

File No. 250719

Committee Item No. 3
Board Item No. 4

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation
Board of Supervisors Meeting:

Date: Dec. 15, 2025
Date: Jan. 6, 2026

Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance - VERSION 3
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Legislative Digest - VERSION 3
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Introduction Form
<input type="checkbox"/>	<input type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract / DRAFT Mills Act Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Form 126 – Ethics Commission
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Public Correspondence

OTHER

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Planning Commission Transmittal – November 18, 2025</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>CEQA Determination – July 3, 2025</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Referrals CEQA and PC, July 3, and December 10, 2025</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Referral Youth Commission – December 10, 2025</u>
<input type="checkbox"/>	<input type="checkbox"/>	

Prepared by: John Carroll
Prepared by: John Carroll
Prepared by:

Date: Dec. 11, 2025
Date: Dec. 31, 2025
Date:

1 [Planning Code - Definitions, Family, Dwelling Unit, Residential Care Facility]

2

3 **Ordinance amending the Planning Code to define a “Family” as a “Household,”**

4 **eliminate numeric limits on unrelated family members and requirements that family**

5 **members share meals, classify Residential Care Facilities that serve six or fewer**

6 **persons as Residential Uses, include certain groups of six or fewer people and**

7 **associated operators as a “Household,” and clarify the Zoning Administrator’s**

8 **enforcement authority to administratively subpoena documents; affirming the Planning**

9 **Department’s determination under the California Environmental Quality Act; making**

10 **findings of consistency with the General Plan and the eight priority policies of Planning**

11 **Code, Section 101.1; and making findings of public necessity, convenience, and**

12 **welfare pursuant to Planning Code, Section 302.**

13 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.

14 **Additions to Codes** are in *single-underlined Times New Roman font*.

15 **Deletions to Codes** are in ~~strikethrough italics Times New Roman font~~.

16 **Board amendment additions** are in double-underlined Arial font.

17 **Board amendment deletions** are in ~~strikethrough Arial font~~.

18 **Asterisks (* * * *)** indicate the omission of unchanged Code

19 subsections or parts of tables.

20 Be it ordained by the People of the City and County of San Francisco:

21 Section 1. Environmental and Land Use Findings.

22 (a) The Planning Department has determined that the actions contemplated in this

23 ordinance comply with the California Environmental Quality Act (California Public Resources

24 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

25 Supervisors in File No. 250719 and is incorporated herein by reference. The Board affirms

26 this determination.

(b) On November 13, 2025, the Planning Commission, in Resolution No. 21869, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 250719, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, this Board finds that this ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 21869, and incorporates such reasons by this reference thereto. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No. 250719.

Section 2. Background and General Findings.

(a) Under the Planning Code, a Dwelling Unit can only be occupied by a Family, as defined in the Planning Code. Groups that do not constitute a Family can occupy Group Housing. Generally, Group Housing is a type of residential use with limited cooking facilities and larger common areas. Group Housing includes boardinghouses, communes, and fraternity or sorority houses.

(b) Currently, the Planning Code defines Family to exclude groups of more than five unrelated people, unless the group prepares and consumes meals together, controls its membership, and determines its own use of the residential space. Related family members with more than five people do not need to satisfy these criteria. Before 1978, the Planning Code did not distinguish between related and unrelated people for the purposes of defining a Family. For example, the 1957 Planning Code defined a Family as “one or more persons occupying the premises as a single and separate housekeeping unit.”

(c) Many older homes and apartments in San Francisco are occupied by several unrelated individuals who do not prepare meals together. Living with housemates is often more affordable than living in smaller units and provides important community ties, particularly for young adults. Like related families, housemate households can live together for many years, particularly in high-cost cities like San Francisco.

(d) The current “Family” definition subjects housemates to a stringent numeric requirement unless they can satisfy certain parameters around kitchen use. If more than five housemates desire to live together without preparing meals together, their unit must meet Group Housing standards. Often these older houses and apartments cannot satisfy the requirements for Group Housing, which include 0.5 gross square feet of common space for each gross square foot of private space.

(e) Group Housing developments, while designed for permanent residents, are tailored to residents who are in a transitional stage in their lives, either as a function of their employment situation or their student status. Group Housing is characterized by smaller individual unit sizes and scaled-back private amenities. These typologies differ from the single-family homes or large apartments occupied by housemates.

(f) This ordinance would remove any limitations on or references to five unrelated people living in a dwelling unit and redefine a “Family” as a “Household.” For Residential Uses established before the enactment of this ordinance, a Household is defined as a group of people that share a space with unconditional 24-hour access to a kitchen, bedroom, bathroom and that share at least one living expense. For Residential Uses established after the effective date of this ordinance, a Household is defined as one that meets the foregoing criteria and maintains no more than nine leases for all the members of the Household. A Household also includes any dependents of the Household members. This definition embraces both unrelated and related households. The nine-lease threshold allows

1 housemates to occupy older houses and apartments without triggering a change in use to
2 Group Housing, while still preserving an objective distinction between Group Housing and
3 Dwelling Units for ground-up new Group Housing construction, where typically an individual
4 lessee occupies a single Group Housing bedroom. Maintaining a distinction between Group
5 Housing and Dwelling Units is important to ensure that new developments satisfy applicable
6 development requirements, including inclusionary housing. The nine-lease threshold also
7 allows for flexibility where housemates may be under separate leases or maintain various
8 subleasing agreements for the household. This ordinance does not modify any definitions
9 applicable to the Inclusionary Housing Ordinance, Section 415 et seq., including but not
10 limited to “Household” as defined in Planning Code Section 401.

11 (g) Consistent with state law, this ordinance would also make Residential Care
12 Facilities serving six or fewer individuals a “Household” regardless of whether they otherwise
13 satisfy the definition.

14 (h) This ordinance implements Policy 7.2.6 of the City’s Housing Element, which
15 included a short-term goal that the City modify the definition of “Family” to “ensure that it
16 provides zoning code occupancy standards specific to unrelated adults and complies with fair
17 housing law.”

18 (i) The distinction between “Dwelling Unit” and “Group Housing” is largely antiquated
19 and should be the subject of future reform and review to be more inclusive of non-traditional
20 households and more flexible conceptions of residential density, while still maintaining the
21 intent of the City’s inclusionary housing requirements.

22 (j) Nothing in this ordinance abridges or otherwise alters any private contractual rights,
23 nor does this ordinance abridge the rights of families with children or other dependents to live
24 together.

25

1 Section 3. Articles 1 and 1.7 of the Planning Code are hereby amended by revising
2 Sections 102 and 176, to read as follows:

3

4 **SEC. 102. DEFINITIONS.**

5 * * * *

6 **Dwelling.** A building, or portion thereof, containing one or more Dwelling Units. A "one-
7 family dwelling" is a building containing exclusively a single Dwelling Unit. A "two-family
8 dwelling" is a building containing exclusively two Dwelling Units. A "three-family dwelling" is a
9 building containing exclusively three Dwelling Units.

10 **Dwelling Unit.** A Residential Use defined as a room or suite of two or more rooms that
11 is designed for, or is occupied by, one familyHousehold doing its own cooking therein and
12 having only one kitchen. A Dwelling Unit shall also include:

13 (a) “eEmployee housing” when providing accommodations for six or fewer employees,
14 as provided in StateCalifornia Health and Safety Code §Section 17021.5; and

15 (b) A housekeeping room as defined in the Housing Code ~~shall be a Dwelling Unit for~~
16 ~~purposes of this Code.~~

17 For the purposes of this Code, a Live/Work Unit, as defined in this Section, shall not be
18 considered a Dwelling Unit.

19 * * * *

20 **Family.** ~~A single and separate living unit, consisting of either one person, or two or more~~
21 ~~persons related by blood, marriage or adoption or by legal guardianship pursuant to court order, plus~~
22 ~~necessary domestic servants and not more than three roomers or boarders; a group of not more than~~
23 ~~five persons unrelated by blood, marriage or adoption, or such legal guardianship unless the group has~~
24 ~~the attributes of a family in that it (a) has control over its membership and composition; (b) purchases~~
25 ~~its food and prepares and consumes its meals collectively; and (c) determines its own rules or~~

1 ~~organization and utilization of the residential space it occupies. A group occupying group housing or a~~
2 ~~hotel, motel, or any other building or portion thereof other than a Dwelling, shall not be deemed to be~~
3 ~~a family. Family shall mean Household, as defined in this Section 102.~~

4 * * * *

5 **Group Housing.** A Residential Use that provides lodging or both meals and lodging,
6 without individual or limited cooking facilities or kitchens, by prearrangement for 30 days or
7 more at a time and intended as Long-Term Housing, in a space not defined by this Code as a
8 Dwelling Unit. Except for Group Housing that also qualifies as Student Housing as defined in
9 this Section 102, 100% Affordable Housing ~~as defined in that meets the requirements of~~ Planning
10 Code Section 315, or housing operated by an organization with tax-exempt status under 26
11 United States Code Section 501(c)(3) providing access to the unit in furtherance of its primary
12 mission to provide housing, the residential square footage devoted to Group Housing shall
13 include both common and private space in the following amounts: for every gross square foot
14 of private space (including bedrooms and individual bathrooms), 0.5 gross square feet of
15 common space shall be provided, with at least 15% of the common space devoted to
16 communal kitchens with a minimum of one kitchen for every 15 Group Housing units. Group
17 Housing shall include, but not necessarily be limited to, a Residential Hotel, boardinghouse,
18 guesthouse, rooming house, lodging house, residence club, commune, fraternity or sorority
19 house, monastery, nunnery, convent, or ashram. It shall also include ~~g~~Group ~~h~~Housing
20 affiliated with and operated by a medical or educational institution, when not located on the
21 same lot as such institution, which shall meet the applicable provisions of Section 304.5 of this
22 Code concerning institutional master plans.

23 * * * *

24 **Hours of Operation.** A commercial Use Characteristic limiting the permitted hours
25 during which any commercial establishment, not including automated teller machines, may be

1 open for business. Other restrictions on the hours of operation of Movie Theaters, Adult
2 Businesses, Adult Sex Venues, Nighttime Entertainment, and General Entertainment Uses
3 shall apply pursuant to provisions in Section 303(p), when such uses are permitted as
4 Conditional Uses. A Pharmacy may qualify for the exception to operate on a 24-hour basis
5 provided in Section 202.2(a)(2) of the Code. The hours of operation of a principally permitted
6 Adult Sex Venue are subject to the provisions in Section 202.2(a)(8).

7 **Household.** *Except where the definition of Household provided in Section 401 applies within*
8 *Article 4, Household shall mean any of the following:*

9 *(a) For Residential Uses established before the effective date of the ordinance in this Board*
10 *File No. 250719, one or more persons, including any dependents, that (i) occupy a residential space*
11 *with unconditional 24-hour access to a full kitchen, full bathroom, private sleeping room, and*
12 *circulation from the building entrance to each of the aforementioned areas; and (ii) share at least one*
13 *living expense, such as rent or mortgage payments, food costs, or utilities.*

14 *(b) For Residential Uses established on or after the effective date of the ordinance in this Board*
15 *File No. 250719, one or more persons, including any dependents, that (i) occupy a residential space*
16 *with unconditional 24-hour access to a full kitchen, full bathroom, private sleeping room, and*
17 *circulation from the building entrance to each of the aforementioned areas, (ii) share at least one living*
18 *expense, such as rent or mortgage payments, food costs, or utilities; and (iii) collectively maintain no*
19 *more than nine leases, rental agreements, licenses, or other contractual agreements for exclusive use of*
20 *all or a portion of the premises.*

