



# SAN FRANCISCO PLANNING DEPARTMENT

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## New Planning Code Change Summary:

### Double-Density Bonus: Sections 209.1(m) & (n) & 102.6(1)

**Case Number:** Board File No. 09-0906

**Initiated by:** Supervisor Chiu

**Effective Date:** July 26, 2010

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1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### The Way it Was:

Section 209.1 outlines the type of dwelling units that are permitted in residentially-zoned districts. 209.1(m) was placed in the Code in 1978 and states that in limited circumstances a developer may receive double the amount of permitted dwelling units if certain requirements were met.

If a proposed project was specifically designed and occupied by 1) senior citizens or 2) physically disabled persons, then the project can increase the number of dwelling units by double. These units must be occupied by seniors or physically disabled people for the lifetime of the building and meet all State and Federal programs for dwelling unit requirements for these classes.

This double density bonus is permitted as-of-right at staff level review in all residentially-zoned districts. The current language in the code does not specify the number of units that must be dedicated to seniors or physically disabled, nor does it require monitoring of these units over the lifetime of the building.

### The Way is Now:

The Ordinance clarifies the requirements that a developer must meet in order to receive the double density bonus. Specifically, it requires the following:

1. Limit this provision to senior housing only;
2. Adds Section 102.6.1: Dwellings Specifically Designed for & occupied by Senior Citizens, which
  - a. Links the definition of a senior citizen to the California Civil Code and Federal Fair Housing Act;
  - b. Itemizes 7 specific design criteria for senior citizens (California Civil Code Section 51.2(d));
  - c. Creates 2 categories of housing definitions for senior citizens:

- i. Senior citizen is a person who is 62 years of age or older; or
    - ii. A senior citizen housing development is a development that has at least 35 units. If a development has 35 units, then the age limit for a qualifying senior citizen is lowered to 55 years of age or higher;
    - iii. **NOTE:** therefore, if a proposed development will contain less than 35 units, ALL of the residents must be 62 years of age or older. If there are 35+ units, the residents can be 55 years of age or older.
  - d. Requires the building to be occupied by qualifying senior citizens (defined above) for the life of the building, regardless of whether the units will be owner-occupied or rented;
  - e. Must include any Inclusionary Housing Requirements (per Section 315) on site and limited to qualifying senior citizens;
  - f. Project must be located within ¼ mile of a Neighborhood Commercial District-zoned area;
  - g. Project sponsor must record a notice of special restriction with the Assessor-Recorder outlining the occupancy requirements for the lifetime of the building; and
  - h. If the proposed development will be condominiumized, the project sponsor must provide the Department with a copy of the Covenants, Conditions, & Restrictions.
3. Permits this bonus as-of-right in residentially-zoned districts if all of the requirements are met (that is, approvable at staff level); and
  4. Requires a conditional use authorization if the project will be located further than ¼ mile from a Neighborhood Commercial District.

Link to signed legislation:

<http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances10/o0130-10.pdf>