

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Budget and Legislative Analyst

FROM: John Carroll, Assistant Clerk, Land Use and Transportation Committee

DATE: March 18, 2025

SUBJECT: LEGISLATION AMENDED - FISCAL IMPACT DETERMINATION

The Board of Supervisors' Land Use and Transportation Committee (a nonfiscal committee) amended the following legislation on March 17, 2025. Pursuant to Administrative Code, Section 2.6-3, the new version is being forwarded to you as it was initially determined not to have fiscal impact.

File No. 241021 Version 2

Ordinance amending the Planning Code to limit restrictions on replacement materials in 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.

If the new version is determined to have fiscal impact, the legislation will need to be referred to a fiscal committee before it can be referred to the full Board for approval.

Please send your determination or contact with me any questions at (415) 554-4445 or email: john.carroll@sfgov.org.

RESPONSE FROM THE BUDGET AND LEGISLATIVE ANALYST - Date: _____

- This matter has fiscal impact.
- This matter does not have fiscal impact.
- Additional information attached.

Budget and Legislative Analyst

1 [Planning Code - Window Replacement Standards]

2

3 **Ordinance amending the Planning Code to limit restrictions on replacement materials**
4 **in window replacement projects in certain buildings; affirming the Planning**
5 **Department’s determination under the California Environmental Quality Act; making**
6 **findings of consistency with the General Plan and the eight priority policies of Planning**
7 **Code Section 101.1; and making findings of public necessity, convenience, and welfare**
8 **pursuant to Planning 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 ~~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. 241021 and is incorporated herein by reference. The Board affirms
23 this determination.

24 (b) On February 27, 2025, the Planning Commission, in Resolution No. 21692,
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. 241021, 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. 21692, and the Board adopts such reasons as
6 its own. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File
7 No. 241021 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 Planning
14 Department shall impose no restrictions related to the replacement materials size, design,
15 appearance, materials, finish, operation, details, or arrangement of any window frame or sash
16 that replaces an existing window frame or sash.

17 (b) Exceptions Involving Historic Resources. The restrictions in sSubsection (a) shall not
18 apply to replacement windows in any property, building, or structure previously determined to be a
19 Historic Building, as that term is defined in Section 102.:

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

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

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

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

6 (d) In the event of a conflict between this Section 136.2 and any other provisions of the
7 Planning Code, including controls related to window treatments and transparency, the more
8 restrictive standards shall apply.

9 (e) In the event of a conflict between this Section 136.2 and any applicable Cultural
10 District Objective Design Standards, the more restrictive standards shall apply.

11
12 Section 3. Effective Date. This ordinance shall become effective 30 days after
13 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
14 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
15 of Supervisors overrides the Mayor's veto of the ordinance.

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18 APPROVED AS TO FORM:
19 DAVID CHIU, City Attorney

20 By: /s/ Peter Miljanich
21 PETER R. MILJANICH
22 Deputy City Attorney

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REVISED LEGISLATIVE DIGEST
(Amended in Committee – March 17, 2025)

[Planning Code - Window Replacement Standards]

Ordinance amending the Planning Code to limit restrictions on replacement materials in 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 Planning Department, but not other City departments, from imposing any restrictions related to the replacement materials of any window frame or sash that replaces an existing window frame or sash. This prohibition would not apply to window replacements in certain structures that have been previously determined to be Historic Buildings, as that term is defined in Planning Code Section 102. 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.

Background Information

This ordinance includes amendments made by the Land Use and Transportation Committee of the Board of Supervisors on March 17, 2025.

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