21 *(c) The residents and operators of a Residential Care Facility that serves six or fewer persons.*

22 *(d) Any group of people required under state or federal law to be considered a "Family" or*
23 *"Household" for purposes of local land use regulations.*

1 *A group of persons occupying Group Housing or a Hotel, Motel, or any other building or*
2 *portion thereof other than a Dwelling, shall not be deemed to be a Household. Family and Household*
3 *shall be used interchangeably for the purposes of this Code.*

4 * * * *

5 **Institutional Use.** A Use Category that includes Child Care Facility, Community
6 Facility, Private Community Facility, Hospital, Job Training, Medical Cannabis Dispensary,
7 Religious Institution, Residential Care Facility *serving seven or more persons*, Social Service or
8 Philanthropic Facility, Post-Secondary Educational Institution, Public Facility, School, and
9 Trade School.

10 * * * *

11 **Residential Care Facility.** An Institutional Healthcare Use providing lodging, board
12 and care for a period of 24 hours or more to *seven or more* persons in need of specialized aid
13 by personnel licensed by the State of California, *or a Residential Use if such facility serves six or*
14 *fewer persons.* Such facility shall display nothing on or near the facility that gives an outward
15 indication of the nature of the occupancy except for a sign as permitted by Article 6 of this
16 Code, shall not provide outpatient services, and shall be located in a structure *which that*
17 remains residential in character. Such facilities shall include, but not necessarily be limited to,
18 a board and care home, family care home, long-term nursery, orphanage, rest home or home
19 for the treatment of addictive, contagious or other diseases, or psychological disorders.

20 * * * *

21 **Residential Use.** A Use Category consisting of uses that provide housing for San
22 Francisco residents, rather than visitors, including Dwelling Units, Group Housing, Residential
23 Hotels, Senior Housing, Homeless Shelters, and, for the purposes of Article 4 only, any
24 residential components of Institutional Uses. Single Room Occupancy, Intermediate Length
25 Occupancy, and Student Housing designations are considered characteristics of certain

1 Residential Uses. A Residential Use shall also include a Residential Care Facility that serves six or
2 fewer persons.

3 * * * *

4

5 **SEC. 176. ENFORCEMENT AGAINST VIOLATIONS.**

6 (a) **Violations Unlawful.** Any use, structure, lot, feature, or condition in violation of
7 this Code is hereby found and declared to be unlawful and a public nuisance. Should any
8 permit or license have been issued that was not then in conformity with the provisions of this
9 Code, such permit or license shall be null and void.

10 (b) **Methods of Enforcement.** The Zoning Administrator shall have authority to
11 investigate violations of this Code, including but not limited to the power to issue and serve
12 administrative subpoenas as necessary to determine whether violations of this Code have occurred.
13 Recipients of administrative subpoenas shall have a reasonable opportunity to challenge the
14 administrative subpoena by seeking judicial review before suffering any penalties for refusing to
15 comply. Where the recipient of an administrative subpoena does not allow the Zoning Administrator
16 access to the records requested and does not seek prompt judicial review, the Zoning Administrator
17 may presume that the violation occurred, absent clear and convincing evidence otherwise. The Zoning
18 Administrator shall have authority to enforce this Code against violations thereof by any of the
19 following actions:

20 * * * *

21

22 Section 4. Effective Date. This ordinance shall become effective 30 days after
23 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
24 ordinance unsigned or does not sign the ordinance within 10 days of receiving it, or the Board
25 of Supervisors overrides the Mayor's veto of the ordinance.

1
2 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
3 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
4 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
5 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
6 additions, and Board amendment deletions in accordance with the "Note" that appears under
7 the official title of the ordinance.

8
9 Section 6. No Conflict with Federal or State Law. Nothing in Section 3 of this
10 ordinance shall be interpreted or applied so as to create any requirement, power, or duty in
11 conflict with any federal or state law.

12
13 Section 7. Severability. If any section, subsection, sentence, clause, phrase, or word of
14 this ordinance, or any application thereof to any person or circumstance, is held to be invalid
15 or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not
16 affect the validity of the remaining portions or applications of the ordinance. The Board of
17 Supervisors hereby declares that it would have passed this ordinance and each and every
18 section, subsection, sentence, clause, phrase, and word not declared invalid or
19 unconstitutional without regard to whether any other portion of this ordinance or application
20 thereof would be subsequently declared invalid or unconstitutional.

21
22 APPROVED AS TO FORM:
DAVID CHIU, City Attorney

23 By: /s/ Giulia Gualco-Nelson
GIULIA GUALCO-NELSON
24 Deputy City Attorney

25 n:\leganalas2025\2500291\01877662.docx
4933-8619-5073, v. 1

REVISED LEGISLATIVE DIGEST
(Amended in Committee – December 15, 2025)

[Planning Code - Definitions, Family, Dwelling Unit, Residential Care Facility]

Ordinance amending 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 Residential Care Facilities that serve six or fewer persons as Residential Uses, include certain groups of six or fewer people and associated operators as a “Household”; clarify the Zoning Administrator’s enforcement authority to administratively subpoena documents; 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.

Existing Law

Planning Code Section 102 defines a Family as:

- 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 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.

Under the Planning Code’s definition of a Dwelling Unit, a Dwelling Unit can only be occupied by a Family, as defined by Section 102, unless the Dwelling Unit is used for “employee housing” for six or fewer employees, as defined in California Health and Safety Code Section 17021.5.

Group Housing is a “Residential Use that provides lodging or both meals and lodging, without individual or limited cooking facilities or kitchens, by prearrangement for 30 days or more at a time and intended as Long-Term Housing, in a space not defined as a Dwelling Unit.” (Planning Code § 102.) A group occupying Group Housing or a Hotel, Motel, or any other building or portion thereof other than a Dwelling Unit, is not considered a Family under Section 102.

Under Section 102, Institutional Uses include Residential Care Facilities. The California Health and Safety Code and the California Welfare and Institutions Code require that certain

types of residential care facilities serving six or fewer people be defined as a Residential Use in a jurisdiction's zoning code. The California Health and Safety Code also requires that the residents and operators of certain facilities be considered a "Family" in a jurisdiction's zoning ordinance.

Planning Code Section 176 provides authority to the Zoning Administrator to investigate and enforce against violations of the Planning Code.

Amendments to Current Law

This ordinance would amend Planning Code Section 102 to redefine a "Family" as a "Household" and define a "Household" as any of the following:

- For Residential Uses established before the effective date of the ordinance in this Board File No. 250719, one or more persons, including any dependents, that (i) occupy a residential space with unconditional 24-hour access to a full kitchen, full bathroom, private sleeping room, and circulation from the building entrance to each of the aforementioned areas; and (ii) share at least one living expense, such as rent or mortgage payments, food costs, or utilities.
- For Residential Uses established on or after the effective date of the ordinance in this Board File No. 250719, one or more persons, including any dependents, that (i) occupy a residential space with unconditional 24-hour access to a full kitchen, full bathroom, private sleeping room, and circulation from the building entrance to each of the aforementioned areas, (ii) share at least one living expense, such as rent or mortgage payments, food costs, or utilities; and (iii) collectively maintain no more than nine leases, rental agreements, licenses, or other contractual agreements for exclusive use of all or a portion of the premises.
- The residents and operators of a Residential Care Facility that serves six or fewer persons.
- Any group of people required under state or federal law to be considered a "Family" or "Household" for purposes of local land use regulations.

