

LEGISLATIVE DIGEST

[Planning, Building Codes - Noncomplying and Accessory Structures]

Ordinance amending the Planning Code to allow repair and replacement of noncomplying structures constructed before the year 2003, and allow accessory structures up to 10 feet in height and 120 square feet within required setbacks and usable open space; amending the Building Code to exempt accessory structures up to 120 square feet from building permits; affirming the Planning Department's determination under the California Environmental Quality Act, making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and making findings of necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

The Planning Code allows small structures like gardening sheds shorter than eight feet in height and less than 100 square feet to be located in rear yards while prohibiting them in setbacks or usable open space. The Planning Code allows existing noncomplying structures—structures that do not comply with current Planning Code provisions—including accessory structures such as gardening sheds, to be repaired, altered, relocated or enlarged—but not replaced—provided that the extent of noncompliance is not intensified.

The San Francisco Building Code requires building permits for small accessory structures over eight feet tall and/or larger than 100 square feet.

Amendments to Current Law

The Proposed Legislation amends the Planning Code to allow gardening sheds and other small accessory structures up to 10 feet in height and/or 120 square feet, and allow them to be located in setbacks and usable open space in addition to rear yards. The Proposed Legislation also allows existing noncomplying accessory structures built before the year 2003 to be replaced in kind without the need for a variance, and would authorize refunding any fees paid by applicants to the Planning Department between January 1, 2021 to the effective date of the Proposed Legislation for variances to replace noncomplying structures built before 2003.

The Proposed Legislation amends the Building Code to harmonize with the California Building Code by exempting accessory structures up to 10 feet in height and and/or 120 square feet from needing a building permit.

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