



# NEW PLANNING CODE SUMMARY

## Four-Unit Density Exception for Residential Districts

<b>Amended Sections:</b>	Various
<b>Case Number:</b>	2021-010762PCA
<b>Board File/Enactment #:</b>	210866/210-22
<b>Initiated by:</b>	Supervisor Mandelman
<b>Effective Date:</b>	November 27, 2022

The Ordinance amended the Planning Code to provide a density limit exception to permit up to four dwelling units per lot, and up to six dwelling units per lot in Corner Lots, in all RH (Residential, House) zoning districts, subject to certain requirements.

### The Way It Was:

1. The City's RH districts are composed of five separate classes of districts, defined by the number of units permitted in each:

<b>RH-1(D) Districts</b>	1 unit max. per lot
<b>RH-1 Districts</b>	1 unit max. per lot <b>or</b> 1 unit per every 3,000sqft of lot area with a CUA, but in no case more than 3 units per lot
<b>RH-1(S) Districts</b>	1 unit max. per lot, though a small second unit is allowed if it is 600sqft or less, <b>or</b> 1 unit per every 3,000sqft of lot area with CUA, but in no case more than 3 units per lot
<b>RH-2 Districts</b>	2 unit max. per lot <b>or</b> 1 unit per every 1,500sqft of lot area with CUA;
<b>RH-3 Districts</b>	3 unit max. per lot, <b>or</b> 1 unit per every 1,000sqft of lot area with CUA

*Accessory Dwelling Units (ADU's) may also be built in addition to the base density allowances in RHD's.*

2. Each of the four RH zoning districts had its own set of building standards.
3. The Historic Resource Assessment (HRA) provides preliminary feedback from the Planning Department regarding whether a property is eligible for listing on the National Register of Historic Places (NR) and/or California Register of Historical Resources (CR) in cases where a property's historic resource status is

unknown (i.e. a Category B – Unknown Historic Resource Status). An HRA may *only* be filed for properties where no development or alteration project is pending. The base fee for an HRA is the same as for a Project Review Meeting.

4. The Subdivision Code allowed projects to apply to form condominiums if the project was proposing new construction, however existing buildings seeking to add units and convert the building to condominiums had to undergo a lengthy, complicated, and costly process.

### The Way It Is Now:

1. The Ordinance established a density exception for projects located in RH Districts. In all RHD's, up to four units (not including any allowed ADU's) are allowed on all lots, and up to six units (not including ADU's) are allowed on corner lots so long as certain conditions are met:
  - a) Projects may not seek or receive a density bonus via Planning Code Sec. 206.5 of 206.6;
  - b) Projects must demonstrate that they will not cause a substantial adverse change to the significance of a historic resource;
  - c) Any demolished Residential Units must be replaced, including protected units. Projects must also offer relocation benefits and right of first refusal to protected units with lower income households<sup>1</sup>;
  - d) Any units created due to the density exception (aka over the base allowable zoning), will be subject to rent control;
  - e) At least one dwelling unit created under the density exception must contain 3 or more bedrooms, or shall be no less than 1/3 the size of the largest unit (measured as floor area);
  - f) The lot for the proposed project must have been owned by the same property owner for at least one year prior to the time of their application submittal. Property owners who have inherited the property from an "Eligible Predecessor"<sup>2</sup> may add the time the predecessor owned the property towards this requirement;
2. Projects that provide at least four dwelling units are subject to a 30% rear yard or 15ft, whichever is greater. All other projects will be subject to the buildings standards of their underlying zoning district.
3. Historic Resource Assessment fees shall be waived for projects seeking to utilize the density exception *if* the applicant signs an affidavit stating their intent to reside at the property for at least three years post construction (issuance of the Certificate of Final Completion and Occupancy). *Permit fees for Historic Resource Determinations (HRE's) will not be waived.*
4. Through an amendment to the Subdivision Code, projects that utilize the density exception program to add one or more units to an existing single-family home may apply to form condos through the new construction

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<sup>1</sup> As defined in California Govt Code Sec. 66300.

<sup>2</sup> Eligible Predecessor is defined for the purposes of this legislation as: inheriting through a trust, from a blood, adoptive, or stepfamily relationship, specifically from a grandparent, parent, sibling, child, grandchild, spouse or registered domestic partner of such relations, or the property owner's spouse or registered domestic partner.

pathway *if* the owner signs an affidavit stating their intent to reside in one of the dwelling units for at least three years after the issuance of the Certificate of Final Completion and Occupancy.

5. The Planning Department in conjunction with other City agencies must, on an annual basis, prepare a report addressing the characteristics and demographics of the applicants to, and participants in the program, number of units permitted and constructed, geographic distribution, affordability, construction costs, and number of tenants that vacated or were evicted as a result of the program. The data must be requested by the Department of all applicants to the program, though applicants are not required to submit any of the requested information.

**Link to Signed Legislation:**

<https://sfgov.legistar.com/View.ashx?M=F&ID=11372304&GUID=A278D9A3-351D-49D8-AF48-A3DAFD036689>