This ordinance would amend the definitions of Institutional Use, Residential Care Facility, and Residential Use under Planning Code Section 102 as follows:

- Classify a Residential Care Facility serving six or fewer persons as a Residential Use
- Classify a Residential Care Facility serving seven or more persons as an Institutional Use

This ordinance would amend Planning Code Section 176 to clarify that the Zoning Administrator has the authority to issue administrative subpoenas as necessary to determine whether violations of the Planning Code have occurred.

Background Information

This ordinance (Version 2) is a substitute for Version 1 of the ordinance that was introduced on July 1, 2025. Version 2 of the ordinance creates two different Household definitions depending on when the Residential Use was established. Version 2 of the ordinance also collapses the various types of state licensed community care facilities in the California Health and Safety Code and the California Welfare and Institutions Code into the “Residential Care Facility” category. Version 2 of the ordinance designates such facilities serving six or fewer persons as Residential Uses. Version 2 also clarifies the Zoning Administrator’s authority to issue administrative subpoenas.

This ordinance contains findings describing the need to expand the definition of a “Family” to include unrelated individuals who do not prepare meals together. Living with housemates is often more affordable than living in smaller units and provides important community ties, particularly for young adults. Like related families, housemate households can live together for many years, particularly in high-cost cities like San Francisco. This ordinance also implements Policy 7.2.6 of the City’s Housing Element, which included a goal that the City modify the definition of “Family” to “ensure that it provides zoning code occupancy standards specific to unrelated adults and complies with fair housing law.”

n:\legana\as2025\2500291\01838659.docx

4910-2940-7102, v. 1



San Francisco Planning

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600
www.sfplanning.org

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,



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

 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	<p>The Planning Code Section 102 defines a “Family” as:</p> <p><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></p>	<p>The definition of “Family” would be substituted for “Household” and be defined as follows:</p> <p><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></p>

	<p><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></p>	<p><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></p> <p class="list-item-l1"><i>(a) A residential facility serving six or fewer persons, as provided in California Health & Safety Code Sections 1502 and 1566.3;</i></p> <p class="list-item-l1"><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></p> <p class="list-item-l1"><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></p> <p class="list-item-l1"><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></p> <p class="list-item-l1"><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></p>
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	<p>The Planning Code defines “Residential Use” as:</p> <p><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></p>	<p>Residential Use would be amended to also include the following:</p> <p class="list-item-l1"><i>(a) A residential facility serving six or fewer persons, as provided in California Health & Safety Code Sections 1502 and 1566.3;</i></p> <p class="list-item-l1"><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></p> <p class="list-item-l1"><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></p> <p class="list-item-l1"><i>(d) Intermediate care facilities for the developmentally disabled serving six or fewer</i></p>

		<p>persons, as provided in California Health & Safety Code Sections 1250 and 1267.8;</p> <p>(e) Congregate living health facility serving six or fewer persons, as provided in California Health & Safety Code Sections 1250 and 1267.16; and</p> <p>(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.</p>
4	<p>The Planning Code defines “Institutional Use” as:</p> <p><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></p>	<p>Institutional Use would state that any use that is classified as a “Residential Use” is not an Institutional Use.</p>

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



BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

Date: July 3, 2025
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 250719
Planning Code - Definitions, Family, Dwelling Unit

California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*) Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

Ordinance / Resolution

Ballot Measure

7/3/2025

Amendment to the Planning Code, including the following Findings: *(Planning Code, Section 302(b): 90 days for Planning Commission review)* 

General Plan Planning Code, Section 101.1 Planning Code, Section 302

Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)

General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

Historic Preservation Commission

Landmark (*Planning Code, Section 1004.3*)

Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)

Mills Act Contract (*Government Code, Section 50280*)

Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.



MEMORANDUM

Date: December 10, 2025
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 250719
Planning Code - Definitions, Family, Dwelling Unit, Residential Care Facility

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - Ordinance / Resolution
 - Ballot Measure
- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - General Plan Planning Code, Section 101.1 Planning Code, Section 302
- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
 - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - Mills Act Contract (*Government Code, Section 50280*)
 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.



