

**REVISED LEGISLATIVE DIGEST**

(Substituted, 12/2/2025)

[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.”

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