



November 18, 2025

Ms. Angela Calvillo, Clerk
Honorable Supervisor Mahmood
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: **Transmittal of Planning Department Case Number 2025-006246PCA:**
Definitions, Family, Dwelling Unit
Board File No. 250719

Planning Commission Action: Adopted a Recommendation for Approval with Modification

Dear Ms. Calvillo and Supervisor Mahmood,

On November 13, 2025, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Mahmood that would amend Planning Code to define a “Family” as a “Household” in addition to other related changes. At the hearing the Planning Commission adopted a recommendation for approval with modifications. The Commission’s proposed modifications are outlined in the attached resolution, R-21869.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron D. Starr", with a long horizontal flourish extending to the right.

Aaron D. Starr
Manager of Legislative Affairs

cc: Giulia Gualco-Nelson, Deputy City Attorney
Raynell Cooper, Aide to Supervisor Mahmood
John Carroll, Office of the Clerk of the Board

ATTACHMENTS :

Planning Commission Resolution
Planning Department Executive Summary



PLANNING COMMISSION RESOLUTION NO. 21869

HEARING DATE: November 13, 2025

Project Name: Planning Code - Definitions, Family, Dwelling Unit
Case Number: 2025-006246PCA [Board File No. 250719]
Initiated by: Supervisor Mahmood / Introduced July 1, 2025
Staff Contact: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

RESOLUTION ADOPTING A RECOMMENDATION FOR APPROVAL OF A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO DEFINE A “FAMILY” AS A “HOUSEHOLD”; ELIMINATE NUMERIC LIMITS ON UNRELATED FAMILY MEMBERS AND REQUIREMENTS THAT FAMILY MEMBERS SHARE MEALS; CLASSIFY CERTAIN TYPES OF COMMUNITY CARE, ELDERLY, CONGREGATE CARE, AND RECOVERY FACILITIES AS RESIDENTIAL USES; INCLUDE CERTAIN GROUPS OF SIX OR FEWER PEOPLE AND ASSOCIATED OPERATORS AS A “HOUSEHOLD”; 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 PUBLIC NECESSITY, CONVENIENCE, AND WELFARE PURSUANT TO PLANNING CODE, SECTION 302.

WHEREAS, on July 1, 2025 Supervisor Mahmood introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 250719, which would amend the Planning Code to define a “Family” as a “Household”; eliminate numeric limits on unrelated family members and requirements that family members share meals; classify certain types of community care, elderly, congregate care, and recovery facilities as Residential Uses; and include certain groups of six or fewer people and associated operators as a “Household”; and,

WHEREAS, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on November 13, 2025; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15378 and 15060(c); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Commission hereby adopts a recommendation for approval with modifications of the proposed ordinance. The Commission's proposed recommendation(s) is/are as follows:

1. Make **ALL** Residential Care Facilities a Residential Use instead of an Institutional Use and exempt Residential Care Facilities from the Inclusionary Housing Requirement. In addition, ensure that the exclusion of Residential Care Facilities from the inclusionary requirements does not inadvertently permit the exclusion of other housing forms from the inclusionary requirements.
2. Amend the definition of Household to include "single- or multiple- provider households with dependents."
3. Include the sponsor's proposed amendments that include the following:
 - a) Amend the definition of Household so that the 9-lease limit **only applies to buildings constructed after the proposed ordinance becomes effective** and clarify that a "lease" includes "rental agreements, licenses, or other contractual agreements for exclusive use of all or a portion of the premises."
 - b) Amend the definition of Household to require "24-hour unlimited access to a full kitchen, full bathroom, private sleeping room, and circulation from the building entrance to each of the aforementioned areas."
 - c) Amend the definition of Household to clarify that "at least one living expense" is shared rather than suggesting all need to be share.
 - d) Amend Planning Code Section 176 *-Enforcement Against Violations-* to clarify the Zoning Administrator's authority to issue administrative subpoenas for enforcement purposes.
 - e) Clerical changes that simplify the inclusion of Residential Care Facilities into the definition of Residential Use.
4. The Commission also directs the Department to monitor the implementation of the legislation for potential unintended consequences and report back to the Commission 24 months after its effective date.
5. The Commission encourages Supervisor Mahmood to consider CCDC's comments that were sent to the Planning Commission prior to the hearing.

Findings

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

The Commission recommends approval of the proposed ordinance because it modernizes outdated zoning definitions to better reflect the diversity of San Francisco’s households, aligns local regulations with state law, and supports the City’s broader housing goals. The current definition of “Family” imposes restrictive and outdated criteria that limit who can legally share a dwelling unit. By replacing “Family” with a more inclusive definition of “Household,” the ordinance removes unnecessary barriers to shared housing, particularly for communities that rely on chosen family structures or non-traditional living arrangements.

The ordinance also clarifies the distinction between Dwelling Units and Group Housing in a way that supports the City’s shift toward form-based density regulation. It does this while preserving the integrity of the Inclusionary Housing Program through a nine-lease threshold. Additionally, reclassifying Residential Care Facilities as Residential Uses brings the Planning Code into compliance with state law and affirms the residential character of these facilities.

Together, these changes advance key Housing Element policies, improve enforcement clarity, and promote more equitable and adaptable housing options. With the recommended modifications and implementation monitoring, the commission believes the ordinance will better serve San Francisco’s evolving housing needs.

General Plan Compliance

The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

OBJECTIVE 1

DIVERSIFY HOUSING TYPES FOR ALL CULTURES, FAMILY STRUCTURES, AND ABILITIES.

Policy 34

Encourage co-housing to support ways for households to share space, resources, and responsibilities, especially to reinforce supportive relationships within and across communities and generations.

Implementing Program 7.2.6

Modify the definition of “dwelling unit” to comply with Health and Safety Code 17021.5. Evaluate and amend the definition of “family” to ensure that it provides zoning code occupancy standards specific to unrelated adults and complies with fair housing law. Permit group housing broadly throughout the city, particularly in zones allowing single-family uses, increase group housing density permitted in these districts, and remove Conditional Use Authorizations or other entitlement barriers to group housing. Changes should focus on special needs groups, including those with disabilities, by ensuring that intermediate care facilities or congregate living health facilities, with six or fewer residents are treated

no differently than other by-right single-family housing uses as required in Health and Safety Code sections 1267.8, 1566.3, and 1568.08.

The proposed ordinance is consistent with Policy 34 of the Housing Element, which encourages co-housing as a means to support shared living arrangements that foster intergenerational and community-based support networks. This policy promotes the sharing of space, resources, and responsibilities among households to strengthen social ties and improve housing affordability. Additionally, the ordinance advances Implementing Program 7.2.6, which directs the City to revise the definition of “family” to establish zoning occupancy standards that accommodate unrelated adults and comply with fair housing laws.

Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City’s supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City’s supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in

an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

Planning Code Section 302 Findings.

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby ADOPTS A RECOMMENDATION FOR APPROVAL WITH MODIFICATIONS of the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on November 13, 2025.



Jonas P. Ionin
Commission Secretary

Jonas P Ionin

Digitally signed by Jonas P Ionin
Date: 2025.11.14 11:54:32 -08'00'

AYES: Campbell, McGarry, Braun, So
NOES: Imperial, Moore
ABSENT: Williams
ADOPTED: November 13, 2025



EXECUTIVE SUMMARY

PLANNING CODE TEXT AMENDMENT

HEARING DATE: November 13, 2025

90-Day Deadline: December 30, 2025

Project Name: Planning Code - Definitions, Family, Dwelling Unit
Case Number: 2025-006246PCA [Board File No. 250719]
Initiated by: Supervisor Mahmood / Introduced July 1, 2025
Staff Contact: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533
Environmental Review: Not a Project Under CEQA

RECOMMENDATION: Adopt of Recommendation for Approval with Modifications

Planning Code Amendment

The proposed Ordinance would amend the Planning Code to define a “Family” as a “Household”; eliminate numeric limits on unrelated family members and requirements that family members share meals; classify certain types of community care, elderly, congregate care, and recovery facilities as Residential Uses; include certain groups of six or fewer people and associated operators as a “Household”.

	The Way It Is	The Way It Would Be
1	The Planning Code Section 102 defines a “Family” as: <i>“A single and separate living unit, consisting of either one person, or two or more persons related by blood, marriage or adoption or by legal guardianship pursuant to court order, plus</i>	The definition of “Family” would be substituted for “Household” and be defined as follows: <i>“...one or more persons that (a) share living expenses, such as rent or mortgage payments, food costs, and utilities, and (b) collectively maintain no more than nine leases, rental</i>

	<i>necessary domestic servants and not more than three roomers or boarders; a group of not more than five persons unrelated by blood, marriage or adoption, or such legal guardianship unless the group has the attributes of a family in that it (a) has control over its membership and composition; (b) purchases its food and prepares and consumes its meals collectively; and (c) determines its own rules or organization and utilization of the residential space it occupies. A group occupying group housing or a hotel, motel, or any other building or portion thereof other than a Dwelling, shall not be deemed to be a family.”</i>	<i>agreements, licenses, or other contractual agreements for exclusive use of all or a portion of the premises. Notwithstanding the foregoing, a Household shall also include the residents and operators of the following:</i> <i>(a) A residential facility serving six or fewer persons, as provided in California Health & Safety Code Sections 1502 and 1566.3;</i> <i>(b) Alcoholism or drug abuse recovery or treatment facilities serving six or fewer persons, as provided in California Health & Safety Code Sections 11834.02 and 11834.23;</i> <i>(c) Residential care facilities for the elderly serving six or fewer persons, as provided in California Health & Safety Code Sections 1569.2 and 1569.85;</i> <i>(d) Intermediate care facilities for the developmentally disabled serving six or fewer persons, as provided in California Health & Safety Code Sections 1250 and 1267.8; and</i> <i>(e) Any group of people required under state or federal law to be considered a “Family” or “Household” for purposes of local land use regulations....”</i>
2	A “Dwelling Unit”, as defined in the Planning Code, can only be occupied by a “Family.”	A “Dwelling Unit” would be able to be occupied by any group that meets the definition of “Household.”
3	The Planning Code defines “Residential Use” as: <i>A Use Category consisting of uses that provide housing for San Francisco residents, rather than visitors, including Dwelling Units, Group Housing, Residential Hotels, Senior Housing, Homeless Shelters, and for the purposes of Article 4 only any residential components of Institutional Uses. Single Room Occupancy, Intermediate Length Occupancy, and Student Housing designations are considered characteristics of certain Residential Uses.</i>	Residential Use would be amended to also include the following: <i>(a) A residential facility serving six or fewer persons, as provided in California Health & Safety Code Sections 1502 and 1566.3;</i> <i>(b) Alcoholism or drug abuse recovery or treatment facilities serving six or fewer persons, as provided in California Health & Safety Code Sections 11834.02 and 11834.23;</i> <i>(c) Residential care facilities for the elderly serving six or fewer persons, as provided in California Health & Safety Code Sections 1569.2 and 1569.85;</i> <i>(d) Intermediate care facilities for the developmentally disabled serving six or fewer</i>

		persons, as provided in California Health & Safety Code Sections 1250 and 1267.8; (e) Congregate living health facility serving six or fewer persons, as provided in California Health & Safety Code Sections 1250 and 1267.16; and (f) A state-authorized, certified, or licensed family care home, foster home, or group home serving six or fewer persons with mental health disorders or other disabilities or dependent and neglected children that provides care on a 24-hour-a-day basis, as provided in California Welfare & Institutions Code Section 5116.
4	The Planning Code defines “Institutional Use” as: <i>A Use Category that includes Child Care Facility, Community Facility, Private Community Facility, Hospital, Job Training, Medical Cannabis Dispensary, Religious Institution, Residential Care Facility, Social Service or Philanthropic Facility, Post-Secondary Educational Institution, Public Facility, School, and Trade School.</i>	Institutional Use would state that any use that is classified as a “Residential Use” is not an Institutional Use.

