

BOARD of SUPERVISORS



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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.*)
 - ☒ 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.

[Planning Code - Definitions, Family, Dwelling Unit]

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 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.

NOTE: **Unchanged Code text and uncoded text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in *strikethrough italics Times New Roman font*.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Environmental and Land Use Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. ____ and is incorporated herein by reference. The Board affirms this determination.

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

6 (c) Pursuant to Planning Code Section 302, this Board finds that this ordinance will
7 serve the public necessity, convenience, and welfare for the reasons set forth in Planning
8 Commission Resolution No. _____, and incorporates such reasons by this reference
9 thereto. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File
10 No. _____.
11

12 Section 2. Background and General Findings.

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

18 (b) Currently, the Planning Code defines Family to exclude groups of more than five
19 unrelated people, unless the group prepares and consumes meals together, controls its
20 membership, and determines its own use of the residential space. Related family members
21 with more than five people do not need to satisfy these criteria. Before 1978, the Planning
22 Code did not distinguish between related and unrelated people for the purposes of defining a
23 Family. For example, the 1957 Planning Code defined a Family as "one or more persons
24 occupying the premises as a single and separate housekeeping unit."
25

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

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

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

17 (f) This ordinance would redefine a “Family” as a “Household” that shares living
18 expenses and maintains no more than nine leases for all the members of the Household. This
19 definition embraces both unrelated and related households. The nine lease threshold allows
20 housemates to occupy older houses and apartments without triggering a change in use to
21 Group Housing, while still preserving an objective distinction between Group Housing and
22 Dwelling Units for ground-up new Group Housing construction, where typically an individual
23 lessee occupies a single Group Housing bedroom. Maintaining a distinction between Group
24 Housing and Dwelling Units is important to ensure that new developments satisfy applicable
25 development requirements, including inclusionary housing. The nine lease threshold also

allows for flexibility where housemates may be under separate leases or maintain various subleasing agreements for the household. This ordinance does not modify any definitions applicable to the Inclusionary Housing Ordinance, Section 415 et seq., including but not limited to "Household" as defined in Planning Code Section 401.

(g) This ordinance would also make certain groups of six or fewer individuals, as defined in the Health and Safety Code, a "Household" regardless of whether they otherwise satisfy the definition.

(h) This ordinance implements Policy 7.2.6 of the City's Housing Element, which included a short-term 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."

Section 3. Article 1 of the Planning Code is hereby amended by revising Section 102, to read as follows:

SEC. 102. DEFINITIONS.

* * * *

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

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

1 (a) “~~e~~Employee housing” when providing accommodations for six or fewer employees,
2 as provided in ~~State~~California Health and Safety Code ~~§~~Section 17021.5; and

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

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

7 * * * *

8 ***Family.*** ~~A single and separate living unit, consisting of either one person, or two or more~~
9 ~~persons related by blood, marriage or adoption or by legal guardianship pursuant to court order, plus~~
10 ~~necessary domestic servants and not more than three roomers or boarders; a group of not more than~~
11 ~~five persons unrelated by blood, marriage or adoption, or such legal guardianship unless the group has~~
12 ~~the attributes of a family in that it (a) has control over its membership and composition; (b) purchases~~
13 ~~its food and prepares and consumes its meals collectively; and (c) determines its own rules or~~
14 ~~organization and utilization of the residential space it occupies. A group occupying group housing or a~~
15 ~~hotel, motel, or any other building or portion thereof other than a Dwelling, shall not be deemed to be~~
16 ~~a family.~~ Family shall mean Household, as defined in this Section 102.

17 * * * *

18 **Group Housing.** A Residential Use that provides lodging or both meals and lodging,
19 without individual or limited cooking facilities or kitchens, by prearrangement for 30 days or
20 more at a time and intended as Long-Term Housing, in a space not defined by this Code as a
21 Dwelling Unit. Except for Group Housing that also qualifies as Student Housing as defined in
22 this Section 102, 100% Affordable Housing ~~as defined in~~ that meets the requirements of Planning
23 Code Section 315, or housing operated by an organization with tax-exempt status under 26
24 United States Code Section 501(c)(3) providing access to the unit in furtherance of its primary
25 mission to provide housing, the residential square footage devoted to Group Housing shall

1 include both common and private space in the following amounts: for every gross square foot
2 of private space (including bedrooms and individual bathrooms), 0.5 gross square feet of
3 common space shall be provided, with at least 15% of the common space devoted to
4 communal kitchens with a minimum of one kitchen for every 15 Group Housing units. Group
5 Housing shall include, but not necessarily be limited to, a Residential Hotel, boardinghouse,
6 guesthouse, rooming house, lodging house, residence club, commune, fraternity or sorority
7 house, monastery, nunnery, convent, or ashram. It shall also include ~~g~~Group ~~h~~Housing
8 affiliated with and operated by a medical or educational institution; when not located on the
9 same lot as such institution, which shall meet the applicable provisions of Section 304.5 of this
10 Code concerning institutional master plans.

