San Francisco Planning Department
Office of the Zoning Administrator

PLANNING CODE INTERPRETATIONS

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Code Section Involved	Subject Interpretation	Effective Date
101.1	Change in use defined	/95

This section states that Priority Master Plan Policy findings need to be made whenever there is a change of use. What constitutes a "change of use" pursuant to this section **is a change from one category of use to another category of use listed in the use table for the zoning use district of the subject lot**. Therefore, what constitutes a change of use could vary with the use district. For example:

- changing **from one unit to two units** in the RH-2 District is a change in use because a one-unit house and a two-family house are listed individually in the use table for that district. This would not constitute a change of use in the South of Market Districts because those use charts only list, "Dwelling Units" and don't separately list one- and two-family houses.
- **adding a dwelling unit** to a building in an RM-2 District would not be a change in use unless the building previously had an RM-1 density (1:800) and the addition of the one unit would take the density beyond the RM-1 density.
- changing **from a Large, Fast-Food Restaurant to a Small, Self-Service Restaurant** would be a change of use in the Neighborhood Commercial District since these districts make a distinction between the two types of restaurants, but the same physical changes to a restaurant in the C-2 District would not be a change of use because the C-2 District does not make this distinction.
- **adding a general advertizing sign** to a building currently containing only business signs would be a change of use since general advertising signs are not allowed in some districts.
- **developing anything on a vacant lot** constitutes a change of use.

101.1(e)	Priority policies, change of use	9/93

This paragraph states that a finding of consistency with the priority policies must be made when there is a change of use. This necessitates a determination of what constitutes a change of use. Regarding a change in residential density, **when a number of dwelling units is added that would only be allowed by a higher density zoning district** than the most restrictive district allowing the previous number of units (ie: going from an RM-1 density to an RM-2 density) such change constitutes a change of use.

NOTE: THE PLANNING CODE ASSIGNS A SEPARATE SECTION NUMBER FOR EACH WORD IT DEFINES IN THE "102" SECTION SERIES. WHEN A WORD IS ADDED, IT IS PLACED IN ALPHABETICAL ORDER AND ALL SUBSEQUENT SECTION NUMBERS IN THE "102" SERIES ARE RENUMBERED. TO AVOID HAVING ALSO TO RENUMBER THIS DOCUMENT WHENEVER A DEFINITION IS ADDED TO THE PLANNING CODE, THE DEFINITIONS BELOW ARE LISTED WITHIN THE "102" SERIES BUT WITHOUT THE SPECIFIC "DECIMAL" SECTION. LOOK FOR THE WORD YOU WANT IN ALPHABETICAL ORDER.

102. ... **"District"** - See "Residential District" in the Alphabetical Chapter

102. ... **"Dwelling unit"**, See 209.2(a)

102. ... **"Dwelling unit"**, live/work See 161(c) 2/89

102. ... **"Dwelling unit"**, residential hotel w/communal kitchen 5/90

This section defines a dwelling unit as a room or suite of rooms designed for one family use and having only one kitchen and that a housekeeping room is a dwelling unit. Residential hotel rooms without kitchens are not considered to be dwelling units. (See interpretation 209.2 4/89 08/04/89 to see how these are handled). **Adding a communal kitchen to a residential hotel does not change its use under the Planning Code.**

102. ... **"Dwelling Unit"** - Definition of living unit with kitchen 1/92

This section defines dwelling unit. It says that a dwelling unit must have a kitchen but it does not mention length of stay for renters. It has been ruled that **a unit with a kitchen rented for a duration longer than one week but less than one month is a hotel. Such unit rented for less than a week is a transient hotel** room. These units would be subject to the rules of the Planning Code applicable to their respective uses. Certain **hotel rooms with kitchens as designated and controlled by the Residential Hotel Ordinance must have a tenure of at least 32 days** or be subject to abatement as illegal conversions to a transient hotel unit under the Residential Hotel Ordinance.

102. ..."**Dwelling Unit"**, two dwelling units combined 6/93

Two legal apartments in a multiple-unit building could be combined by opening a party wall and could be used by one family while retaining both kitchens. This situation would be considered to be two units used by one family. It was noted that nothing in the Building Code would prohibit this and there would be no change in occupancy classification under the Building Code. This situation would have implications for rent control with the necessary eviction. If they wanted to officially establish this situation as a single dwelling unit, a permit would have to be issued to remove one of the kitchens, after which, any subsequent reestablishment of the former unit would be subject to whatever Planning Code regulations would be in effect at that time.

102. ..."**Family"** 7/86

In a letter dated 7/24/86 the City Attorney opined that, "...the number of unrelated individuals living together in a single household may no longer be regulated under the Planning Code ...." Such opinion was based upon decision handled down by the California Supreme Court. See 102. ..."Family" 10/91" for criteria that define people living as a family vs. roomers.

102. ... **"Family"**, roomer or boarder as part of 7/89

This Section allows three roomers or boarders to live in a dwelling along with a person or two or more persons related by blood, marriage or legal guardianship as part of the definition of "family". Because the traditional understanding of the terms "roomer" and "boarder" and because the traditional manner in which rooms are let in one's own dwelling involves long-term tenure and because the long-standing interpretation recently expressed in this document (see 209.2 4/89 below) requires a minimum tenure of one month for group housing, **the terms "roomers" and "boarders" in this definition can not be used to allow a bed and breakfast or any room rental for a term of less than one month.**

102. .."**Family"** 9/91

This section defines "family" as a group related blood and also as a group of not more than five persons unrelated by blood. Because the number limit on this latter version has been brought into question legally, a larger group could be considered to be a family if it functions as a single unit.