Proposed Amendments

The Supervisor plans to introduce amendments to the proposed ordinance that would do the following (see Exhibit C for a draft of the proposed amendments to the ordinance). Because the Supervisor has not submitted the revised ordinance to the Clerk of the Board, recommended modifications will be based on the version of the introduced ordinance and not the proposed substitute ordinance.

1. Amend the definition of Household so that the 9-lease limit **only applies to buildings constructed after the proposed ordinance becomes effective** and clarify that a “lease” includes “rental agreements, licenses, or other contractual agreements for exclusive use of all or a portion of the premises.”
2. Amend the definition of Household to require “24-hour unlimited access to a full kitchen, full bathroom, private sleeping room, and circulation from the building entrance to each of the aforementioned areas.”
3. Amend the definition of Household to clarify that “at least one living expense” is shared rather than suggesting all need to be share.
4. Amend Planning Code Section 176 *-Enforcement Against Violations-* to clarify the Zoning Administrator’s authority to issue administrative subpoenas for enforcement purposes.
5. Clerical changes that simplify the inclusion of Residential Care Facilities into the definition of

Residential Use.

Background

This ordinance proposes to update the San Francisco Planning Code by redefining the term “Family” as “Household” to better reflect the diversity of living arrangements in the City.

This ordinance proposes to update the San Francisco Planning Code by redefining the term “Family” as “Household” to better reflect the diversity of living arrangements in the City. The current definition imposes restrictive criteria on unrelated individuals living together, such as requiring shared meal preparation and limiting group size to five, which disproportionately affects housemate households. The ordinance eliminates these constraints, allowing unrelated individuals to form a Household based on shared living space and expenses. It also places a cap of nine leases to help differentiate between a single dwelling unit and group housing. The ordinance also aligns local zoning with state law by classifying Residential Care Facilities serving six or fewer individuals as Residential Uses and part of a Household. These changes aim to align local zoning standards with fair housing laws, and support more inclusive and affordable housing options.

Issues and Considerations

The Role of “Family” in the Planning Code

The Planning Code’s definition of “Family” plays a foundational role in determining who may legally occupy a Dwelling Unit in San Francisco.

The Planning Code’s definition of “Family” plays a foundational role in determining who may legally occupy a Dwelling Unit in San Francisco. While the term may not fully reflect the diversity of modern households, it has historically served as a regulatory tool to distinguish Dwelling Units from other housing types. Under the Code, a “Family” is defined as either:

- A single person or a group of related individuals (with up to three boarders), or
- Up to five unrelated individuals living together as a single household—sharing meals, common areas, and house rules.

Only households that meet this definition may legally occupy a Dwelling Unit. An exception, per state law, allows a Dwelling Unit to serve as employee housing for up to six employees. Living arrangements that fall outside this definition must be classified under other housing types, such as Group Housing or Residential Care Facilities.

Group Housing, while intended for permanent residents, is typically designed for individuals in transitional life stages—such as students or temporary workers. These developments feature smaller private units and shared amenities. The Planning Code requires a minimum of 0.5 gross square feet of common space for every

square foot of private space, with at least 15% of that common space dedicated to communal kitchens (one kitchen per 15 units).

Importantly, the Code’s definition of Group Housing is prospective - it guides new development but does not help identify when an existing Dwelling Unit has been informally converted into Group Housing. For enforcement purposes, the Department relies on whether the unit still meets the definition of a Dwelling Unit, which in turn depends on the definition of Family.

While imperfect, the Family definition has proven useful in enforcement—particularly in addressing exploitative housing models such as “hacker hostels.”

While imperfect, the Family definition has proven useful in enforcement—particularly in addressing exploitative housing models such as “hacker hostels.” In the mid-2010s, the Department responded to a rise in illegal conversions where bunk beds were rented in overcrowded apartments for stays of 30 days or more. These operations often generated complaints related to noise, sanitation, and overcrowding, with some units housing over 20 individuals.

In such cases, the Department used the Family definition to require compliance or conversion to permitted Group Housing. However, these cases are rare. Most shared housing arrangements—such as unrelated renters leasing individual rooms—do not trigger enforcement, even if they technically exceed the Family definition.

The Department recognizes that the term “Family” does not always reflect the city’s lived housing realities. Updating this terminology to a more inclusive concept like “Household” is a stated policy goal in the City’s Housing Element. As San Francisco continues to evolve its housing policies, modernizing how we define household composition remains a key step toward more equitable and adaptable regulation.

Group Housing and Dwelling Unit Distinction

Planning’s role has evolved to focus on regulating the form, location, and general design of residential buildings, not how many households they contain.

The updated definition of “Household” expands the types of living arrangements permitted within a Dwelling Unit. However, this broader definition also softens the traditional boundary between Dwelling Units and Group Housing. Historically, this distinction mattered because density was regulated by the number of units allowed per lot and Group Housing was not as widely permitted. But with the City’s shift from **lot-based density** to **form-based density**, and Group Housing permitted wherever dwelling units are allowed, that distinction is less critical.

Under current policy, allowable residential density is no longer determined by an arbitrary unit count per parcel. Instead, it’s based on how many people can safely and reasonably live within a building of a given size and height. Life and safety standards are already governed by building and housing codes. Planning’s role has evolved to focus on regulating the **form, location, and general design** of residential buildings, not how many households they contain.

To preserve the integrity of the City’s inclusionary housing requirements, the ordinance includes a nine-lease limit in the definition of “Household.”

That said, the Planning Code still plays a key role in two areas where the distinction between Dwelling Units and Group Housing remains important:

1. **Unit Mix Requirements**

The Code requires a balanced mix of unit sizes, including family-sized units. While it’s unclear how the new household definition might affect these requirements, the impact is likely minimal—especially since unit mix standards primarily concern **new construction**.

2. **Inclusionary Housing Program**

To preserve the integrity of the City’s inclusionary housing requirements, the ordinance includes a **nine-lease limit** in the definition of “Household.” This threshold ensures that any arrangement with **10 or more leases** is classified as **Group Housing**, which is subject to inclusionary housing requirements. This deliberate boundary helps maintain a clear policy distinction between Dwelling Units and Group Housing, ensuring that inclusionary obligations are applied appropriately.

Residential Care Facilities

From a land use perspective, treating Residential Care Facilities as a Residential Use is consistent with their intended function.

Residential Care Facilities are designed to provide long-term care in a setting that residents consider their home. These facilities are distinct from Health Service Uses, as they typically do not offer outpatient services, may or may not have medical doctors on staff, and are generally intended to serve specific populations—such as older adults or individuals recovering from substance use—in a residential environment.

Currently, Residential Care Facilities are categorized as Institutional or Non-Residential Uses under the Planning Code. However, under state law, facilities serving six or fewer residents must be treated as a Residential Use and permitted in all zones where residential uses are allowed. While the Planning Code already permits Residential Care Facilities of any size in all zoning districts where residential uses are allowed, formally reclassifying these facilities as a Residential Use—particularly for those serving six or fewer residents—would bring the City’s regulations into clearer alignment with state law.

From a land use perspective, treating Residential Care Facilities as a Residential Use is consistent with their intended function. The Planning Code defines these facilities as “residential in character” and emphasizes their role as long-term housing. However, this reclassification would subject Residential Care Facilities to development standards applicable to Residential Uses. For example, in some instances, residential uses are subject to requirements such as usable open space and setbacks, which often do not apply to non-residential uses.

As a result, some existing Residential Care Facilities—originally developed under non-residential standards—may become legal non-conforming uses. This status could complicate future expansion or renovation efforts.

Nonetheless, any resulting challenges are expected to be minor and should not pose significant barriers to continued operation or modest growth.

General Plan Compliance

The proposed ordinance is consistent with Policy 34 of the Housing Element, which encourages co-housing as a means to support shared living arrangements that foster intergenerational and community-based support networks. This policy promotes the sharing of space, resources, and responsibilities among households to strengthen social ties and improve housing affordability. Additionally, the ordinance advances Implementing Program 7.2.6, which directs the City to revise the definition of “family” to establish zoning occupancy standards that accommodate unrelated adults and comply with fair housing laws. By removing outdated restrictions on who may live together, the ordinance represents a meaningful step toward expanding housing choice—one of the core goals of the Housing Element.

Racial and Social Equity Analysis

In removing the requirements set forth by the definition of Family, the proposed ordinance will expand housing access for communities that rely on “chosen family” living arrangements. Typically, these arrangements are a more cost-effective type of housing; therefore, permitting these living arrangements also increases affordable housing choices. Further, removing legal or blood relationship requirements respects diverse cultural and social household structures. One potential negative consequence to removing these barriers could be a propensity for developers to build housing that consists of little common space and could lead to overcrowding. This potential adverse impact should be monitored closely in the first few years of the ordinance’s implementation.

Implementation

The Department has determined that the proposed ordinance will affect both the current project review process and the way complaints regarding unwarranted group housing units are addressed. By reducing the distinction between dwelling units and group housing—and, with the Supervisors’ proposed amendments, establishing two categories of buildings (those constructed before and after the ordinance’s effective date)—the ordinance introduces a new regulatory framework.

While these changes present certain implementation challenges, staff believe that the proposed amendments provide sufficient tools to apply and enforce the revised definitions effectively. To ensure successful implementation, the Department recommends ongoing monitoring of these changes. This will allow staff to adapt practices and, if necessary, propose refinements to the Planning Code to address any unforeseen issues that arise during the early years of enforcement.

Recommendation

The Department recommends that the Commission ***adopt a recommendation for approval with modifications*** of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department’s proposed recommendations are as follows:

1. Make **ALL** Residential Care Facilities a Residential use instead of an Institutional Use.
2. Amend the definition of Household to include “single- or multiple- provider households with

dependents.”

3. Include the sponsors proposed amendments outlined above under “Proposed Amendments” on page 3.
4. Direct staff to monitor the implementation of the legislation for potential unintended consequences and report back to the Commission three years after its effective date.

Basis for Recommendation

The Department recommends approval of the proposed ordinance because it modernizes outdated zoning definitions to better reflect the diversity of San Francisco’s households, aligns local regulations with state law, and supports the City’s broader housing goals. The current definition of “Family” imposes restrictive and outdated criteria that limit who can legally share a dwelling unit. By replacing “Family” with a more inclusive definition of “Household,” the ordinance removes unnecessary barriers to shared housing, particularly for communities that rely on chosen family structures or non-traditional living arrangements.

The ordinance also clarifies the distinction between Dwelling Units and Group Housing in a way that supports the City’s shift toward form-based density regulation. It does this while preserving the integrity of the Inclusionary Housing Program through a nine-lease threshold. Additionally, reclassifying Residential Care Facilities as Residential Uses brings the Planning Code into compliance with state law and affirms the residential character of these facilities.

Together, these changes advance key Housing Element policies, improve enforcement clarity, and promote more equitable and adaptable housing options. With the following recommended modifications and implementation monitoring, the Department believes the ordinance will better serve San Francisco’s evolving housing needs.

Recommendation 1: Make ALL Residential Care Facilities a Residential use instead of an Institutional Use. As proposed the ordinance distinguishes Residential Care Facilities as either Residential or Institutional uses based solely on the number of residents - using a threshold of seven or more individuals. This bifurcation introduces unnecessary complexity and inconsistency into the code.

Residential Care Facilities, regardless of size, are fundamentally residential in both form and function. They provide housing, daily living support, and a stable home environment—core characteristics of residential use. Reclassifying larger RCFs as institutional simply because they serve more people creates confusion, adds bureaucratic hurdles, and undermines the intent of inclusive, community-based housing.

