

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  
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

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