11 * * * *

12 **Hours of Operation.** A commercial Use Characteristic limiting the permitted hours
13 during which any commercial establishment, not including automated teller machines, may be
14 open for business. Other restrictions on the hours of operation of Movie Theaters, Adult
15 Businesses, Adult Sex Venues, Nighttime Entertainment, and General Entertainment Uses
16 shall apply pursuant to provisions in Section 303(p), when such uses are permitted as
17 Conditional Uses. A Pharmacy may qualify for the exception to operate on a 24-hour basis
18 provided in Section 202.2(a)(2) of the Code. The hours of operation of a principally permitted
19 Adult Sex Venue are subject to the provisions in Section 202.2(a)(8).

20 **Household.** *Except where the definition of Household provided in Section 401 applies,*
21 *Household shall mean one or more persons that (a) share living expenses, such as rent or mortgage*
22 *payments, food costs, and utilities, and (b) collectively maintain no more than nine leases, rental*
23 *agreements, licenses, or other contractual agreements for exclusive use of all or a portion of the*
24 *premises. Notwithstanding the foregoing, a Household shall also include the residents and operators of*
25 *the following:*

1 (a) A residential facility serving six or fewer persons, as provided in California Health &
2 Safety Code Sections 1502 and 1566.3;

3 (b) Alcoholism or drug abuse recovery or treatment facilities serving six or fewer persons, as
4 provided in California Health & Safety Code Sections 11834.02 and 11834.23;

5 (c) Residential care facilities for the elderly serving six or fewer persons, as provided in
6 California Health & Safety Code Sections 1569.2 and 1569.85;

7 (d) Intermediate care facilities for the developmentally disabled serving six or fewer persons,
8 as provided in California Health & Safety Code Sections 1250 and 1267.8; and

9 (e) Any group of people required under state or federal law to be considered a “Family” or
10 “Household” for purposes of local land use regulations.

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

14 * * * *

15 **Institutional Use.** A Use Category that includes Child Care Facility, Community
16 Facility, Private Community Facility, Hospital, Job Training, Medical Cannabis Dispensary,
17 Religious Institution, Residential Care Facility, Social Service or Philanthropic Facility, Post-
18 Secondary Educational Institution, Public Facility, School, and Trade School, but not including
19 any use that is classified as a Residential Use under this Section 102.

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 Residential Uses. A Residential Use shall also include the following:

(a) A residential facility serving six or fewer persons, as provided in California Health & Safety Code Sections 1502 and 1566.3;

(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;

(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;

(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;

(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.

* * * *

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

Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

1 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
2 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
3 additions, and Board amendment deletions in accordance with the “Note” that appears under
4 the official title of the ordinance.

5
6 Section 6. No Conflict with Federal or State Law. Nothing in Section 3 of this
7 ordinance shall be interpreted or applied so as to create any requirement, power, or duty in
8 conflict with any federal or state law.

9
10 Section 7. Severability. If any section, subsection, sentence, clause, phrase, or word of
11 this ordinance, or any application thereof to any person or circumstance, is held to be invalid
12 or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not
13 affect the validity of the remaining portions or applications of the ordinance. The Board of
14 Supervisors hereby declares that it would have passed this ordinance and each and every
15 section, subsection, sentence, clause, phrase, and word not declared invalid or
16 unconstitutional without regard to whether any other portion of this ordinance or application
17 thereof would be subsequently declared invalid or unconstitutional.

18
19 APPROVED AS TO FORM:
20 DAVID CHIU, City Attorney

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

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LEGISLATIVE DIGEST

[Planning Code - Definitions, Family, Dwelling Unit]

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 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.

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.

Amendments to Current Law

This ordinance would amend Planning Code Section 102 to redefine a "Family" as a "Household" and define a "Household" as "one or more persons that (a) share living expenses, such as rent or mortgage payments, food costs, and utilities, and (b) maintain for all its members no more than nine leases, rental agreements, licenses, or other contractual agreements for exclusive use of all or a portion of the premises." A "Household" would also incorporate the residents and operators of the following facilities:

- A residential facility serving six or fewer persons (California Health & Safety Code Sections 1502 and 1566.3);
- Alcoholism or drug abuse recovery or treatment facilities serving six or fewer persons (California Health & Safety Code Sections 11834.02 and 11834.23(b));
- Residential care facilities for the elderly serving six or fewer persons (California Health & Safety Code Sections 1569.2 and 1569.85);
- Intermediate care facilities for the developmentally disabled serving six or fewer persons (California Health & Safety Code Sections 1250 and 1267.8);
- 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 and Residential Use under Planning Code Section 102 to classify the following facilities as Residential:

- A residential facility serving six or fewer persons (Health & Safety Code Sections 1502, 1566.3);
- Alcoholism or drug abuse recovery or treatment facilities serving six or fewer persons (Health & Safety Code Sections 11834.02 and 11834.23(b));
- Residential care facilities for the elderly serving six or fewer persons (California Health & Safety Code Sections 1569.2 and 1569.85);
- Intermediate care facilities for the developmentally disabled serving six or fewer persons (California Health & Safety Code Sections 1250 and 1267.8);
- Congregate living health facility serving six or fewer persons (California Health & Safety Code Sections 1250, 1267.16); and
- 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, (California Welfare & Institutions Code Section 5116).

Background Information

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.”

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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):

Mahmood; Sauter, Sherrill, Melgar

Subject:

Planning Code - Definitions, Family, Dwelling Unit

Long Title or text listed:

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 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.

Signature of Sponsoring Supervisor: [s/ Bilal Mahmood]