We do not apply this logic to other residential typologies. For example, group housing developments with seven or more residents are not reclassified as institutional uses. There is no compelling reason to treat Residential Care Facilities differently. Doing this will require more clerical amendments to the code but is well worth the effort.

Recommendation 2: Amend the definition of Household to include “single- or multiple- provider households with dependents.” The sponsor’s proposed amendment to the definition of “household” improves upon the existing language by clarifying that members must share at least one living expense, rather

than all expenses. Staff support this clarification as a meaningful step toward a more inclusive and realistic definition.

However, the revised definition still omits an important household type: single- or multiple provider households with dependents. These are common family structures—such as a single parent with children or a caregiver supporting dependents—where only one member may be responsible for providing income or covering expenses.

To ensure the definition of “household” reflects the full diversity of living arrangements in the city, staff recommends adding language that explicitly includes single- or multi- provider households with dependents. Incorporating this clarification alongside the sponsor’s proposed changes will result in a more inclusive and equitable definition that better reflects the lived experiences of San Francisco residents.

Recommendation 3: Include the sponsors proposed amendments outlined above under “Proposed Amendments” on page 3.

- a) Amend the definition of Household so that the 9-lease limit **only applies to buildings constructed after the proposed ordinance becomes effective** and clarify that a “lease” includes “rental agreements, licenses, or other contractual agreements for exclusive use of all or a portion of the premises.”

While staff is not enthusiastic about bifurcating the definition of household, we understand the intent is to not disrupt existing living situation where there are more than nine subleases. This could make it more difficult for enforcement and provide a way for group housing to avoid having to pay into the inclusionary program; however, we can support the proposed modification as it helps create stability for existing co-living situations. We fully support the change to broaden the meaning of lease to help close any loopholes that may arise through different contractual agreements.

- b) Amend the definition of Household to require “24-hour unlimited access to a full kitchen, full bathroom, private sleeping room, and circulation from the building entrance to each of the aforementioned areas.”

Staff requested these amendments and believe they help better define what constitutes a household, as opposed to a group housing situation where rooms are often leased separately and access to certain areas is restricted.

- c) Amend the definition of Household to clarify that “at least one living expense” is shared rather than suggesting all need to be share.

Along with staff Recommendation 2 above, staff believe that this will improve the definition of household.

- d) Amend Planning Code Section 176 -*Enforcement Against Violations*- to clarify the Zoning Administrator’s authority to issue administrative subpoenas for enforcement purposes.

Staff requested the sponsor make this amendment to the ordinance. The proposed Ordinance will

require the Department to review leases and other private agreements to verify that a unit meets the definition of “Household”. Currently, the Department’s authority to require the submission of private agreements only extends to the enforcement of short-term rentals. This same authority needs to be extended to the Zoning Administrator’s powers in Section 176 of the Planning Code. The sponsors proposed amendment will accomplish this.

- e) Clerical changes that simplify the inclusion of Residential Care Facilities into the definition of Residential Use.

The sponsor has proposed a streamlined way to integrate Residential Care Facilities into the definition of household. These changes make the code easier to understand and less cumbersome

Recommendation 4: Direct staff to monitor the implementation of the legislation for potential unintended consequences and report back to the Commission three years after its effective date. While the Department typically discourages mandated reporting requirements due to the potential strain on staff resources and limited return on investment, in this case, the Department believes such monitoring is warranted. The full impact of the Ordinance — including any unintended consequences — are unlikely to be evident until it has been in effect for some time. Therefore, tracking its implementation and identifying areas for improvement during the initial years will be essential to ensuring its long-term success.

Required Commission Action

The proposed Ordinance is before the Commission so that it may adopt a recommendation of approval, disapproval, or approval with modifications.

Environmental Review

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

Public Comment

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

ATTACHMENTS:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 250719
- Exhibit C: DRAFT Substitute Ordinance