



# NEW PLANNING CODE SUMMARY

## Adaptive Reuse of Historic Buildings

*Amended Sections:* Adding Sections 202.11 and 205.8; revising Sections 136.1, 209.1, 209.2, 209.3, 209.4, 210.1, 210.2, 210.3, 303.1, 710, 711, 722, 752, 754, 757, 758, 763, 803.3, 803.9, 825, and 830 through 840; and deleting Sections 186.3, 310, and 703.

*Case Number:* 2025-008758PCA

*Board File/Enactment #:* 250886/037-26

*Initiated by:* Mayor Lurie

*Effective Date:* April 10, 2026

Ordinance amending the Planning Code to allow additional uses as principally or conditionally permitted in Historic Buildings citywide, and make conforming amendments to provisions affected by the foregoing, including zoning control tables.

### The Way It Was:

Previously, the Planning Code offered certain historic properties additional use flexibility in a limited number of districts through three separate programs with varying eligibility and approval criteria:

Table 1: Previous Use Flexibility Programs				
	Districts	Use Flexibility	Eligible Buildings	Approval Requirements
1	<b>Residential Districts (RH, RM, RTO, RTO-M) (Sec. 186.3)</b>	<u>Conditionally permit</u> any use permitted on the ground floor in the NC-1 district	Article 10 Landmarks only.	[none described]

Table 1: Previous Use Flexibility Programs				
<b>2</b>	<b>Folsom Street NCT and RC Districts</b> (Sec. 703.9)	<u>Principally permit</u> Non-Retail Professional Service, Retail Professional Service, Community Facility, Private Community Facility, Social Service and Philanthropic Facility, Financial Service, Gym, Limited Financial Service, Health Service, Personal Service, and Instructional Service; <u>conditionally permit</u> Nighttime Entertainment on the third floor and above (except principally permitted at St. Joseph’s Church).	Article 10 Landmarks, Article 11 significant buildings or contributors, and buildings listed on or eligible for the state or federal historic register.	<u>Feasibility determination:</u> The Zoning Administrator, with advice from the Historic Preservation Commission (HPC), must determine that the proposed use would enhance the feasibility of preserving the building. <u>HPC Review:</u> The HPC must review the project for compliance with the Secretary of the Interior’s Standards. <u>Historic Building Maintenance Plan:</u> The sponsor must submit a maintenance plan for the building.
<b>3</b>	<b>Eastern Neighborhoods Mixed Use Districts*</b> (Sec. 803.9)	<b>CMUO, MUG, MUR, MUO, UMU, RH-DTR, and SPD Districts:</b> <u>Principally permit</u> all uses except for Nighttime Entertainment. <b>WMUG:</b> <u>Principally permit</u> Office uses. <b>RED and RED-MX Districts:</b> <u>Principally permit</u> Arts Activities, Community Facility, Private Community Facility, Public Facility, School, Social Service or Philanthropic Facility, and Trade School uses; <u>conditionally permit</u> Retail Sales and Services uses and Office Uses; may not contain Nighttime Entertainment or Adult Business uses. <i>*Specific PDR replacement requirements may apply.</i>	<b>CMUO, MUG, MUR, MUO, UMU, RH-DTR, and SPD Districts:</b> Article 10 Landmarks and buildings listed on or eligible for the California Register. <b>WMUG, RED, and RED-MX Districts:</b> Article 10 Landmarks, Article 11 significant buildings or contributors, and buildings <i>individually</i> listed on or eligible for the California Register.	<u>Feasibility determination</u> and <u>HPC Review</u> , as described for Folsom Street NCT and RC Districts, above.

## The Way It Is Now:

This Ordinance allows Historic Buildings citywide to benefit from additional use flexibility and consolidates the three disparate programs into a single program. It creates a consistent standard for building eligibility and applicable approval process. The types of uses permitted still vary by zoning district based on the characteristics of each district.

<b>Table 2: Proposed Use Flexibility Program (Section 202.11)</b>
<b>Eligible Buildings</b>
<p>The ordinance applies to any Historic Building, as already defined in the Planning Code, including any building:</p> <ul style="list-style-type: none"> <li>• Individually designated as a landmark under <a href="#">Article 10</a>;</li> <li>• Listed as a contributor to an historic district listed in <a href="#">Article 10</a>, or if the historic district does not list contributors, is determined to be a contributor through historic resource review;</li> <li>• Significant or Contributory Building under <a href="#">Article 11</a>, with a Category I, II, III or IV rating; <u>or</u></li> <li>• Listed or has been determined eligible for listing in the California Register of Historical Resources or the National Register of Historic Places.</li> </ul>
<b>Approval Requirements</b>
<p>Any eligible buildings are subject to the following approval process:</p> <ul style="list-style-type: none"> <li>• <u>Director approval</u>: Any project that is subject to more flexible use controls per this Ordinance (e.g., changes from NP to C, or C to P) must obtain a Planning Director determination that allowing the Use will enhance the feasibility of adaptive reuse of the Historic Building.</li> <li>• <u>Department review</u>: Department staff must determine that the project complies with the Secretary of the Interior’s Standards and any applicable provisions of the Planning Code.</li> <li>• <u>HPC Review</u>: While the Ordinance does not require HPC review, Department staff will consult with the HPC to receive guidance as appropriate on a project-specific basis.</li> </ul>
<b>Benefits for Historic Buildings</b>
<p>In addition to use flexibility provisions (below), the Ordinance allows the following:</p> <ul style="list-style-type: none"> <li>• <u>Use size limit waivers</u>: In all districts, except for Neighborhood Commercial Districts and Neighborhood Commercial Transit Districts, no Non-Residential Use Size limits apply.</li> <li>• <u>Temporary use extension</u>: Temporary Uses may be authorized by the Planning Director for an initial period of six years, with the possibility of a six-year extension.</li> </ul>

Use-Specific Exclusions		
<ul style="list-style-type: none"> <li><u>Global exclusions</u>: Formula Retail, Cannabis Retail, and Hotel uses do not qualify for this use flexibility program.</li> <li><u>Mission District exclusions</u>: In the 24th Street - Mission NCT and Mission Street NCT, and the portions of the RH-2, RH-3, RM-1, RM-2, RM-3, NC-1, NC-2, NCT-3, and PDR-1-G districts bounded Valencia, 13th, Harrison, and Cesar Chavez Streets, the following uses do not qualify for this use flexibility program: Adult Business, Adult Sex Venue, Bar, Chair and Foot Massage, Electric Vehicle Charging Location, Fleet Charging, Fringe Financial Service, Gym, Laboratory, Life Science, Liquor Store, Massage Establishment, Nighttime Entertainment, Office, Private Community Facility, Restaurant, and Tobacco Paraphernalia Establishment</li> </ul>		
	District	Use Flexibility (subject to specific exclusions, above)
1	<b>Residential Districts (RH, RM, RTO, RTO-M)</b>	<u>Conditionally permit</u> any use permitted on the ground floor in the NC-1 district ( <i>no change</i> )
2	<b>Folsom Street NCT and RC Districts</b>	[ <i>Folsom Street NCT controls collapsed under Neighborhood Commercial Controls, #5 below; RC controls changed to allow all uses, #4 below</i> ]
3	<b>Eastern Neighborhoods Mixed Use Districts*</b>	<b>CMUO, MUG, MUR, MUO, SPD, and WMUG Districts:</b> <u>Principally permit</u> all uses. <b>RED and RED-MX Districts:</b> <u>Principally permit</u> Arts Activities, Community Facility, Private Community Facility, Public Facility, School, Social Service or Philanthropic Facility, and Trade School uses; <u>conditionally permits</u> Retail Sales and Services uses and Office Uses; may not contain Nighttime Entertainment or Adult Business uses ( <i>no change</i> ). <i>*Specific PDR replacement requirements may still apply.</i>
4	<b>Commercial Districts (C-2, C-3), RC, and DTR Districts</b>	<u>Principally permit</u> all uses.
5	<b>Neighborhood Commercial (all NCs and NCTs) and all other districts</b>	<u>Principally permit</u> all uses that are conditionally permitted in that district <u>Conditionally permit</u> all uses that are not permitted in that district

**Link to Signed Legislation:**

[Ordinance 036-26 \(Board File 250886\)](#)