
23 disparities in housing needs, fosters positive economic and health outcomes, and increases
24 access to high-quality neighborhood resources and areas of opportunity. In addition, the
25 Board finds that this ordinance broadly supports the goals and objectives in the Housing

1 Element of the General Plan, and furthers Program Area 7: Expanding Housing Choice, and
2 Implementing Program Area 7.4: Accessory Dwelling Units.

3
4 Section 2. Environmental and Land Use Findings.

5 (a) The Planning Department has determined that the actions contemplated in this
6 ordinance comply with the California Environmental Quality Act (California Public Resources
7 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
8 Supervisors in File No. 241069 and is incorporated herein by reference. The Board affirms
9 this determination.

10 (b) On February 13, 2025, the Planning Commission, in Resolution No. 21684,
11 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
12 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
13 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
14 the Board of Supervisors in File No. 241069, and is incorporated herein by reference.

15 (c) Pursuant to Planning Code Section 302, the Board finds that these Planning Code
16 amendments will serve the public necessity, convenience, and welfare for the reasons set
17 forth in Planning Commission Resolution No. 21684, and the Board incorporates such
18 reasons herein by reference. A copy of said resolution is on file with the Clerk of the Board of
19 Supervisors in File No. 241069.

20
21 Section 3. Article 2 of the Planning Code is hereby amended by revising Sections
22 207.1 and 207.2, and adding Section 207.4, to read as follows:

23
24 **SEC. 207.1. LOCAL ACCESSORY DWELLING UNIT PROGRAM.**

1 **(a) Exception to Dwelling Unit Density Limits for Certain Accessory Dwelling**
2 **Units Under City’s Local Program.** An exception to the calculations under Section 207 of
3 this Code shall be made for Accessory Dwelling Units (“ADUs”), as defined in Section 102 of
4 this Code, meeting the requirements of this Section 207.1.

5 * * * *

6 **(e) Restrictions on Subdivisions.** Notwithstanding the provisions of Article 9 of the
7 Subdivision Code, a lot with an ADU authorized under this Section 207.1 shall not be
8 subdivided in a manner that would allow for the ADU to be sold or separately financed
9 pursuant to any condominium plan, housing cooperative, or similar form of separate
10 ownership. This prohibition on separate sale or finance of the ADU shall not apply to an ADU:

11 (1) that is located in a building that consisted entirely of condominium units as of
12 July 11, 2013, and has had no evictions pursuant to Sections 37.9(a) through 37.9(a)(12) and
13 37.9(a)(14) of the Administrative Code since July 11, 1996; ~~or—This prohibition on separate sale~~
14 ~~or finance of the ADU shall not apply to an ADU~~

15 _____ (2) that meets the requirements of California Government Code Section 66341.5;

16 or

17 _____ ~~(3) that meets the requirements of Planning Code Section 207.4.~~

18 * * * *

19
20 **SEC. 207.2. STATE MANDATED ACCESSORY DWELLING UNIT PROGRAM.**

21 **(a) Exception to Dwelling Unit Density Limits for Certain Accessory Dwelling**
22 **Units Under the State-Mandated Program.** An exception to the calculations under Section
23 207 of this Code shall be made for Accessory Dwelling Units (“ADUs”) and Junior Accessory
24 Dwelling Units (“JADUs”), as defined in Section 102 of this Code, meeting the requirements of
25 this Section 207.2. The purpose of this Section 207.2 is to implement California Government

Code Sections 66314 and 66333, which require ministerial consideration of ADUs and JADUs that meet certain standards.

* * * *

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

* * * *

**SEC. 207.4. SEPARATE SALE AND CONVEYANCE CONDOMINIUM CONVERSION
OF CERTAIN STATE MANDATED ACCESSORY DWELLING UNITS AND ASSOCIATED
PRIMARY DWELLING UNITS.**

(a) This Section 207.4 sets forth the requirements for conversion of eCertain new or existing Accessory Dwelling Units ("ADUs"), as defined in Section 102 of this Code, approved under the City's state-mandated, ministerial approval programs in Planning Code Section 207.2, or former Planning Code subsection 207(c)(6), may be separately sold or conveyed from the primary residence, if the subdivision of those units is approved pursuant to the Subdivision Code, and associated primary dwelling units, into condominiums. These condominiums may be sold or otherwise conveyed separately from the primary residence only under the conditions set forth in

1 this Section 207.4 and in compliance with the San Francisco Subdivision Code. Applications to
2 construct ADUs may be submitted concurrently with any application to subdivide the parcel.

3 (b) ~~Eligibility. Only ADU projects meeting the following requirements are eligible for~~
4 ~~condominium conversion under this Section 207.4:~~

5 ——— (1) ~~For ADUs approved under the City's state-mandated, ministerial approval~~
6 ~~programs in Planning Code Section 207.2, or former Planning Code subsection 207(c)(6), an~~
7 ~~application to construct such ADUs must have been submitted on or after January 1, 2020.~~

8 ——— (2) ~~For ADUs approved under the City's local, discretionary approval program in~~
9 ~~Planning Code Section 207.1, an application to construct such ADUs must have been~~
10 ~~submitted on or after November 1, 2024.~~

11 ——— (3) ~~The lot proposed for subdivision, or the building within which any ADU will~~
12 ~~be constructed, contains four or fewer existing dwelling units.~~

13 ——— (4) ~~All structures and buildings included as part of a condominium project~~
14 ~~authorized under this Section 207.4 shall all applicable Building and Planning Code~~
15 ~~requirements. The conversion of ADUs and associated primary dwelling units to~~
16 ~~condominium units shall not reduce or eliminate any Building and Planning Codes~~
17 ~~requirements applicable to any such units.~~

18 ——— (5) ~~Junior ADUs. Junior ADUs shall not be eligible for conversion to~~
19 ~~condominiums under this Section 207.4.~~

20 (c) ~~Requirements.~~

21 (1) ~~All condominiums converted from ADUs and associated primary dwelling~~
22 ~~units under this Section 207.4 shall be created pursuant to the Davis-Stirling Common Interest~~
23 ~~Development Act (Part 5 (commencing with Section 4000) of Division 4 of the California Civil~~
24 ~~Code).~~

1 ~~(2) All condominiums converted from ADUs and associated primary dwelling~~
2 ~~units under this Section 207.4 shall be created in conformance with all applicable objective~~
3 ~~requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410) of the~~
4 ~~California Government Code) and all objective requirements of the San Francisco Subdivision~~
5 ~~Code.~~

6 ~~(3) Safety Inspection. Prior to the recordation of the condominium plan, a~~
7 ~~safety inspection of the ADU shall be conducted as evidenced either through a certificate of~~
8 ~~occupancy or a housing quality standards report from a building inspector certified by the~~
9 ~~United States Department of Housing and Urban Development.~~

10 ~~(4) Lienholder Consent. Neither a subdivision map nor a condominium plan~~
11 ~~shall be recorded without each lienholder's consent. A lienholder may refuse to give consent.~~
12 ~~A lienholder may also consent provided that any terms and conditions required by the~~
13 ~~lienholder are satisfied. Prior to recordation of the initial or any subsequent modifications to~~
14 ~~the condominium plan, written evidence of the lienholder's consent shall be provided to the~~
15 ~~Assessor Recorder along with a signed statement from each lienholder that states as follows:~~
16 ~~"[Name of lienholder] hereby consents to the recording of this condominium plan in their sole~~
17 ~~and absolute discretion and the borrower has or will satisfy any additional terms and~~
18 ~~conditions the lienholder may have." A lienholder's consent shall be included on the~~
19 ~~condominium plan or a separate form attached to the condominium plan that includes the~~
20 ~~following information:~~

21 ~~(A) The lienholder's signature.~~

22 ~~(B) The name of the record owner or ground lessee.~~

23 ~~(C) The legal description of the real property.~~

24 ~~(D) The identities of all parties with an interest in the real property as~~
25 ~~reflected in the real property records.~~

1 (E) The lienholder's consent shall be recorded with the Assessor-
2 Recorder.

3 (5) Notice. The City shall include the following notice on any ADU submittal
4 checklist or public information that describes the requirements and permitting for ADUs, and
5 shall include the following notice as part of the conditions of any ADU building permit or
6 condominium plan approval:

7
8 “NOTICE: If you are considering establishing your primary dwelling unit and
9 accessory dwelling unit as a condominium, please ensure that your building permitting
10 agency allows this practice. If you decide to establish your primary dwelling unit and
11 accessory dwelling unit as a condominium, your condominium plan or any future
12 modifications to the condominium plan must be recorded with the County Recorder.
13 Prior to recordation or modification of your subdivision map and condominium plan, any
14 lienholder with a lien on your title must provide a form of written consent either on the
15 condominium plan, or on the lienholder's consent form attached to the condominium
16 plan, with text that clearly states that the lender approves recordation of the
17 condominium plan and that you have satisfied their terms and conditions, if any.

18 In order to secure lender consent, you may be required to follow additional
19 lender requirements, which may include, but are not limited to, one or more of the
20 following:

21 (a) Paying off your current lender.

22 You may pay off your mortgage and any liens through a refinance or a new loan.
23 Be aware that refinancing or using a new loan may result in changes to your interest
24 rate or tax basis. Also, be aware that any subsequent modification to your subdivision
25

1 map or condominium plan must also be consented to by your lender, which consent
2 may be denied.

3 (b) Securing your lender's approval of a modification to their loan collateral due
4 to the change of your current property legal description into one or more condominium
5 parcels.

6 (c) Securing your lender's consent to the details of any construction loan or
7 ground lease.

8 This may include a copy of the improvement contract entered in good faith with
9 a licensed contractor, evidence that the record owner or ground lessee has the funds to
10 complete the work, and a signed statement made by the record owner or ground lessor
11 that the information in the consent above is true and correct.”
12

13 (6) Notice to Utility Providers. If an ADU is converted to a condominium, the
14 property owner shall notify providers of utilities, including water, sewer, gas, and electricity, of
15 the creation of the condominium and any separate conveyance.

16 (7) Additional Requirements for Projects in Planned Developments. The owner
17 of a property or a separate interest within an existing planned development that has an
18 existing association, as defined in Section 4080 of the California Civil Code, shall not record a
19 condominium plan to create a common interest development under Section 4100 of the
20 California Civil Code that includes an ADU authorized under this Section 207.4 without
21 express written authorization by the existing association. For purposes of this subsection
22 (c)(7), written authorization by the existing association means approval by the board at a duly
23 noticed board meeting, as defined in Section 4090 of the California Civil Code, and, if needed
24 pursuant to the existing association's governing documents, membership approval of the
25 existing association.

1 (bd) **Review of Program.** The Planning Department shall include the location and number of
2 units of projects approved as for conversion to condominiums under this Section 207.4 and the
3 Subdivision Code in the Housing Inventory Report. Prior to December 31, 2030, the Planning
4 Department shall prepare and submit to the Planning Commission a report containing
5 recommendations as necessary or appropriate for modifications to this Section 207.4 the program
6 allowing the separate sale and conveyance of state-mandated ADUs, including modifications to
7 further the goals of the City's Seventh Housing Element Cycle.

8
9 Section 4. Articles 2, 3, and 9 of Division 1 of the Subdivision Code isare hereby
10 amended by revising Section 1308, and adding Sections 1316 and 1396.8, to read as follows:

11
12 **SEC. 1308. SUBDIVISIONS.**

13 (a) "Common areas" shall mean an entire project excepting all units therein granted
14 or reserved.

15 (b) "Community Apartments" shall mean an estate in real property consisting of an
16 undivided interest in common in a parcel of real property and the improvements thereon
17 coupled with the right of exclusive occupancy of any apartment located therein.

18 (c) "Condominium" shall mean an estate in real property consisting of an undivided
19 interest in common in a portion of a parcel of real property together with a separate interest in
20 space in a residential, industrial, or commercial building on such real property, such as an
21 apartment, office, or store. A Condominium may include in addition a separate interest in
22 other portions of such real property. Such estate may, with respect to the duration of its
23 enjoyment, be either (1) an estate of inheritance or perpetual estate, (2) an estate for life, or
24 (3) and estate for years, such as a leasehold or subleasehold. This definition is intended to
25 conform to Section 783 of the California Civil Code and any other section of California law.

(d) "Conversion" shall mean a subdivision which changes the type of ownership of real property to that defined as a Condominium project, Community Apartment project or Stock Cooperative and in which two or more condominiums, community apartments or units in a stock cooperative are newly created wholly or in substantial part within an existing residential structure or structures, regardless of the present or prior use of such structures and of whether substantial improvements have been made to such structures. A conversion also shall include a subdivision that: (1) is created wholly or in substantial part within an existing residential structure or structures, regardless of the present or prior use of such structures and of whether substantial improvements have been made to such structures and (2) divides one or more of the existing residential dwelling units into separate lots, parcels, or units. A conversion also shall include a subdivision involving certain Accessory Dwelling Units and an associated primary residence under Section 1396.8, and Planning Code Section 207.4.

* * * *

SEC. 1316. SEPARATE SALE AND CONVEYANCE OF CERTAIN STATE MANDATED ACCESSORY DWELLING UNITS AND ASSOCIATED PRIMARY RESIDENCES.

(a) Notwithstanding any other provisions of this Code, a subdivider shall be eligible to submit an application for separate sale and conveyance of Accessory Dwelling Units ("ADUs") and associated primary residences that satisfy the requirements of this Section 1316 and/or include said ADUs in a condominium map application for a project approved pursuant to Planning Code Section 207.4. For purposes of this Section 1316, primary residence shall mean the whole of an existing or new residential structure or complex, which may contain one or more individual dwelling units. Applications under this Section 1316 shall be subject to the following requirements:

1 **(b) Eligibility.** ADUs are eligible for separate sale and conveyance under this Section
2 1316 if all of the following requirements are met:

3 (1) The lot proposed for subdivision contains four or fewer existing individual
4 dwelling units.

5 (2) An application to construct the ADU was submitted on or after May 1, 2025,
6 or no certificate of occupancy has been issued for the ADU.

7 (3) The ADU is either:

8 (A) constructed on a property containing an existing single-family
9 dwelling or existing condominiums, and such ADU (i) is constructed after January 1, 2020; (ii)
10 is detached from the existing dwelling or condominiums; (iii) is approved under the City's
11 state-mandated, ministerial approval programs in Planning Code Section 207.2 or former
12 Planning Code subsection 207(c)(6); and (iii) does not convert space within any existing
13 structure; or

14 (B) constructed on a property containing a new proposed single-family
15 home or new proposed condominium project, and such ADU is a newly-constructed, detached
16 or attached ADU approved under the City's state-mandated, ministerial approval programs in
17 Planning Code Section 207.2 or former Planning Code subsection 207(c)(6).

18 (4) The unit is not a Junior ADU, as defined in Planning Code Section 102.

19 (c) All condominiums created from ADUs and associated primary residence under this
20 Section 1316 shall be created pursuant to the Davis-Stirling Common Interest Development
21 Act (Part 5 (commencing with Section 4000) of Division 4 of the California Civil Code).

22 (d) All condominiums created from ADUs and associated primary residence under this
23 Section 1316 shall be created in conformance with all applicable objective requirements of the
24 Subdivision Map Act (Division 2 (commencing with Section 66410) of the California
25 Government Code) and all objective requirements of this Code.

1 (e) **Safety Inspection.** Prior to the recordation of the condominium plan, a safety
2 inspection of the ADU shall be conducted as evidenced either through a certificate of
3 occupancy or a housing quality standards report from a building inspector certified by the
4 United States Department of Housing and Urban Development.

5 (f) **Lienholder Consent.** Neither a subdivision map nor a condominium plan shall be
6 recorded without each lienholder's consent. A lienholder may refuse to give consent. A
7 lienholder may also consent provided that any terms and conditions required by the lienholder
8 are satisfied. Prior to recordation of the initial or any subsequent modifications to the
9 condominium plan, written evidence of the lienholder's consent shall be provided to the
10 Assessor-Recorder along with a signed statement from each lienholder that states as follows:
11 "[Name of lienholder] hereby consents to the recording of this condominium plan in their sole
12 and absolute discretion and the borrower has or will satisfy any additional terms and
13 conditions the lienholder may have." A lienholder's consent shall be included on the
14 condominium plan or a separate form attached to the condominium plan that includes the
15 following information:

16 (1) The lienholder's signature.

17 (2) The name of the record owner or ground lessee.

18 (3) The legal description of the real property.

19 (4) The identities of all parties with an interest in the real property as
20 reflected in the real property records.

21 (5) The lienholder's consent shall be recorded with the Assessor-
22 Recorder.

23 (g) **Notice.** The City shall include the following notice on any ADU submittal checklist
24 or public information that describes the requirements and permitting for ADUs, and shall

1 include the following notice as part of the conditions of any ADU building permit or
2 condominium plan approval:

3
4 “NOTICE: If you are considering establishing your primary dwelling unit and
5 accessory dwelling unit as a condominium, please ensure that your building permitting
6 agency allows this practice. If you decide to establish your primary dwelling unit and
7 accessory dwelling unit as a condominium, your condominium plan or any future
8 modifications to the condominium plan must be recorded with the County Recorder.
9 Prior to recordation or modification of your subdivision map and condominium plan, any
10 lienholder with a lien on your title must provide a form of written consent either on the
11 condominium plan, or on the lienholder's consent form attached to the condominium
12 plan, with text that clearly states that the lender approves recordation of the
13 condominium plan and that you have satisfied their terms and conditions, if any.

14 In order to secure lender consent, you may be required to follow additional
15 lender requirements, which may include, but are not limited to, one or more of the
16 following:

17 (a) Paying off your current lender.

18 You may pay off your mortgage and any liens through a refinance or a new loan.
19 Be aware that refinancing or using a new loan may result in changes to your interest
20 rate or tax basis. Also, be aware that any subsequent modification to your subdivision
21 map or condominium plan must also be consented to by your lender, which consent
22 may be denied.

23 (b) Securing your lender's approval of a modification to their loan collateral due
24 to the change of your current property legal description into one or more condominium
25 parcels.

1 (c) Securing your lender's consent to the details of any construction loan or
2 ground lease.

3 This may include a copy of the improvement contract entered in good faith with
4 a licensed contractor, evidence that the record owner or ground lessee has the funds to
5 complete the work, and a signed statement made by the record owner or ground lessor
6 that the information in the consent above is true and correct.”

7
8 (h) **Notice to Utility Providers.** If an ADU is approved for separate sale or
9 conveyance as a condominium, the property owner shall notify providers of utilities, including
10 water, sewer, gas, and electricity, of the creation of the condominium and any separate
11 conveyance.

12 (i) **Additional Requirements for Projects in Planned Developments.** The owner of
13 a property or a separate interest within an existing planned development that has an existing
14 association, as defined in Section 4080 of the California Civil Code, shall not record a
15 condominium plan to create a common interest development under Section 4100 of the
16 California Civil Code that includes an ADU authorized under this Section 1316 without
17 express written authorization by the existing association. For purposes of this subsection
18 1316(i), written authorization by the existing association means approval by the board at a
19 duly noticed board meeting, as defined in Section 4090 of the California Civil Code, and, if
20 needed pursuant to the existing association’s governing documents, membership approval of
21 the existing association.

22 * * * *

23
24 **SEC. 1396.4. CONDOMINIUM CONVERSION FEE AND EXPEDITED CONVERSION**
25 **PROGRAM.**

1 (a) **Findings.** The findings of Planning Code Section 415.1 concerning the City's
2 inclusionary affordable housing program are incorporated herein by reference and support the
3 basis for charging the fee set forth herein as it relates to the conversion of dwelling units into
4 condominiums.

5 (b) Any building may be exempted from the annual lottery provisions of Section 1396
6 if the building owners for said building comply with either: (1) Section 1396.3(g)(1) and all the
7 requirements of this Section 1396.4; (2) all the requirements of Section 1396.6; ~~or~~ (3) all the
8 requirements of Section 1396.7; or (4) all the requirements of Section 1396.8. Notwithstanding
9 the foregoing sentence, no property or applicant subject to any of the prohibitions on
10 conversions set forth in Section 1396.2, in particular a property with the eviction(s) set forth in
11 Section 1396.2(b), is eligible for the Expedited Conversion program under this Section 1396.4.
12 Eligible buildings as set forth in this subsection (b) may exercise their option to participate in
13 this program according to the following requirements:

14 * * * *

15 **SEC. 1396.8. CONDOMINIUM CONVERSION OF CERTAIN STATE MANDATED**
16 **ACCESSORY DWELLING UNITS AND ASSOCIATED PRIMARY DWELLING UNITS UNDER**
17 **PLANNING CODE SECTION 207.4.**

18 Notwithstanding any other provisions of this Code, a subdivider shall (1) be exempt from the
19 annual lottery provisions of Section 1396 of this Code with respect to any Accessory Dwelling Units
20 ("ADUs") and associated Primary Dwelling Units that satisfy the requirements of Section
21 1316 ~~Planning Code Section 207.4;~~ and (2) be eligible to submit a condominium conversion
22 application for said ADUs and an associated ~~p~~Primary residence Dwelling Units and/or include said
23 ADUs in a condominium map application for a project approved pursuant to Planning Code Section
24 207.4. Notwithstanding the foregoing sentence, no property or applicant subject to any of the
25 prohibitions on conversions set forth in Section 1396.2 of this Code, including but not limited to a

1 property with the eviction(s) set forth in Section 1396.2(b), shall be eligible for condominium
2 conversion under this Section 1396.8. Any ADU subject to conversion under this Section 1396.8
3 shall be subject to the requirements of Article 9 of this Code. For purposes of this Section
4 1396.8, primary residence shall mean the whole of an existing or new residential structure or
5 complex, which may contain one or more individual dwelling units.
6

7 Section 5. Effective Date. This ordinance shall become effective 30 days after
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
10 of Supervisors overrides the Mayor's veto of the ordinance.
11

12 Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
13 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
14 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
15 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
16 additions, and Board amendment deletions in accordance with the "Note" that appears under
17 the official title of the ordinance.
18

19 APPROVED AS TO FORM:
20 DAVID CHIU, City Attorney

21 By: /s/ Peter Miljanich
22 PETER MILJANICH
23 Deputy City Attorney

24 n:\legana\as2025\2400233\01851750.docx
25

REVISED LEGISLATIVE DIGEST
(Amended in Committee – June 30, 2025)

[Planning, Subdivision Codes - Condominium Conversion of Accessory Dwelling Units]

Ordinance amending the Planning and Subdivision Codes to allow separate conveyance of certain Accessory Dwelling Units and associated primary residences as condominiums; affirming the Planning Department’s determination under the California Environmental Quality Act (“CEQA”); making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

The Planning Code sets forth both the City’s local, discretionary accessory dwelling unit (“ADU”) approval program (Planning Code Section 207.1) and the City’s state-mandated, ministerial ADU approval program (Planning Code Section 207.2). Under both programs, with limited exceptions, a lot containing an ADU may not be subdivided in a manner that would allow for the ADU to be sold or separately financed pursuant to any condominium plan, housing cooperative, or similar form of separate ownership.

Amendments to Current Law

This ordinance would amend the Subdivision Code, and add new Planning Code Section 207.4, to create a process by which property owners may sell or separately finance certain new or existing ADUs, and associated primary residences, as condominiums. Among other requirements, this ordinance would require all condominiums created from ADUs and associated primary residences to be created pursuant to the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the California Civil Code), and in conformance with all applicable objective requirements of the California Subdivision Map Act and the San Francisco Subdivision Code. This ordinance would also require any lienholder to consent to the subdivision of any ADUs and associated primary residences.

This ordinance would also require the Planning Department, prior to December 31, 2030, to prepare and submit to the Planning Commission a report containing recommendations as necessary or appropriate for modifications to this ADU condominium conversion program.

Background Information

Assembly Bill 1033, authored by Assembly member Ting, took effect on January 1, 2024 and amended state law to explicitly allow the conversion of accessory dwelling units and associated primary residences into condominiums.

This ordinance reflects amendments made by the Board of Supervisors at the April 21, 2025 meeting of the Land Use and Transportation Committee. Among other changes, these amendments modify the eligibility criteria for projects and generally narrow the circumstances in which accessory dwelling units and associated primary residences may be subdivided.

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February 27, 2025

Ms. Angela Calvillo, Clerk
Honorable Supervisor Engardio
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 2024-010325:**
Condominium Conversions of Accessory Dwelling Units
Board File No. 241069

Planning Commission Recommendation: **Approval with Modifications**

Dear Ms. Calvillo and Supervisor Engardio,

On February 13, 2025, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider a proposed Ordinance, introduced by Supervisor Engardio. The proposed ordinance would amend the Planning and Subdivision Codes to allow certain Accessory Dwelling Units (ADUs) and associated primary dwelling units to be converted to condominiums (condos). At the hearing the Planning Commission adopted a recommendation for approval with modifications. The Commission's proposed modifications were as follows:

1. *Limit the program to the following:*
 - a. *Existing single-family homes and existing condominiums proposing to construct a new, detached ADU through the state program.*
 - b. *New construction single-family homes and new construction condominium projects proposing to construct a detached or attached ADU through the state program.*
2. *Move the state-mandated requirements to the Subdivision Code.*
3. *Make several clarifying amendments.*

- a. Clarify that an application to construct an ADU may be submitted concurrently with the condominium application.
- b. Clarify that eligible ADUs and primary units must meet the same Planning Code standards that are applied to all other condominium conversion projects, which are in Sec. 1383 of the Subdivision Code.

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.

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
Jonathan Goldberg, Aide to Supervisor Engardio
John Carroll, Office of the Clerk of the Board

ATTACHMENTS :

Planning Commission Resolution
Planning Department Executive Summary



PLANNING COMMISSION RESOLUTION NO. 21684

HEARING DATE: FEBRUARY 13, 2025

Project Name: Condominium Conversion of Accessory Dwelling Units
Case Number: 2024-010325PCA [Board File No. 241069]
Initiated by: Supervisor Engardio / Introduced October 29, 2024
Staff Contact: Audrey Merlone, Legislative Affairs
Audrey.Merlone@sfgov.org, 628-652-7534
Reviewed by: Aaron D 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 AND SUBDIVISION CODES TO ALLOW SEPARATE CONVEYANCE OF CERTAIN ACCESSORY DWELLING UNITS AND ASSOCIATED PRIMARY DWELLING UNITS AS CONDOMINIUMS; 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 ADOPTING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE UNDER PLANNING CODE, SECTION 302.

WHEREAS, on October 29, 2024, Supervisor Engardio introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 241069, which would amend the Planning and Subdivision Codes to allow separate conveyance of certain accessory dwelling units and associated primary dwelling units as condominiums;

WHEREAS, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on February 13, 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)(2); 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 with modifications** of the proposed ordinance. The Commission's proposed recommendations are as follows:

1. Limit the program to the following:
 - a. Existing single-family homes and existing condominiums proposing to construct a new, detached ADU through the state program.
 - b. New construction single-family homes and new construction condominium projects proposing to construct a detached *or* attached ADU through the state program.
2. Move the state-mandated requirements to the Subdivision Code.
3. Make several clarifying amendments.
 - a. Clarify that an application to construct an ADU may be submitted concurrently with the condominium application.
 - b. Clarify that eligible ADUs and primary units must meet the same Planning Code standards that are applied to all other condominium conversion projects, which are in Sec. 1383 of the Subdivision Code.

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 Department supports the Supervisor's goal of helping middle- and low-income homeowners to access the equity of their property through the sale of the ADU. This would also reduce the financial strain of adding an ADU to their primary dwelling. The proposed Ordinance would also expand housing options by encouraging affordable-by-design ADUs, often in lower-density, high-resource neighborhoods. This aligns with the city's goal of increasing housing choices. However, as drafted, the Ordinance could allow other types of units, including rent-controlled units, to be converted to condominiums. This may remove rent control protections from some rent-controlled units. To address these concerns, the Department recommends modifications to reduce potential negative impacts on rent control and ensure the program functions as intended.

General Plan Compliance

The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

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).

OBJECTIVE 4.C

DIVERSIFY HOUSING TYPES FOR ALL CULTURES, FAMILY STRUCTURES, AND ABILITIES.

Policy 32

Promote and facilitate aging in place for seniors and multi-generational living that supports extended families and communal households.

The proposed Ordinance creates a pathway for ownership of affordable by design housing which is often located in lower-density, high resource neighborhoods. It will assist in encouraging the production of ADUs in our high resource, low density neighborhoods; thereby expanding housing choices for low- and moderate-income households.

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 WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on February 13, 2025.



Jonas P Ionin

Digitally signed by Jonas P Ionin
Date: 2025.02.26 17:22:18 -08'00'

Jonas P. Ionin
Commission Secretary

AYES: Campbell, McGarry, Braun, Moore, So
NOES: Williams
ABSENT: Imperial
ADOPTED: February 13, 2025



EXECUTIVE SUMMARY

PLANNING CODE TEXT AMENDMENT

HEARING DATE: February 13, 2025

90-Day Deadline: May 5, 2025

Project Name: Condominium Conversion of Accessory Dwelling Units
Case Number: 2024-010325PCA [Board File No. 241069]
Initiated by: Supervisor Engardio / Introduced October 29, 2024
Staff Contact: Audrey Merlone, Legislative Affairs
Audrey.Merlone@sfgov.org, 628-652-7534
Reviewed by: 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 with Modifications

Planning Code Amendment

The proposed Ordinance would amend the Planning and Subdivision Codes to allow certain Accessory Dwelling Units (ADUs) and the associated primary dwelling to be converted to condominiums (condos).

The Way It Is	The Way It Would Be
<p>ADUs built using the State Program, Hybrid Program, or Local Program may not be delivered as, or converted to condominiums.</p>	<p>ADU's and their associated primary dwelling may be delivered as or converted to condos if:</p> <ul style="list-style-type: none"> • The lot or existing building within which the ADU will be constructed contains four units or less; • The entire structure/building included in the condo project meets Building and Planning Code standards; • Is not a Junior ADU, and; • If built using the State Program, the application to construct was submitted on or after January 1, 2020, or; <p>If built using the Local Program, the application to construct was submitted on or after November 1, 2024.</p>
<p>The Planning Department does not regulate conformance with the Subdivision Code, Subdivision Map Act, or Sec. 66410 of the Civil Code. It does not conduct safety inspections, nor does it enforce lienholder consents.</p>	<p>Additional requirements for ADUs and their associated primary dwellings that seek to convert to or deliver as condos would be placed in the Planning Code. The requirements include:</p> <ul style="list-style-type: none"> • Compliance with the Davis-Stirling Common Interest Development Act, the Subdivision Map Act, and all objective requirements of the San Francisco Subdivision Code. • Prior to the recordation of the condo plan, a safety inspection of the ADU must be conducted and documented from a certified building inspector. • Written evidence of any lienholder's consent must be provided to the Assessor-Recorder prior to recordation or modification to the condo plan. • For condo <i>conversions</i> the property owner must notify all relevant public utility providers. • Projects in planned development communities must also obtain their association's written approval. • The City must include a new notice on all ADU published materials that acknowledges the ability to convert the ADU to a condo and a list of requirements.
<p>There is currently no <i>Code requirement</i> for the Department to report on the number of condo conversions in the Housing Inventory Report or otherwise.</p>	<p>Planning would be required to include data on the location and number of units converted to condos through this program via:</p> <ul style="list-style-type: none"> • The Housing Inventory Report, and • A separate report submitted to the Planning Commission prior to December 31, 2030. This report shall also contain any recommended modifications to the program and that are in furtherance of the goals of the City's 7th Housing Element cycle.

Issues and Considerations

Types of ADUs

An Accessory Dwelling Unit (ADU) is a residential unit added to an existing or proposed building. Traditionally, ADUs are subordinate to the primary residential unit(s). ADUs are generally developed using underutilized spaces within a lot, whether a garage, storage, rear yard, or an attic. ADUs are independent units that have their own kitchens, bathrooms and living areas. These units can be developed either within the existing building, within an extension to the existing building, or as a separate structure. ADUs are more likely to utilize side entrances, exhibit lower ceiling heights, and experience lower light exposure.

In 2016, San Francisco's Accessory Dwelling Unit Program became available citywide to all zoning districts that permit residential uses.

In 2016, San Francisco's Accessory Dwelling Unit Program became available citywide to all zoning districts that permit residential uses. Beginning in January 2020, California implemented new laws that govern ADUs statewide, allowing ADUs to be added to single- and multi-family buildings. There are four ADU types:

1. **Conversion** ADUs are new units that convert space in a residential building.
2. **Attached** ADUs are new units that expand a residential building.
3. **Detached** ADUs are new free-standing buildings located on a residential property.
4. **Junior** ADUs (JADU) are a new type of ADU that convert up to 500 square feet of space in a single-family structure. JADU requires owner-occupancy in either the remaining portion of the single-family home or the newly created JADU.

The type of ADU which can be added to a property depends on the building type and the ADU program.

ADU Programs

Three ADU Programs are available: Local, State, or Hybrid. Below is a general summary of the differences between the programs.

Local Program

Allows ADUs in existing buildings or new construction.

- *Types of ADUs Allowed:* Conversion, Attached, and Detached
- *Number of ADUs Allowed:*
 - Existing Buildings:
 - 4 or fewer units: 1 ADU + 1 Detached ADU
 - 5 or more units: Unlimited ADUs + 1 Detached ADU
 - New Construction: Unlimited + 1 Detached ADU

- Zoning district density limit is 4 or fewer units: 1 ADU + 1 Detached ADU
- Zoning district density limit is 5 or more units: Unlimited ADUs + 1 Detached ADU
- *Additional Features:* Offers Planning Code waivers. Rent control (Costa-Hawkins Regulatory Agreement) typically applies when waivers are used.

State Program

Allows adding one ADU to an existing building or new construction. Review is ministerial and streamlined. They are only permitted on properties where there are no other ADUs.

- *Types of ADUs allowed:* Attached, Detached and for single-family homes, also Conversion
- *Number of ADUs allowed:* 1
- *Additional Features:* Exempt from many Planning Code requirements like rear yard and exposure.

Hybrid Program¹

Combines State and Local rules, allowing multiple ADUs on single-family and multi-family properties.

- *Types of ADUs Allowed:* Conversion, Detached, and for single-family homes, also Junior ADUs
- *Number of ADUs Allowed:* For single-family homes maximum is 3 (1 Detached, 1 Converted, 1 JADU). For multi-family homes the maximum depends on the number of existing units and ADU types.
- *Additional Features:* Must meet Planning Code standards except for density. Detached ADUs must be within the buildable lot area.

For further details, please see the [ADU FAQs](#)² page on the Department's website.

Assembly Bill 1033

Approved by the Governor in October of 2023, [Assembly Bill 1033 \(AB 1033\)](#)³ authorizes local jurisdictions to create their own ordinances that would allow certain ADUs to be converted into condominiums. The bill contains a specific list of requirements that all local ordinances must also adopt. The proposed Ordinance places all the following state-mandated requirements in the Planning Code:

- Compliance with the Davis-Stirling Common Interest Development Act, the Subdivision Map Act, and all objective requirements of the San Francisco Subdivision Code.

- Prior to the recordation of the condo plan, a safety inspection of the ADU must be conducted and evidenced through either a Certificate of Occupancy or "housing quality standards report" from a certified building inspector.

-Written evidence of any lienholder's consent must be provided to the Assessor-Recorder prior to recordation or modification to the condo plan.

-For condo conversions the property owner must notify all relevant public utility providers.

¹ The Ordinance as currently proposed does not allow ADU's constructed through the Hybrid Program to convert to condominiums.

² <https://sfplanning.org/accessory-dwelling-units#faqs>

³ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1033

-Projects in planned development communities must also obtain their association's written approval.

-The City must include a new notice on all ADU submittal checklists/applications/info pamphlets that acknowledges the ability to convert the ADU to a condo and a list of requirements to do so.

Unfortunately, many of the above requirements are outside the jurisdiction of the Planning Department. Additionally, the Department does not employ staff qualified to fulfill certain listed requirements. Generally, the Subdivision and Mapping Division of the Department of Public Works leads condominium conversions and creations.

Primary Dwellings Eligible for Conversion

The proposed Ordinance does not explicitly limit the number of primary dwellings that may be converted for every ADU constructed, but state law contains specific language regarding the conversion of primary units to condominiums, in addition to the requirements mandated by AB 1033 to be part of every local program. California Government Code Section 66342, which allows local jurisdictions to adopt an ordinance permitting the sale of ADUs states:

In addition to the requirement that a local agency allow the separate sale or conveyance of an accessory dwelling unit pursuant to Section 66341, a local agency may also adopt a local ordinance to allow the separate conveyance of the primary dwelling unit and accessory dwelling unit or units as condominiums.

The City interprets state law as allowing one primary *dwelling* to be converted to a condo along with the ADU(s). The “primary dwelling” in a multi-unit rental building would consist of the entire existing building. Therefore, when an ADU is converted into a condominium in a multi-unit building under this program, the remaining units are converted into a multi-unit single condominium. It is staff’s understanding that this structure maintains the rent-controlled status of the existing units in the associated *primary* dwelling if they are already subject to such controls, and that the individual units cannot be sold off separately. Depending on the program used to build an ADU(s), this could result in a building where some units are individual condos (that may or may not be subject to rent control), and others are considered multi-family, rent controlled units.

Rent Control

Property owners who use any Planning Code waiver to build an ADU through the Local Program must sign a Regulatory Agreement that subjects the ADU(s) to rent control. This process relies on an exception to the Costa-Hawkins Rental Housing Act, which is a state law that places limits on rent control. The exception allows the City to impose rent control when property owners agree by contract, in exchange for financial contributions or other assistance. In this case, the agreement formalizes the City’s granting of waivers in return for applying rent control to the ADU. For the most part, ADUs built through the State and Hybrid programs are not subject to rent control through this agreement process.

Rent control stabilizes rents and protects tenants from significant rent increases between leases.

Rent control stabilizes rents and protects tenants from significant rent increases between leases. Its main goal is to provide secure housing at reasonable rents and shield tenants from displacement. Studies show rent stabilization reduces displacement for low-income and senior households.

Rent control does not apply to single-family homes, and condos are typically treated as single-family homes.

Rent control does not apply to single-family homes. And under state law, condos that have been sold to a bona fide purchaser for value are typically exempt from rent control. This could jeopardize the application of rent control to condominiums created under the proposed Ordinance. The proposed Ordinance would allow for the ADU(s) to convert to condominiums as well as the primary associated building. This provision could impact the rent control status of ADUs built through the Local Program and Unauthorized Dwelling Units (UDUs) that are legalized. Currently, 79% of the built ADUs in the city are subject to rent control.

Condominiums are treated as individual properties, which means each condo is eligible to file for an Owner Move-In eviction.

Units located within multi-family buildings built before June 1979 are subject to rent control. Approximately 40% of all housing in San Francisco and more than half of renter-occupied housing stock are rent controlled units. This includes many multi-family buildings of four units or less that either already contain or could add one or more ADUs. This means that an existing 4-unit, rent controlled building could add one or more ADUs and bypass the condominium conversion lottery to convert the “primary dwelling,” and the ADU(s), to condominiums. If then sold, the newly created condo units would likely be exempt from rent control; although it is possible that the recorded regulatory agreement for ADUs approved under the City’s Local program *could* maintain rent control for those converted ADUs. However, even if the rent control status of these units remains in place, their conversion to condominiums may still put existing tenants at risk of eviction. Condominiums are more likely to function as owner-occupied housing. In multi-family buildings, Owner Move-In evictions are limited to one unit per building. However, in condo buildings, each unit is treated as a separate property. This means every condo unit could trigger its own Owner Move-In eviction.

ADUs Associated with Single-Family Homes

One of the key findings in the proposed Ordinance is:

... to provide an option to homeowners and property owners to expediently seek a return on the capital investment required to construct ADUs, while reducing long-term liabilities and potential risks associated with managing rental property. The intent is to incentivize the production of ADUs, especially in neighborhoods dominated by single-family homes, and thereby increase the supply of affordable, entry-level housing units...

The findings additionally cite that nearly 30% of San Francisco's housing stock is comprised of single-family homes, totaling 122,816 housing units. About two-thirds of these single-family homes – an estimated 66% – are owner-occupied. Despite high home prices, 50% of single-family homes are owned by moderate- or low-income owners. Single-family homes have much lower turnover rates than multifamily ownership units or rental units. 46% of single-family homes have been owner-occupied for 20 years or more, and 70% for 10 years or more. Allowing these homeowners the option to build and separately convey their ADUs as condominiums presents a significant opportunity to increase production of new, desperately needed housing. This could help provide sufficient housing for current residents and future generations without having to rely on large-scale area plans and capital-intensive, large-lot redevelopment projects.

Allowing homeowners to sell an ADU separately from the primary dwelling unit can help prevent displacement and support generational wealth-building.

Longtime homeowners often face limited liquidity and cash assets, despite decades of property value appreciation. Accessing this wealth usually requires selling the property, which risks displacing residents and separating extended families. Allowing these homeowners to sell an ADU separately from the primary dwelling unit can help prevent displacement and support generational wealth-building. This option provides seniors with income and allows them to age in place while receiving necessary care.

Other Code Considerations

The Fire and Building Departments have notified staff of additional considerations regarding how their codes classify ADUs. The Building Code differentiates between "primary" and "accessory" units, with stricter standards for primary units. Under the proposed Ordinance, converting an ADU into a condo would reclassify it from an "accessory" unit to a "primary" unit. Primary units must meet stricter life and safety standards.

For instance, an ADU might not initially require sprinklers, especially if it is connected to the primary residence. However, converting it to a condo makes it independent and may require sprinklers. These stricter standards often include safety, accessibility, or other costly upgrades. While the Planning Department does not oversee life and safety issues, they recommend the legislative sponsor consult with relevant agencies to ensure the Ordinance works as intended.

General Plan Compliance

The proposed Ordinance aligns with the Housing Element's Policy 31, which is to: "*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).*" It additionally serves Objective 3.B which instructs the city to create a sense of belonging for all communities within well-resourced neighborhoods by expanding housing choices. The proposed Ordinance creates a pathway for ownership of affordable by design housing located in lower-density, high resource neighborhoods.

Racial and Social Equity Analysis

ADUs are often located in the city's high resource neighborhoods, which are often low density and therefore less affordable. It is vital to the city's racial and social equity goals to increase housing choices in our high resource neighborhoods. ADUs are affordable by design and help achieve these goals. As such, the city should make every effort to encourage their construction. This Ordinance goes a step further by allowing ADUs to be sold as separate, single entities. Allowing ADUs to be sold as single units creates opportunities for middle-class families to become homeowners. It will also assist existing low- and middle-class homeowners to access equity in their home through the addition of a unit that can then be sold.

To protect the city's rent-controlled housing stock, limits should be placed on which units can undergo condo conversion through this program.

However, without limits on which units can be converted to condos through this program, rent-controlled tenants may face greater displacement pressure, and units designed to be rent-controlled may lose their rent-controlled status. The city needs to ensure any new program that increases development potential does so without increasing housing insecurity. Rent-controlled units are vital for communities of color, who are most affected by displacement and benefit greatly from rent control protections. Eliminating these units through condo conversions would harm these communities. To protect the city's rent-controlled housing stock, limits should be placed on which units can undergo condo conversion through this program. This will help preserve affordable and stable housing options.

Implementation

The Department has determined that this ordinance will impact our current implementation procedures if not amended. Currently, the state-mandated requirements for all local ordinances include provisions that do not fall under the jurisdiction of the Planning Department. The Planning Department lacks the staff and expertise needed to conduct safety inspections or enforce compliance with various Subdivision acts and codes. It is vital that these requirements are moved to the appropriate Code overseen by an agency that possesses the staff and necessary skillset to carry out these requirements.

Recommendation

The Department recommends that the Commission ***adopt a recommendation for approval with modifications*** of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

1. Limit the program to the following:
 - a. Existing single-family homes and existing condominiums proposing to construct a new, detached ADU through the state program.
 - b. New construction single-family homes and new construction condominium projects proposing to construct a detached *or* attached ADU through the state program.
2. Move the state-mandated requirements to the Subdivision Code.
3. Make several clarifying amendments.
 - a. Clarify that an application to construct an ADU may be submitted concurrently with the condominium application.
 - b. Clarify that eligible ADUs and primary units must meet the same Planning Code standards that are applied to all other condominium conversion projects, which are in Sec. 1383 of the Subdivision Code.

Basis for Recommendation

The Department supports the Supervisor's goal of helping middle- and low-income homeowners to access the equity of their property through the sale of the ADU. This would also reduce the financial strain of adding an ADU to their primary dwelling. The proposed Ordinance would also expand housing options by encouraging affordable-by-design ADUs, often in lower-density, high-resource neighborhoods. This aligns with the city's goal of increasing housing choices. However, as drafted, the Ordinance could allow other types of units, including rent-controlled units, to be converted to condominiums. This may remove rent control protections from some rent-controlled units. To address these concerns, the Department recommends modifications to reduce potential negative impacts on rent control, reduce rent-control complications, and ensure the program functions as intended.

Recommendation 1: Limit the program to the following:

- a. Existing single-family homes and existing condominiums proposing to construct a new, detached ADU through the state program.
- b. New construction single-family homes and new construction condominium projects proposing to construct a detached *or* attached ADU through the state program.

Limiting the program to the above greatly reduces rent-control complications and protects tenant-occupied units from condo conversion risks. Single-family homes are not subject to rent control, as noted earlier. Most

single-family homeowners who add an ADU use the State Program, which exempts both the ADU and the primary residence from rent control. For existing buildings, limiting the program to new, *detached* ADUs also ensures that Unauthorized Dwelling Units (UDUs) remain protected. UDUs are subject to the rent ordinance. However, the city does not have a complete record of every existing UDU. To protect the city's unpermitted units from losing their rent control status and prevent tenants from being evicted via the unit's condo conversion, it is vital to ensure existing spaces that convert into ADUs are not able to qualify for this condo program. Limiting the program in these ways still provides low- and moderate-income single-family homeowners with a pathway to access their property's equity and encourages affordable by design housing in high-resource, low-density neighborhoods.

Recommendation 2: Move the state-mandated requirements to the Subdivision Code. The state's ADU condominium program requirements do not belong in the Planning Code because Planning lacks enforcement authority and expertise over these rules. Since the Subdivision and Mapping Division of DPW is the lead agency for condominium mapping and subdivision, these requirements should be moved to the Subdivision Code.

Recommendation 3: Make several clarifying amendments.

- a. **Clarify that an application to construct an ADU may be submitted concurrently with the condominium application.** The legislation is currently silent on whether an application for construction and condo application for the ADU and associated primary dwelling may be submitted concurrently. Units using this program should be treated the same way that other new construction projects seeking to deliver as condos are treated: The legislation should be amended to clarify this.
- b. **Clarify that eligible ADUs and primary units must meet the same Planning Code standards that are applied to all other condominium conversion projects, which are in Sec. 1383 of the Subdivision Code.** The Ordinance currently states that qualified units must meet all "applicable" Building and Planning Code standards. To ensure these units are treated the same as other units seeking to convert to condominiums, Sec. 1383 of the Subdivision Code should be referenced instead.

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) 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.

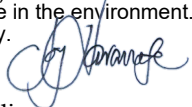
BOARD of SUPERVISORS



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

MEMORANDUM

Date: November 6, 2024
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 241069
Planning, Subdivision Codes - Condominium Conversion of Accessory Dwelling Units

- ☒ 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. Modification of processes or procedures only.
☒ Ordinance / Resolution
☐ Ballot Measure
11/15/2024 
- ☒ 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.

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San Francisco, CA 94102-4689
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TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Carla Short, Director, Public Works
William Blackwell, Chief Surveyor
Joaquín Torres, Assessor-Recorder
Christina Varner, Executive Director, Residential Rent Stabilization and Arbitration Board

FROM: John Carroll, Assistant Clerk, Land Use and Transportation Committee

DATE: November 6, 2024

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Engardio on October 29, 2024.

File No. 241069

Ordinance amending the Planning and Subdivision Codes to allow separate conveyance of certain accessory dwelling units and associated primary dwelling units as condominiums; 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 adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: john.carroll@sfgov.org.

cc:
Offices of Chair Melgar and Supervisor Engardio
David Steinberg, Public Works
Ian Schneider, Public Works
Jason Wong, Public Works
Kurt Fuchs, Office of the Assessor-Recorder
Holly Lung, Office of the Assessor-Recorder

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MEMORANDUM

TO: Budget and Legislative Analyst

FROM: John Carroll, Assistant Clerk, Land Use and Transportation Committee

DATE: April 23, 2025

SUBJECT: LEGISLATION AMENDED - FISCAL IMPACT DETERMINATION

The Board of Supervisors' Land Use and Transportation Committee (a nonfiscal committee) amended the following legislation on April 21, 2025. Pursuant to Administrative Code, Section 2.6-3, the new version is being forwarded to you as it was initially determined not to have fiscal impact.

File No. 241069-2

Ordinance amending the Planning and Subdivision Codes to allow separate conveyance of certain Accessory Dwelling Units and associated primary residences as condominiums; affirming the Planning Department's determination under the California Environmental Quality Act ("CEQA"); making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

If the new version is determined to have fiscal impact, the legislation will need to be referred to a fiscal committee before it can be referred to the full Board for approval.

Please send your determination or contact with me any questions at (415) 554-4445 or email: john.carroll@sfgov.org.

RESPONSE FROM THE BUDGET AND LEGISLATIVE ANALYST - Date: _____

- ☐ This matter has fiscal impact.
- ☐ This matter does not have fiscal impact.
- ☐ Additional information attached.

Budget and Legislative Analyst

From: [Menard, Nicolas \(BUD\)](#)
To: [Carroll, John \(BOS\)](#)
Cc: [Somera, Alisa \(BOS\)](#); [Goncher, Dan \(BUD\)](#); [BOS Legislation, \(BOS\)](#)
Subject: RE: REFERRAL BLA - FISCAL IMPACT DETERMINATION REQUEST - AMENDED IN LUT - BOS File No. 241069 - Planning, Subdivision Codes - Condominium Conversion of Accessory Dwelling Units
Date: Wednesday, April 23, 2025 3:23:09 PM
Attachments: [image001.png](#)

Hi John

This ordinance, as amended, does not have fiscal impact.

Nicolas Menard
Budget & Legislative Analyst's Office
415-484-5485

From: Carroll, John (BOS) <john.carroll@sfgov.org>
Sent: Wednesday, April 23, 2025 3:13 PM
To: Menard, Nicolas (BUD) <nicolas.menard@sfgov.org>
Cc: Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Goncher, Dan (BUD) <dan.goncher@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Subject: REFERRAL BLA - FISCAL IMPACT DETERMINATION REQUEST - AMENDED IN LUT - BOS File No. 241069 - Planning, Subdivision Codes - Condominium Conversion of Accessory Dwelling Units

Good afternoon,

The subject ordinance was amended in LUT on April 21, 2025. It was then continued as amended to the April 28, 2025 LUT meeting.

At the time of introduction this ordinance was determined to not have fiscal impact.

[Referral to BLA – April 23, 2025](#)

Pursuant to Admin Code, Section 2.6-3, please review the amended ordinance to determine whether the amendments result in the legislation having a fiscal impact.

You are invited to review the entire matter on our [Legislative Research Center](#) by following the link below.

[Board of Supervisors File No. 241069](#)

Best to you,



MYRNA MELGAR

DATE: June 25, 2025

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Myrna Melgar, Chair, Land Use and Transportation Committee

RE: Land Use and Transportation Committee
COMMITTEE REPORT

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on Tuesday, July 1, 2025:

File No. 241069 Planning, Subdivision Codes - Condominium Conversion of Accessory Dwelling Units
Sponsor: Engardio

This matter will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, June 30, 2025.

From: [Carroll, John \(BOS\)](#)
To: ["Jeantelle Laberinto"](#); [Melgar, Myrna \(BOS\)](#); [Mahmood, Bilal \(BOS\)](#); [Chen, Chyanne \(BOS\)](#)
Cc: [Board of Supervisors \(BOS\)](#); [MahmoodStaff](#); [ChenStaff](#); [Low, Jen \(BOS\)](#); [Cooper, Raynell \(BOS\)](#); [Sciammas, Charlie \(BOS\)](#)
Subject: RE: File #241069: REP-SF's support for SFADC recommendations
Date: Monday, June 2, 2025 10:35:00 AM
Attachments: [ADC Letter - Condo Conversions \(File No. 241069\).pdf](#)
[image001.png](#)

Thank you for your comment letter.

I am forwarding your comments to the members of the Land Use and Transportation committee, and I will include your comments in the file for this ordinance matter.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

-

[Board of Supervisors File No. 241069](#)

John Carroll
Assistant Clerk

Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

From: Jeantelle Laberinto <jeantelle@peoplepowermedia.org>
Sent: Friday, May 30, 2025 4:30 PM
To: Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; MahmoodStaff <MahmoodStaff@sfgov.org>; ChenStaff <ChenStaff@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>
Cc: Board of Supervisors (BOS) <board.of.supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>

Subject: File #241069: REP-SF's support for SFADC recommendations

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good afternoon Chair Melgar, Vice-Chair Chen, and Supervisor Mahmood,

I am writing on behalf of the Race & Equity in all Planning Coalition (REP-SF) to express our coalition's support for the recommendations detailed in the attached letter from the SF Anti-Displacement Coalition regarding Supervisor Engardio's Condo Conversion of Accessory Dwelling Units legislation ([File No. 241069](#)).

Respectfully,
Jeantelle Laberinto on behalf of REP-SF

--

Jeantelle Laberinto (she/her)

Policy & Community Organizer

[People Power Media](#)

[Race & Equity in all Planning Coalition](#)



April 25, 2025

Supervisor Joel Engardio
1 Dr Carlton B Goodlett Place
San Francisco, CA 94102

Re: Condo Conversion of Accessory Dwelling Units (File No. 241069)

Dear Supervisor Engardio,

The San Francisco Anti-Displacement Coalition writes to express our respectful opposition to your condo conversion legislation (File No. 241069) in its current form. We appreciate that the legislation has been significantly rewritten in response to Planning Staff's recommendations to limit the impact on existing tenants. We do, however, have some remaining concerns about the fate of existing tenants if the ADU or principal residence they occupy is converted from a rental home to an ownership condominium, causing the tenants to lose just cause eviction protection and subsequently be evicted. We believe additional amendments are required to fully implement Planning Staff's recommendations to protect existing tenants. Our concerns and suggested additional amendments are set forth below:

1. Protect tenants of existing ADUs that do not have certificates of occupancy by limiting application of the ordinance to ADUs not yet constructed. The stated intent of this legislation is to incentivize the construction of ADUs on single family properties and properties with existing condominium ownership structures, where the application to construct the ADU units is submitted on or after May 1, 2025. However, the proposed ordinance also authorizes condominium conversion and sale of *ADU homes that already exist but do not have certificates of occupancy*. Since these units already exist, we do not need to incentivize their construction. And since these units already exist, they likely are already occupied by renters who are covered by just cause eviction protections. Once these existing ADUs are subdivided from the property and sold, the renters can, and will, be evicted for owner occupancy. Additionally, if the single family home on the property was constructed before 1979 and is renter occupied, the tenants of the single family home will lose rent stabilization protection.

Recommendation: To protect this group of tenants that occupy already constructed ADU homes, the words "*or no certificate of occupancy has been issued for the ADU*" should be struck from page 14, line 6 of the draft legislation, so that proposed Section 1316(b)(2) reads in its entirety as "*An application to construct the ADU was submitted on or after May 1, 2025.*"

2. Protect tenants who move into newly constructed ADUs that are not converted to condominiums until some later date. The second group of tenants who need protection under the proposed

ordinance are the ones who will be living in newly constructed ADUs (built pursuant to a construction application submitted after May 1, 2025) that are initially rented to tenants, and not sold as condominiums until some later date. Tenants living in those units should have tenant protections (such as a right of first refusal to purchase the condominium ADU, relocation assistance and moving expenses, rent limitations, and lifetime leases to seniors and disabled persons to continue to occupy the condominium ADU), at the time the unit is sold as a condominium, as is required to be offered to existing residents of rental units converted to condominiums pursuant to state and local law.

Recommendation: To protect tenants of occupied ADU units offered for sale, add new Subdivision Section 1316(j) as follows: *“Tenant occupants of any ADU subdivided and available for separate conveyance pursuant to this Section 1316 shall be granted the rights and protections required to be provided to tenants of residential buildings subject to condominium conversion under Subdivision Code Sections 1387, 1390, 1391, 1392, and 1393.”*

3. Protect tenants of existing single family homes that are not owner occupied. The third group of tenants that will need to be protected under the proposed ordinance are those that occupy the existing single family home (primary residence) on the same property as the new ADUs. If tenants are living in the primary dwelling unit and a map is filed to subdivide the property in order to separately sell the primary residence and the ADU on the property, the tenants in the primary residence will lose any applicable rent and eviction protections, as well. This impact can be avoided if the application to subdivide may only be submitted by an owner-occupant who has continuously resided in the primary residence as a principal place of residence for at least three years prior to the application for subdivision, as is required to qualify for the lottery for residential condominium conversions under Subdivision Code Section 1396(b)(3).

Recommendation: Add to proposed Section 1316(b)(1): *“and, if the property contains an existing single family home, such single family home has been continuously occupied by the owner as a principal place of residence for at least three years prior to the application for subdivision.”*

Thank you for your consideration of these important tenant protections. Please note that the current draft of the legislation on which we comment has been available to us (and the public) for only 3 days.

Sincerely,

Meg Heisler
Policy Lead, San Francisco Anti-Displacement Coalition

cc: Supervisor Myrna Melgar
Supervisor Chyanne Chen
Supervisor Bilal Mahmood
Board President Rafael Mandelman

From: [Meg Heisler](#)
To: [Engardio, Joel \(BOS\)](#)
Cc: [Melgar, Myrna \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Chen, Chyanne \(BOS\)](#); [Mahmood, Bilal \(BOS\)](#); [Goldberg, Jonathan \(BOS\)](#); [Ho, Calvin \(BOS\)](#); [Fieber, Jennifer \(BOS\)](#); [Sciammas, Charlie \(BOS\)](#); [Cooper, Raynell \(BOS\)](#); [Carroll, John \(BOS\)](#)
Subject: SFADC letter re: Condo Conversion legislation (241609)
Date: Friday, April 25, 2025 4:19:02 PM
Attachments: [ADC Letter - Condo Conversions \(File No. 241069\).pdf](#)

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Dear Supervisor Engardio,

I'm writing on behalf of the San Francisco Anti-Displacement Coalition to share our respectful opposition to your condo conversion legislation (File No. 241609) in its current form. We appreciate that the legislation has been significantly rewritten in response to Planning Staff's recommendations to limit the impact on existing tenants. We do, however, have some remaining concerns about the fate of existing tenants if the ADU or principal residence they occupy is converted from a rental home to an ownership condominium. These concerns, along with our recommendations are detailed in the attached letter.

Thank you for your consideration,
Meg

--

Meg Heisler
San Francisco Anti-Displacement Coalition
1212 Market Street, Unit 200
San Francisco, CA 94102
SFADC.org



April 25, 2025

Supervisor Joel Engardio
1 Dr Carlton B Goodlett Place
San Francisco, CA 94102

Re: Condo Conversion of Accessory Dwelling Units (File No. 241069)

Dear Supervisor Engardio,

The San Francisco Anti-Displacement Coalition writes to express our respectful opposition to your condo conversion legislation (File No. 241069) in its current form. We appreciate that the legislation has been significantly rewritten in response to Planning Staff's recommendations to limit the impact on existing tenants. We do, however, have some remaining concerns about the fate of existing tenants if the ADU or principal residence they occupy is converted from a rental home to an ownership condominium, causing the tenants to lose just cause eviction protection and subsequently be evicted. We believe additional amendments are required to fully implement Planning Staff's recommendations to protect existing tenants. Our concerns and suggested additional amendments are set forth below:

1. Protect tenants of existing ADUs that do not have certificates of occupancy by limiting application of the ordinance to ADUs not yet constructed. The stated intent of this legislation is to incentivize the construction of ADUs on single family properties and properties with existing condominium ownership structures, where the application to construct the ADU units is submitted on or after May 1, 2025. However, the proposed ordinance also authorizes condominium conversion and sale of *ADU homes that already exist but do not have certificates of occupancy*. Since these units already exist, we do not need to incentivize their construction. And since these units already exist, they likely are already occupied by renters who are covered by just cause eviction protections. Once these existing ADUs are subdivided from the property and sold, the renters can, and will, be evicted for owner occupancy. Additionally, if the single family home on the property was constructed before 1979 and is renter occupied, the tenants of the single family home will lose rent stabilization protection.

Recommendation: To protect this group of tenants that occupy already constructed ADU homes, the words "*or no certificate of occupancy has been issued for the ADU*" should be struck from page 14, line 6 of the draft legislation, so that proposed Section 1316(b)(2) reads in its entirety as "*An application to construct the ADU was submitted on or after May 1, 2025.*"

2. Protect tenants who move into newly constructed ADUs that are not converted to condominiums until some later date. The second group of tenants who need protection under the proposed

ordinance are the ones who will be living in newly constructed ADUs (built pursuant to a construction application submitted after May 1, 2025) that are initially rented to tenants, and not sold as condominiums until some later date. Tenants living in those units should have tenant protections (such as a right of first refusal to purchase the condominium ADU, relocation assistance and moving expenses, rent limitations, and lifetime leases to seniors and disabled persons to continue to occupy the condominium ADU), at the time the unit is sold as a condominium, as is required to be offered to existing residents of rental units converted to condominiums pursuant to state and local law.

Recommendation: To protect tenants of occupied ADU units offered for sale, add new Subdivision Section 1316(j) as follows: *“Tenant occupants of any ADU subdivided and available for separate conveyance pursuant to this Section 1316 shall be granted the rights and protections required to be provided to tenants of residential buildings subject to condominium conversion under Subdivision Code Sections 1387, 1390, 1391, 1392, and 1393.”*

3. Protect tenants of existing single family homes that are not owner occupied. The third group of tenants that will need to be protected under the proposed ordinance are those that occupy the existing single family home (primary residence) on the same property as the new ADUs. If tenants are living in the primary dwelling unit and a map is filed to subdivide the property in order to separately sell the primary residence and the ADU on the property, the tenants in the primary residence will lose any applicable rent and eviction protections, as well. This impact can be avoided if the application to subdivide may only be submitted by an owner-occupant who has continuously resided in the primary residence as a principal place of residence for at least three years prior to the application for subdivision, as is required to qualify for the lottery for residential condominium conversions under Subdivision Code Section 1396(b)(3).

Recommendation: Add to proposed Section 1316(b)(1): *“and, if the property contains an existing single family home, such single family home has been continuously occupied by the owner as a principal place of residence for at least three years prior to the application for subdivision.”*

Thank you for your consideration of these important tenant protections. Please note that the current draft of the legislation on which we comment has been available to us (and the public) for only 3 days.

Sincerely,

Meg Heisler
Policy Lead, San Francisco Anti-Displacement Coalition

cc: Supervisor Myrna Melgar
Supervisor Chyanne Chen
Supervisor Bilal Mahmood
Board President Rafael Mandelman

From: [Meg Heisler](#)
To: [Engardio, Joel \(BOS\)](#)
Cc: [Melgar, Myrna \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Chen, Chyanne \(BOS\)](#); [Mahmood, Bilal \(BOS\)](#); [Goldberg, Jonathan \(BOS\)](#); [Ho, Calvin \(BOS\)](#); [Fieber, Jennifer \(BOS\)](#); [Sciammas, Charlie \(BOS\)](#); [Cooper, Raynell \(BOS\)](#); [Carroll, John \(BOS\)](#)
Subject: SFADC letter re: Condo Conversion legislation (241609)
Date: Friday, April 25, 2025 4:19:02 PM
Attachments: [ADC Letter - Condo Conversions \(File No. 241069\).pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor Engardio,

I'm writing on behalf of the San Francisco Anti-Displacement Coalition to share our respectful opposition to your condo conversion legislation (File No. 241609) in its current form. We appreciate that the legislation has been significantly rewritten in response to Planning Staff's recommendations to limit the impact on existing tenants. We do, however, have some remaining concerns about the fate of existing tenants if the ADU or principal residence they occupy is converted from a rental home to an ownership condominium. These concerns, along with our recommendations are detailed in the attached letter.

Thank you for your consideration,
Meg

--

Meg Heisler
San Francisco Anti-Displacement Coalition
1212 Market Street, Unit 200
San Francisco, CA 94102
SFADC.org



April 25, 2025

Supervisor Joel Engardio
1 Dr Carlton B Goodlett Place
San Francisco, CA 94102

Re: Condo Conversion of Accessory Dwelling Units (File No. 241069)

Dear Supervisor Engardio,

The San Francisco Anti-Displacement Coalition writes to express our respectful opposition to your condo conversion legislation (File No. 241069) in its current form. We appreciate that the legislation has been significantly rewritten in response to Planning Staff's recommendations to limit the impact on existing tenants. We do, however, have some remaining concerns about the fate of existing tenants if the ADU or principal residence they occupy is converted from a rental home to an ownership condominium, causing the tenants to lose just cause eviction protection and subsequently be evicted. We believe additional amendments are required to fully implement Planning Staff's recommendations to protect existing tenants. Our concerns and suggested additional amendments are set forth below:

1. Protect tenants of existing ADUs that do not have certificates of occupancy by limiting application of the ordinance to ADUs not yet constructed. The stated intent of this legislation is to incentivize the construction of ADUs on single family properties and properties with existing condominium ownership structures, where the application to construct the ADU units is submitted on or after May 1, 2025. However, the proposed ordinance also authorizes condominium conversion and sale of *ADU homes that already exist but do not have certificates of occupancy*. Since these units already exist, we do not need to incentivize their construction. And since these units already exist, they likely are already occupied by renters who are covered by just cause eviction protections. Once these existing ADUs are subdivided from the property and sold, the renters can, and will, be evicted for owner occupancy. Additionally, if the single family home on the property was constructed before 1979 and is renter occupied, the tenants of the single family home will lose rent stabilization protection.

Recommendation: To protect this group of tenants that occupy already constructed ADU homes, the words "*or no certificate of occupancy has been issued for the ADU*" should be struck from page 14, line 6 of the draft legislation, so that proposed Section 1316(b)(2) reads in its entirety as "*An application to construct the ADU was submitted on or after May 1, 2025.*"

2. Protect tenants who move into newly constructed ADUs that are not converted to condominiums until some later date. The second group of tenants who need protection under the proposed

ordinance are the ones who will be living in newly constructed ADUs (built pursuant to a construction application submitted after May 1, 2025) that are initially rented to tenants, and not sold as condominiums until some later date. Tenants living in those units should have tenant protections (such as a right of first refusal to purchase the condominium ADU, relocation assistance and moving expenses, rent limitations, and lifetime leases to seniors and disabled persons to continue to occupy the condominium ADU), at the time the unit is sold as a condominium, as is required to be offered to existing residents of rental units converted to condominiums pursuant to state and local law.

Recommendation: To protect tenants of occupied ADU units offered for sale, add new Subdivision Section 1316(j) as follows: *“Tenant occupants of any ADU subdivided and available for separate conveyance pursuant to this Section 1316 shall be granted the rights and protections required to be provided to tenants of residential buildings subject to condominium conversion under Subdivision Code Sections 1387, 1390, 1391, 1392, and 1393.”*

3. Protect tenants of existing single family homes that are not owner occupied. The third group of tenants that will need to be protected under the proposed ordinance are those that occupy the existing single family home (primary residence) on the same property as the new ADUs. If tenants are living in the primary dwelling unit and a map is filed to subdivide the property in order to separately sell the primary residence and the ADU on the property, the tenants in the primary residence will lose any applicable rent and eviction protections, as well. This impact can be avoided if the application to subdivide may only be submitted by an owner-occupant who has continuously resided in the primary residence as a principal place of residence for at least three years prior to the application for subdivision, as is required to qualify for the lottery for residential condominium conversions under Subdivision Code Section 1396(b)(3).

Recommendation: Add to proposed Section 1316(b)(1): *“and, if the property contains an existing single family home, such single family home has been continuously occupied by the owner as a principal place of residence for at least three years prior to the application for subdivision.”*

Thank you for your consideration of these important tenant protections. Please note that the current draft of the legislation on which we comment has been available to us (and the public) for only 3 days.

Sincerely,

Meg Heisler
Policy Lead, San Francisco Anti-Displacement Coalition

cc: Supervisor Myrna Melgar
Supervisor Chyanne Chen
Supervisor Bilal Mahmood
Board President Rafael Mandelman

From: [T Flandrich](#)
To: [Melgar, Myrna \(BOS\)](#); [Chen, Chyanne \(BOS\)](#); [Mahmood, Bilal \(BOS\)](#)
Cc: [MelgarStaff \(BOS\)](#); [ChenStaff](#); [Carroll, John \(BOS\)](#)
Subject: Item #6 File 241069 Condo Conversion of Accessory Dwelling Units
Date: Sunday, April 20, 2025 5:14:27 PM

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April 20, 2025

Dear Chair Melgar and Supervisors Chen & Mahmood,

I am writing today to urge you to ensure that the Planning Department's February 13 , 2025 recommendations (listed in the Executive Summary, pages 9/10) are indeed incorporated in the legislation before you today. The Planning Commission in a 5-2 vote of support passed this resolution following Supervisor Engardio stating that he would adopt these recommendations.

I concur with the Planning Department's statement below (Executive Summary, pg 9) :

"However, as drafted, the Ordinance could allow other types of units, including rent-controlled units, to be converted to condominiums. This may remove rent control protections from some rent-controlled units. To address these concerns, the Department recommends modifications to reduce potential negative impacts on rent control, reduce rent-control complications, and ensure the program functions as intended."

Thank you for your consideration.

Sincerely,

Theresa Flandrich

North Beach Tenants Committee

NB: Below is the email I sent on February 12,2025

T Flandrich

From:tflandrich@yahoo.com

To:Kathrin Moore,Lydia So,Theresa Imperial,Gilbert Williams,Derek Braun and 2 more...

Cc:Planning Commission Secretary,Ionin Jonas (CPC)

Wed, Feb 12 at 1:51 PM

11 February 2025

RE: File # 241069 Condominium Conversion of ADUs (Engardio)

Dear President So and Commissioners,

We as North Beach Tenants Committee join our tenant rights partners, the San Francisco Tenants Union, and Affordable Housing Alliance, in protecting existing and future tenants from the risk of eviction and are therefore opposing any condo conversion of rental housing.

The Planning Department's Executive Summary correctly describes the substantial risk of Owner Move-in evictions when converted to condos. Commissioners, please join us in opposing this ordinance.

Theresa Flandrich
Chair, North Beach Tenants Committee

From: [Peter Belden](#)
To: [Lurie, Daniel \(MYR\)](#); [Hare, Emma \(BOS\)](#); [Kilgore, Preston \(BOS\)](#); [Herrera, Ana \(BOS\)](#); [Chan, Connie \(BOS\)](#); [SauterStaff](#); [Cooper, Raynell \(BOS\)](#); [Andrews, Michelle \(BOS\)](#); [EngardioStaff \(BOS\)](#); [Mahmood, Bilal \(BOS\)](#); [Tam, Madison \(BOS\)](#); [Dorsey, Matt \(BOS\)](#); [MelgarStaff \(BOS\)](#); [MandelmanStaff \(BOS\)](#); [Ho, Calvin \(BOS\)](#); [Fielder, Jackie \(BOS\)](#); [Waltonstaff \(BOS\)](#); [ChenStaff](#); [SherrillStaff](#); [Rosas, Lorenzo \(BOS\)](#); [Segal, Ned \(MYR\)](#); [Carroll, John \(BOS\)](#)
Cc: [Sarah Ranney](#); [Liana Warren](#); [Charles Whitfield](#); [Sara Paul Raffel](#); [Dan Federman](#)
Subject: Sierra Club Support for Engardio ADU ordinance
Date: Wednesday, April 16, 2025 7:21:06 PM
Attachments: [Sierra Club Support Engardio ADU Ordinance.pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please see attached letter from the Sierra Club in support of Supervisor Engardio's ordinance on Condominium Conversion of Accessory Dwelling Units (ADU).

Peter Belden
Political Chair
SF Group, Sierra Club
650-387-2218



SIERRA CLUB
SAN FRANCISCO BAY

San Francisco Group of the San Francisco Bay Chapter

April 16, 2025

To: San Francisco Board of Supervisors and Mayor Lurie

Re: Sierra Club Support for Engardio ADU Ordinance

The Sierra Club supports Supervisor Engardio's ordinance on Condominium Conversion of Accessory Dwelling Units (ADU), file #241069. This ordinance would make it easier and more attractive for some homeowners to create ADUs. This is a targeted but useful step forward in increasing housing in San Francisco.

Adding more homes in San Francisco through infill projects offers numerous advantages. It encourages residents to embrace eco-friendly modes of transportation like walking, biking, and public transit. Increased housing supply can also help alleviate the city's affordability crisis by easing the housing shortage that drives up costs. Furthermore, denser communities foster a more vibrant atmosphere with amenities within close proximity, enhancing the overall quality of life for residents. By embracing urban infill, San Francisco can progress towards a more sustainable, accessible, and livable future for all its citizens.

Sincerely,

Charles Whitfield
Chair, San Francisco Group
Sierra Club

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

I hereby submit the following item for introduction (select only one):

- ☒ 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- ☐ 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- ☐ 3. Request for Hearing on a subject matter at Committee
- ☐ 4. Request for Letter beginning with "Supervisor _____ inquires..."
- ☐ 5. City Attorney Request
- ☐ 6. Call File No. _____ from Committee.
- ☐ 7. Budget and Legislative Analyst Request (attached written Motion)
- ☐ 8. Substitute Legislation File No. _____
- ☐ 9. Reactivate File No. _____
- ☐ 10. Topic submitted for Mayoral Appearance before the Board on _____

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☒ Planning Commission ☐ Building Inspection Commission ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- ☐ Yes ☐ No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Supervisor Joel P. Engardio

Subject:

Planning, Subdivision Codes - Condominium Conversion of Accessory Dwelling Units

Long Title or text listed:

Ordinance amending the Planning and Subdivision Codes to allow separate conveyance of certain accessory dwelling units and associated primary dwelling units as condominiums; affirming the Planning Department's determination under the California Environmental Quality Act ("CEQA"); making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Signature of Sponsoring Supervisor:

