

BOARD of SUPERVISORS



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MEMORANDUM

Date: October 23, 2024
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 241021
Planning Code - Window Replacement Standards

- 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.

1 [Planning Code - Window Replacement Standards]

2

3 **Ordinance amending the Planning Code to limit restrictions on window replacement**
4 **projects in certain buildings; affirming the Planning Department’s determination under**
5 **the California Environmental Quality Act; making findings of consistency with the**
6 **General Plan, and the eight priority policies of Planning Code, Section 101.1; and**
7 **making findings of public necessity, convenience, and welfare pursuant to Planning**
8 **Code, Section 302.**

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

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

17

18 Section 1. Environmental and Land Use Findings.

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

24 (b) On _____, the Planning Commission, in Resolution No. _____,
25 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

1 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
2 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
4 amendments will serve the public necessity, convenience, and welfare for the reasons set
5 forth in Planning Commission Resolution No. _____, and the Board adopts such
6 reasons as its own. A copy of said resolution is on file with the Clerk of the Board of
7 Supervisors in File No. _____ and is incorporated herein by reference.

8
9 Section 2. Article 1.2 of the Planning Code is hereby amended by adding Section
10 136.2, to read as follows:

11
12 **SEC. 136.2. WINDOW REPLACEMENT REQUIREMENTS.**

13 *(a) Subject to the exceptions set forth in subsections (b) and (c), the City shall impose no*
14 *restrictions related to the size, design, appearance, materials, finish, operation, details, or arrangement*
15 *of any window that replaces an existing window.*

16 **(b) Exceptions Involving Historic Resources.** *The restrictions in subsection (a) shall not*
17 *apply to replacement windows in any property, building, or structure:*

18 *(1) on a lot containing any structure that is listed on, formally determined to be eligible*
19 *for listing on, or formally determined to appear eligible for listing on, the National Register of Historic*
20 *Places or the California Register of Historical Resources; or*

21 *(2) on a lot containing any structure that is designated as a historic landmark or as a*
22 *significant or contributory building to a historic or conservation district, under Articles 10 and 11 of*
23 *the Planning Code.*

24 **(c) Applicable Building, Fire, and other Health and Safety Requirements.**

1 Notwithstanding the restrictions in subsection (a), the City may impose any requirements for
2 replacement windows that are necessary to comply with applicable building and fire standards and any
3 other applicable requirements necessary to protect health and safety.

4
5 Section 3. Effective Date. This ordinance shall become effective 30 days after
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
8 of Supervisors overrides the Mayor’s veto of the ordinance.

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11 APPROVED AS TO FORM:
12 DAVID CHIU, City Attorney

13 By: /s/ Peter Miljanich
14 PETER R. MILJANICH
15 Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code - Window Replacement Standards]

Ordinance amending the Planning Code to limit restrictions on window replacement projects in certain buildings; 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

Property owners that propose to replace certain existing windows must obtain a permit from the City and comply with window replacement standards prepared by the Planning Department. These standards regulate the size, materials, appearance, operation, and arrangement of certain replacement windows.

Amendments to Current Law

Subject to certain exceptions, this ordinance would prohibit the City from imposing any restrictions related to the size, design, appearance, materials, finish, operation, details, or arrangement of any window that replaces an existing window. This prohibition would not apply to window replacements in certain structures that have been determined to be historic resources, or eligible for listing on the National Register of Historic Places or the California Register of Historical Resources. The City would continue to impose any requirements for replacement windows that are necessary to comply with applicable building and fire standards, and any other applicable requirements necessary to protect health and safety.

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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):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: