



SAN FRANCISCO PLANNING DEPARTMENT

New Planning Code Summary:

HOME-SF and Density Bonus Projects

Amended/Added Sections: 206, 302
Case Number: 2014-001503PCA
Board File/Enactment#: 150969/116-17
Sponsored by: Mayor Edwin Lee, Supervisors Tang, Safai
Effective Date: July 13, 2017

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The ordinance amended sections 206 and 302 of the Planning Code to create the HOME-SF, State Density Bonus: Analyzed and State Density Bonus: Individually Requested Programs. It also creates specific Conditional Use criteria for Density Bonus projects requiring a Conditional Use Authorization. The purpose of this ordinance is to establish a local ordinance implementing the State Density Bonus Law, and create an additional optional program (HOME-SF) that incentivizes 30% on-site affordable housing in projects by offering two additional stories of height and other zoning incentives.

The Way It Was:

Projects requesting a density bonus under State Law were processed on a case-by-case basis, according to the provisions of California Government Code Section 65915 et seq. There was no formalized process for requesting incentives, concessions or waivers from the Planning Code, or for seeking additional density and height in return for providing on-site affordable housing.

The Way It Is Now:

Project sponsors requesting a density bonus now have three options, depending on what zoning district their project is located in.

In zoning districts where density is controlled by a ratio of units to lot area (e.g. 1 unit per 200 sq ft of lot area) and in the RH-3 zoning district:

- 1) HOME-SF (Sec. 206.3)
- 2) State Density Bonus: Analyzed (Sec. 206.5)

In all zoning districts:

- 3) State Density Bonus: Individually Requested (Sec. 206.6)

The details of each option are as follows:

1. HOME-SF (Sec. 206.3)

a. Eligibility – In order to be eligible for HOME-SF, project must:

- i. be located in a zoning district that
 1. is not RH-1 or RH-2; AND
 2. establishes a maximum dwelling unit density through a ratio of number of units to lot area.
- ii. not be located in the North of Market SUD, within the boundaries of the Northeast Waterfront Area Plan south of the centerline of Broadway, or on property under the jurisdiction of the Port of San Francisco.
- iii. if located north of the centerline of Post Street and east of the centerline of Van Ness Avenue, be located on one of the following:
 1. Lots containing no existing buildings; or
 2. Lots equal or greater than 12,500 sq. ft. where existing buildings are developed to less than 20% of the lot's principally permitted buildable gross area as determined by height limits, rear yard requirements and rear yard setbacks; or
 3. Lots occupied by Gas Stations, Private or Public Parking Lots, Financial Services, Fringe Financial Services, Formula Retail, Self-Storage, Motel, Automobile Sales or Rental, Automotive Wash, Mortuaries, Adult Business, Massage Establishment, Medical Cannabis Dispensary, and Tobacco Paraphernalia Establishment, as those uses are defined in Planning Code Section 102.
- iv. Historic Resources – project must demonstrate to the satisfaction of the Environmental Review Officer that the project does not:
 1. Cause a substantial adverse change in the significance of an historic resource;
 2. Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas;
 3. Alter wind in a manner that substantially affects public areas;
- v. Not demolish, remove or convert any residential units;

- vi. Propose three or more residential units, not including any Group Housing, efficiency dwelling units, or Density Bonus Units;
- vii. Consist of new construction (cannot include an addition to an existing structure);
- viii. Not involve merging lots that result in more than 125 of lot frontage, if located in a Neighborhood Commercial District;
- ix. Include at least 135% of the Base Density as calculated under Planning Code Section 206.5; and
- x. Not be seeking and receiving a density or development bonus under the provisions of the State Law, Planning Code Sections 207, 202.2(f), 304, or any other State or local program that provides development bonuses

b. HOME-SF Affordability and Unit Mix requirements:

- i. Affordability – project must provide 30% of units in project as affordable on-site HOME-SF units as follows:
 - 1. 12% of units at 55% of AMI (rental) or 80% of AMI (owner);
 - 2. 9% of units at 80% of AMI (rental) or 105% of AMI (owner); and
 - 3. 9% of units at 110% of AMI (rental) or 130% of AMI (owner).
- ii. Unit Mix – project must provide a minimum dwelling unit mix of either:
 - 1. At least 40% two and three bedroom units, including at least 10% three bedroom units, OR
 - 2. Any unit mix which includes some three bedroom or larger units such that 50% of all bedrooms within the project are provided in units with more than one bedroom.
- iii. Unit Size – HOME-SF affordable units shall be no smaller than the minimum unit sizes set forth by the California Tax Credit Allocation Committee as of May 16, 2017.
 - 1. Studio: 200 sq ft
 - 2. 1 Bedroom: 500 sq ft
 - 3. 2 Bedroom: 750 sq ft

- c. Development Bonuses. If a project meets all of the eligibility, affordability and unit mix requirements for HOME-SF, the sponsor may request any of the following development bonuses:
 - i. Form based density – no residential density limit; instead a project’s density would be limited by height, bulk, , unit mix requirements and other limitations set forth elsewhere in the Planning Code;
 - ii. Height – up to 20 additional feet above the site’s existing height limit, to be used to provide up to two additional 10-foot stories; and
 - iii. Ground Floor Ceiling height – projects with active uses on the ground floor shall receive up to a maximum 5 additional feet in height, to be applied at the ground floor to provide a 14-foot ceiling height for nonresidential uses and to allow walk-up dwelling units (additional 5 feet not granted to projects already receiving this height increase under Sec. 263.20).
- d. Zoning Modifications – projects may select up to three of the following:
 - i. Rear Yard – can be reduced to 20% of lot depth or 15 feet, whichever is greater;
 - ii. Dwelling Unit Exposure – exposure requirements may be satisfied through windows facing an unobstructed open area 25ft in every horizontal dimension, and such open area is not required to expand at each subsequent floor;
 - iii. Off-Street Loading – requirement can be waived;
 - iv. Automobile Parking – up to a 75% reduction in residential and parking requirements;
 - v. Open Space – up to a 5% reduction in common open space requirement;
 - vi. Additional Open Space – up to an additional 5% reduction in common open space requirement; or
 - vii. Inner Courts as Open Space – a space that is 25 ft in every horizontal direction can qualify as common open space, with no restriction on the heights of adjacent walls.

2. State Density Bonus: Analyzed (Sec 206.5)

- a. Eligibility – In order to be eligible for the State Density Bonus: Analyzed Program, project must meet same eligibility requirements of HOME-SF with the following exceptions:
 - i. Project must propose FIVE or more residential units, not including any Group Housing, efficiency dwelling units, or Density Bonus Units;
 - ii. Project may include up to a MAXIMUM of 135% of the Base Density as calculated under Planning Code Section 206.5;
- b. State Density Bonus: Analyzed Program Affordability and Unit Mix requirements are the same as HOME-SF.
- c. Density Bonus. If a project meets all of the eligibility, affordability and unit mix requirements for the State Density Bonus: Analyzed Program, the sponsor may request up to a 35% bonus in allowable density:
 - i. Exact amount of bonus density granted is based on the number and affordability levels of Inclusionary or Restricted Affordable units provided, as laid out in table 206.5A; and
 - ii. Project sponsors may combine bonuses from different affordability categories, up to a maximum of 35% bonus.
- d. Concessions and Incentives – depending on amount and affordability levels of Inclusionary or Restricted Affordable units provided (see Table 206.5B) projects may select up to three of the following concessions or incentives:
 - i. Rear Yard – can be reduced to 20% of lot depth or 15 feet, whichever is greater;
 - ii. Dwelling Unit Exposure – exposure requirements may be satisfied through windows facing an unobstructed open area 25ft in every horizontal dimension, and such open area is not required to expand at each subsequent floor;
 - iii. Off-Street Loading – requirement can be waived;
 - iv. Automobile Parking – up to a 50% reduction in residential and parking requirements;
 - v. Open Space – up to a 5% reduction in common open space requirement; or

- vi. Additional Open Space – up to an additional 5% reduction in common open space requirement.
- e. Waiver or Modification of Height Limits - project sponsor may request up to 20 feet or two stories of extra height (see Section 206.5 (c) (5))

3. State Density Bonus: Individually Requested (Sec 206.6)

- a. Eligibility – In order to be eligible for the State Density Bonus: Individually Requested Program, project must:
 - i. Propose FIVE or more residential units, not including any Group Housing, efficiency dwelling units, or Density Bonus Units; and
 - ii. Not be seeking and receiving a density or development bonus under the provisions of the State Law, Planning Code Sections 207, 202.2(f), 304, or any other State or local program that provides development bonuses.
- b. State Density Bonus: Individually Requested Program Affordability requirements:
 - i. Affordability – project must comply with Section 415 and provide affordable units on-site; projects may elect to provide additional Restricted Affordable units.
 - ii. Replacement units – project must provide on-site replacement units for any Rent Controlled units, or any units occupied by very low or low income households, that are demolished or removed.
- c. Density Bonus. If a project meets all of the eligibility, affordability and unit mix requirements for the State Density Bonus: Individually Requested Program, the sponsor may request up to a 35% bonus in allowable density:
 - i. Exact amount of bonus density granted is based on the number and affordability levels of Inclusionary or Restricted Affordable units provided, as laid out in table 206.6A.
 - ii. Project sponsors can NOT combine bonuses from different affordability categories.
 - iii. Density bonuses shall be calculated as a percentage of the Maximum Allowable Gross Residential Density.
- d. Concessions and Incentives – depending on amount and affordability levels of Inclusionary or Restricted Affordable units provided (see Table

206.6B) projects may select up to three concessions or incentives, subject to the following conditions:

- i. The concession or incentive must result in identifiable and actual cost reductions;
 - ii. The concession or incentive must not have specific adverse impacts upon public health and safety, the physical environment, or any real property listed in the California Register of Historical Resources; and
 - iii. The concession or incentive must not be contrary to state or federal law.
- e. Waivers – project sponsor may apply for a waiver or modification of development standards in order to achieve the additional density or concessions and incentives granted, subject to the following conditions:
- i. The waiver must not have specific adverse impacts upon public health and safety, the physical environment, or any real property listed in the California Register of Historical Resources; and
 - ii. The waiver must not be contrary to state or federal law.

Link to Signed Legislation:

<https://sfgov.legistar.com/View.ashx?M=F&ID=5250430&GUID=7F2B9F97-A3ED-440C-A827-5A348B10937A>