

(DRAFT) SECOND RESOLUTION RE NOTICE TO TENANTS OF PROPOSED ADUs



London Breed
Mayor

Julie C. Rosenberg
Executive Director

SAN FRANCISCO BOARD OF APPEALS

(DRAFT)

SECOND RESOLUTION ENCOURAGING THE ESTABLISHMENT OF NOTICE REQUIREMENTS TO ALL TENANTS OF A RESIDENTIAL BUILDING PRIOR TO AND WHEN PERMITS ARE ISSUED TO ADD ACCESSORY DWELLING UNITS

WHEREAS, the Board of Appeals was established in 1932 and is authorized by the San Francisco Charter to hear and decide appeals of a wide range of determinations made by other City departments, commissions and agencies, including appeals of building permits; and

WHEREAS, San Francisco has streamlined the process for obtaining permits to build Accessory Dwelling Units ("ADUs"), the Board of Appeals has experienced an increase in appeals of permits obtained by property owners seeking to add Accessory Dwelling Units ("ADUs") to residential buildings, mainly by converting existing garage, storage and parking space; and

WHEREAS, there are no Building or Planning Code provisions which require a *property owner* to provide notice to all tenants of the issuance of the permits to convert building space to ADUs; and

WHEREAS, there are limited and narrow circumstances which require the *Planning Department* to provide notice to tenants regarding proposed ADUs¹; and

WHEREAS, the only notice requirements imposed on property owners and directed to tenants are set forth in the Department of Building Inspection's "Information Sheet No. G-23" as part of the initial screening process before a permit is issued; and

WHEREAS, Information Sheet G-23 only requires the property owner to notify tenants that may lose housing services of their rights under the Rent Ordinance; and

WHEREAS, the Board has heard public testimony from a number of tenants who are either directly or indirectly affected by the addition of ADUs who stated that they did not receive notice of the proposed conversion of space either before or after the issuance of the permits; and

WHEREAS, said permits to build ADUs affect all tenants either directly (through the removal or reduction of housing services such as garage, laundry or storage space) or indirectly by the nature

¹ The Planning Code requires the Planning Department to provide notice to tenants in two instances: (1) if the project contains other work that would otherwise trigger Section 311 notification (such as certain building expansions, however, Section 311 does not apply to every zoning district), and (2) for ADU projects approved under the state-mandated, ministerial approval pathway set forth in Section 207(c)(6) (adding one ADU to a single-family dwelling). These two instances are not typical of cases before the Board involving an impact on tenant services.

of construction work including, noise, construction workers and a possible reduction in on-street parking spaces when garages are removed; and

WHEREAS, the Board of Appeals believes that residential buildings and their public spaces form a community for the tenants who have made their homes within the building; and

WHEREAS, the Board of Appeals previously adopted a resolution on May 8, 2019 encouraging legislative changes which would require *property owners* to provide notice to tenants of proposed ADUs (attached); and

WHEREAS, there are still no Building or Planning Code provisions that require *property owners* to provide notice to all tenants of proposed ADUs²; and

WHEREAS, the Board of Appeals believes that property owners should provide notice to ALL tenants of: (1) the intent to convert space in the building to ADUs prior to permit issuance, and (2) the issuance of permits for ADUs; further, property owners should provide tenants with a set of building plans and have a process in place to receive and respond to inquiries from tenants; and

NOW THEREFORE BE IT RESOLVED, that the members of the Board of Appeals respectfully encourage members of the San Francisco Board of Supervisors, the San Francisco Building Inspection Commission, and the San Francisco Planning Commission to consider Code revisions that would require *property owners* to provide building plan sets and notice, both prior to and at the time of permit issuance, to all tenants of a residential building, of the intent to convert space in the building to ADUs, regardless of whether housing services will be severed or reduced; and further to require property owners to provide a process to receive and respond to inquiries from tenants about proposed projects.

Adopted by the San Francisco Board of Appeals at its meeting on May 19, 2021.

Darryl Honda, President

Julie Rosenberg, Executive Director

AYES:

NOES:

ABSENT:

ADOPTED: May 19, 2021

² Mayor Breed's proposed ADU legislation, still pending in Board File No. 201008, would streamline notification requirements for ADU projects proposed under Planning Code Section 207(c)(6) (the state-mandated, ministerial approval pathway that is referenced in footnote 1) and shift the burden of providing notice to the property owner.



London Breed
Mayor

Julie C. Rosenberg
Executive Director

SAN FRANCISCO BOARD OF APPEALS

**RESOLUTION ENCOURAGING THE ESTABLISHMENT OF NOTICE REQUIREMENTS TO
ALL TENANTS OF A RESIDENTIAL BUILDING WHEN PERMITS ARE ISSUED TO ADD
ACCESSORY DWELLING UNITS**

WHEREAS, the Board of Appeals was established in 1932 and is authorized by the San Francisco Charter to hear and decide appeals of a wide range of determinations made by other City departments, commissions and agencies, including appeals of building permits; and

WHEREAS, San Francisco has streamlined the process for obtaining permits to build Accessory Dwelling Units ("ADUs"), the Board of Appeals has experienced an increase in appeals of permits obtained by property owners seeking to add Accessory Dwelling Units ("ADUs") to residential buildings, mainly by converting existing garage, storage and parking space; and

WHEREAS, there are no Building or Planning Code provisions which require the property owner to provide notice to all tenants of the issuance of the permits to convert building space to ADUs; and

WHEREAS, the only notice requirements directed to tenants are set forth in the Department of Building Inspection's "Information Sheet No. G-23" as part of the initial screening process before a permit is issued; and

WHEREAS, Information Sheet G-23 only requires the property owner to notify tenants that may lose housing services of their rights under the Rent Ordinance; and

WHEREAS, the Board has heard public testimony from a number of tenants who are either directly or indirectly affected by the addition of ADUs who stated that they did not receive notice of the proposed conversion of space either before or after the issuance of the permits; and

WHEREAS, said permits to build ADUs affect all tenants either directly (through the removal or reduction of housing services such as garage, laundry or storage space) or indirectly by the nature of construction work including, noise, construction workers and a possible reduction in on-street parking spaces when garages are removed; and

WHEREAS, the Board of Appeals believes that residential buildings and their public spaces form a community for the tenants who have made their homes within the building; and

WHEREAS, the Board of Appeals believes that property owners should provide notice to ALL tenants of: (1) the intent to convert space in the building to ADUs prior to permit issuance, and (2) the issuance of permits for ADUs; further, property owners should provide tenants with a set of plans and have a process in place to receive and respond to inquiries from tenants; and

NOW THEREFORE BE IT RESOLVED, that the members of the Board of Appeals encourage members of the San Francisco Board of Supervisors, the San Francisco Building Inspection Commission, and the San Francisco Planning Commission to consider Code revisions that would require property owners to provide plan sets and notice, both prior to and at the time of permit issuance, to all tenants of a residential building, of the intent to convert space in the building to ADUs, regardless of whether housing services will be severed or reduced; and further to require property owners to provide a process to receive and respond to inquiries from tenants.

Adopted by the San Francisco Board of Appeals at its meeting on May 8, 2019.



Richard Swig, President



Julie Rosenberg, Executive Director

AYES: Commissioner Lazarus, Commissioner Honda, Commissioner Tanner and President Swig

NOES: 0

ABSENT: 0

ADOPTED: May 8, 2019