MEMORANDUM

TO: Youth Commission

FROM: John Carroll, Assistant Clerk,
Land Use and Transportation Committee

DATE: December 10, 2025

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors has received the following, which at the request of the Youth Commission is being referred as per Charter Section 4.124 for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 250719

Ordinance amending 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 Residential Care Facilities that serve six or fewer persons as Residential Uses, include certain groups of six or fewer people and associated operators as a “Household”; clarify the Zoning Administrator’s enforcement authority to administratively subpoena documents; 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.

Please return this cover sheet with the Commission’s response to John Carroll, Assistant Clerk, Land Use and Transportation Committee at john.carroll@sfgov.org.

RESPONSE FROM YOUTH COMMISSION Date: _____

No Comment

Recommendation Attached

Chairperson, Youth Commission

From: [Charles Whitfield](#)
To: [Carroll, John \(BOS\)](#)
Subject: Fwd: Sierra Club Supports Planning Code change to define a "Family" as a "Household"
Date: Wednesday, September 10, 2025 12:35:37 PM
Attachments: [Sierra Club Support of Leg to define family as a household \(file 250719\).pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

----- Forwarded message -----

From: **Charles Whitfield** <whitfield.cw@gmail.com>
Date: Tue, Sep 9, 2025 at 11:32 AM
Subject: Sierra Club Supports Planning Code change to define a "Family" as a "Household"
To: <ChanStaff@sfgov.org>, <ChenStaff@sfgov.org>, <DorseyStaff@sfgov.org>, <EngardioStaff@sfgov.org>, <Jackie.Fielder@sfgov.org>, <MahmoodStaff@sfgov.org>, Mandelman Staff <MandelmanStaff@sfgov.org>, <MelgarStaff@sfgov.org>, <SauterStaff@sfgov.org>, <SherrillStaff@sfgov.org>, Shamann Walton <Shamann.Walton@sfgov.org>
Cc: <daniel.lurie@sfgov.org>

Please find attached a letter from the Sierra Club supporting proposed ordinance ([Leg File # 250719](#)) amending the Planning Code to define a "Family" as a "Household" and eliminate numeric limits, along with other unnecessary requirements, on unrelated individuals within a housing unit.

Charles Whitfield
Executive Committee Chair
Sierra Club SF Group



San Francisco Group of the San Francisco Bay Chapter

September 9, 2025

To: Board of Supervisors

CC: Mayor Daniel Lurie

Re: Support for amending the Planning Code to define a “Family” as a “Household” and eliminate numeric limits, and other unnecessary requirements, on unrelated individuals within a housing unit.

I am writing on behalf of the over 6,000 members of the San Francisco Group of the SF Bay Chapter of the Sierra Club to express support for the proposed ordinance ([Leg File # 250719](#)) amending the Planning Code to define a “Family” as a “Household” and eliminate numeric limits, along with other unnecessary requirements, on unrelated individuals within a housing unit.

San Francisco faces an ongoing housing crisis that demands innovative solutions. This ordinance represents a practical, fair and potentially meaningful step toward increasing our housing supply. By ending the 5-person limit for co-living spaces, bedrooms that are currently vacant could be rented. The change is a technical one that focuses on lease agreements rather than individuals, potentially allowing larger co-living arrangements in existing and new housing stock.

Adding more homes in San Francisco offers numerous advantages. It encourages residents to embrace eco-friendly modes of transportation like walking, biking, and public transit. Increased housing supply can also help alleviate the city's affordability crisis by easing the housing shortage that drives up costs. Furthermore, denser communities foster a more vibrant atmosphere with amenities within close proximity, enhancing the overall quality of life for residents. By embracing urban infill, San Francisco can progress towards a more sustainable, accessible, and livable future for all its citizens.

Sincerely,

Charles Whitfield
Chair, San Francisco Group
Sierra Club

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor" inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission
- Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes
- No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: