

REASONABLE MODIFICATION FROM THE PLANNING CODE



Planning Code Section 305.1 provides a process for individuals with a disability to request a “reasonable modification” to their residential properties to eliminate any barriers to accessing their home. A request for “reasonable modification” may include changes that are not allowed under current Planning Code regulations, or require a variance from the Planning Code. In either case, a request for a reasonable modification should be made using the following application packet. There are two processes available for requesting a reasonable modification: an *administrative reasonable modification* process and the *standard variance process*. To learn more about the variance process, please see Planning Code Section 305 or the variance application packet.

Pursuant to Planning Code Section 305.1, the Zoning Administrator shall hear and make determinations regarding applications for reasonable modifications to Planning Code requirements applications that fit the criteria outlined in Section 305.1. To request reasonable modifications to non-Planning Code regulations, policies, practices, and procedures please contact the Planning Information Center (PIC) per the information below. The first pages consist of instructions that should be read carefully before the application form is completed. Planning Department staff are available to advise you in the preparation of this application. Call the Planning Information Center (PIC) at (415) 558-6377, or e-mail pic@sfgov.org for further information.

What is a reasonable modification?

A reasonable modification is “a request to modify land use, zoning and building regulations in San Francisco’s Planning Code that does not impose an undue financial or administrative burden on the City of San Francisco or constitute a fundamental alteration to its Zoning and Planning program”. These modifications include changes to a residential property that enable residents with a disability to use and enjoy their homes, pursuant to Fair Housing Laws. The modification must serve the disability, and be necessary to provide the disabled individual with an equal opportunity to live in that neighborhood. Federal and State Fair Housing Law require that the City of San Francisco provide a procedure for reasonable modification

for persons with disabilities to have equal opportunity to access housing.

Reasonable modification requests will be granted if the modification does not impose an undue financial or administrative burden on the City, or fundamentally alter the City’s Planning Code and General Plan. The determination if the modification imposes an undue financial or administrative burden or alters the City’s Planning Code and General Plan will be made on a case-by-case basis by the Zoning Administrator.

Where does this apply?

Requests for reasonable modification can be made for residential uses in any zoning district in the City and County of San Francisco in accordance with the procedures outlined in Section 305.1.

Interface with existing Planning Code regulations and design guidelines.

An application for reasonable modification may also seek a modification that is not available under any other sections of the Planning Code. If the proposed project is in a zoning district that requires Residential Design Guideline review, the Department shall complete the design review and make appropriate recommendations, while also accommodating the reasonable modification. Approvals are subject to compliance with all other applicable zoning or building regulations. If the proposed project would affect a building that is listed in or eligible for listing in a local, state, or federal historic resource register, then the modifications will be reviewed by the Planning Department’s Historic Preservation Technical Specialists to ensure conformance with the Secretary of the Interior Standards for the Rehabilitation of Historic Properties.

How can an applicant demonstrate that the required modification is necessary?

The applicant must show that without the modification the dwelling unit would not be accessible for a person with a disability. To demonstrate this, the applicant must disclose the disability and why the modification is necessary in order to achieve fair and equal access to housing.

Who may apply for a reasonable modification?

A reasonable modification is an entitlement that runs with the property. Therefore, the property owner or a party designated as the owner's agent may apply for the reasonable modification. [A letter of agent authorization from the owner must be attached.]

Administrative reasonable modification - No hearing

Planning Code Section 305.1 outlines two processes for requesting a reasonable modification: an *administrative reasonable modification process* and the *standard variance process*.¹ The Administrative Reasonable Modification is applicable for the following types of modifications and requires no hearing or public notice.

1. **Parking**, where no physical structure is proposed. One parking space may be considered for an administrative reasonable modification provided that the parking space is necessary to achieve the modification and that property does not already include a parking space. Exceptions may be considered from rear yard and the front setback requirements if necessary to accommodate the parking space. In reviewing an administrative reasonable modification request for parking, the Zoning Administrator is authorized to allow the parking space for up to five years, at the end of which period the

¹ described in Planning Code Section 305

applicant may renew the temporary use for additional five-year periods.

2. **Access Ramps**. One or more access ramps, defined in Building Code Section 1114A, may be considered for an administrative reasonable modification provided that the access ramp is designed and constructed to meet the accessibility provisions in either the California Building Code or the California Historical Building Code and is easily removable when the ramp(s) are no longer needed for the requested modification.
3. **Elevators**. One elevator with dimensions defined in Building Code Section 1124A, may be considered for an administrative reasonable modification provided that the elevator structure is not visible from the public right of way and is set back a minimum of 10 feet from the property line, and that the elevator is necessary to access residential uses of the building and to achieve the modification requested.
4. **Additional habitable space**. Additional habitable space may be considered for an administrative reasonable modification provided that the additional habitable space does not result in the addition of a new dwelling unit or require expansion beyond the permitted building envelope.

Instructions for Administrative Reasonable Modification (No Hearing)

Please submit the following form with all other permits and forms (Building Permit Application-if applicable, Priority General Plan Findings, and this form) required by the Planning Department. This form must be completed if the reasonable modification is to be considered. The attached application for a reasonable modification includes a project description and necessary contact information. For the administrative reasonable modifications please submit Priority General Plan Policy Findings, which determine San Francisco General Plan consistency. Please answer all questions fully. Please type or print in ink and attach pages if necessary.

- **Authorization:** If the applicant in this case is the authorized agent of the property owner, rather than the owner, a letter signed by the owner and creating or acknowledging that agency must be attached and is included in the application for Variance.

- **Drawings:** The application must be accompanied by plans sufficient for proper determination of the case. In most cases a plot plan will be required, accurately showing existing and proposed structures on both the subject property and on immediately adjoining properties, open spaces, driveways, parking areas, trees, and land contours where relevant. Where the size or use of floor areas is material to the case, floor plans will also be required. Drawings of building elevations must be provided in most cases. All landscaping should be clearly shown on the plans, A north arrow and scale shall be shown on each plan, not less than 1" = 20' for plot plans, 1/8" = 1' 0" for floor plans, and 1/4" = 1' 0" for plans showing layout of parking and loading.
- **Photographs:** The application must be accompanied by unmounted photographs, large enough to show the nature of the property but not over 11 X 17 inches.

All plans and other exhibits submitted with this application will be retained as part of the permanent public record in this case.

After filling out the application and collecting the required materials and plans, please contact the Planning Department to schedule an intake appointment to process your application. At this appointment, a planner will review your application to ensure that it is complete. The application will then be assigned to a planner on a specific Quadrant Team, dependent upon the location of the subject property. The assigned planner will review the application against the San Francisco General Plan, the Planning Code, and Planning Department policies. After

your case is assigned to a planner, you will be contacted and asked to provide an electronic version of this application including associated photos and drawings.

Instructions for Standard Variance Reasonable Modification (With Hearing)

If the modification requested is not considered under the administrative variance, please submit **pages 5-6** of this form and the standard **Variance application**² packet.

2 The Variance application packet can be downloaded at <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=548>

Fees

Please refer to the Planning Department Fee Schedule available at www.sfplanning.org or at the Planning Information Center (PIC) located at 1660 Mission Street, First Floor, San Francisco. For questions related to the Fee Schedule, please call the PIC at (415) 558-6377. Fees will be determined based on the estimated construction costs. Should the cost of staff time exceed the initial fee paid, an additional fee for time and materials may be billed upon completion of the hearing process or permit approval. Additional fees may also be collected for preparation and recordation of any documents with the San Francisco Assessor-Recorder's office. If an applicant can demonstrate financial hardship, the Department may waive or reduce the fee pursuant to Section 350(e)(2) of this Code.

CEQA Review

The California Environmental Quality Act (CEQA) and Chapter 31 of the San Francisco Administrative Code implementing that act may require an Environmental Evaluation before the application may be considered. Please consult the Planning Department staff to determine if an Environmental Evaluation application must be submitted with this application. A separate fee is required for environmental review.

How does the process work?

Please review the instructions in this application and ask PIC staff if you have any questions. After filling out the application and collecting the required notification materials and plans, please contact the Planning Department for an intake appointment to process your application. At

this appointment, a planner will review your application to ensure that it is complete. The application will then be assigned to a planner on a specific Quadrant Team, dependent upon the location of the subject property. The assigned planner will review the application against the San Francisco General Plan, the Planning Code, and Planning Department policies and set a Zoning Administrator hearing date. Upon issuing the formal written decision either granting or denying the Reasonable Modification in whole or in part, the Zoning Administrator shall forthwith transmit a copy of the decision letter to the applicant.

What if my request for Reasonable Modification is denied?

The City may deny the request for reasonable modification if the request imposes an undue financial burden on the City or results in a "fundamental alteration" to the City's Planning Code or General Plan. The Zoning Administrator will mail decisions to the applicant. The action of the Zoning Administrator shall be final and shall become effective 10 days after the date of the written decision except upon the filing of a valid appeal to the Board of Appeals as provided in Section 308.2.

To file your Reasonable Modification application, please call (415) 558-6378 in advance to schedule an intake appointment. At your scheduled appointment with a staff planner, please bring your completed application with all required materials.



San Francisco Planning Department

The Planning Department will assess a project and how the scope of work will impact the overall of a building and surroundings buildings, and/or the public right-of-way. The above form will guide Planning Staff on the work’s compliance with the Planning Code and General Plan. The Planning Department will work with the applicant to evaluate options and provide ADA accessibility. Further consultation with a Preservation Planner may be necessary.

Contact information:
(415) 558-6377 or **pic@sfgov.org**



San Francisco Public Works

San Francisco Public Works will be consulted with projects regarding sidewalk modifications and encroachments in the public right-of-way. In most cases, special sidewalk surfaces may be allowed adjacent to the subject property and within the curb furnishing zone; provided that a minimum of 6-foot path of travel is maintained using standard concrete in order to comply with Americans with Disabilities Act Accessibility Guidelines (ADAAG).

Contact information:
(415) 554-6920 or **dpw@sfdpw.org**



The Access Appeals Commission

The Access Appeals Commission (AAC) is a five-member government commission that hears written appeals brought by any person regarding actions taken by the Department of Building Inspection in the enforcement of the requirements for Access to Public Accommodations by persons with a disability (Health and Safety Code Section 19955 including section 19957 exceptions), as well as action taken by the Department in the enforcement of the disabled access and adaptability provisions of the San Francisco Building Code. The Commission may also hear written appeals regarding actions taken by the Department in the enforcement of the disabled access and adaptability provisions of the San Francisco Building Code. The AAC ratifies or disapproves of Unreasonable Hardship Request (UHR).

Contact information:
(415) 558-6110 or
richard.halloran@sfgov.org

REASONABLE MODIFICATION FROM THE PLANNING CODE



1 Owner / Applicant Information

Property Owner's Name:

Address:

E-mail Address:

Phone:

Applicant Name:

Same as above.

Address:

E-mail Address:

Phone:

Contact for Project Info:

Same as above.

Address:

E-mail Address:

Phone:

2 Location and Classification

Street Address of Project:

Cross Street(s):

Zip Code:

Assessor's Block/Lot:

Lot Dimensions:

Lot Area (Sq. Ft.):

Zoning District:

Height/Bulk District:

3 Request for Reasonable Modification

Please select which category you are applying under:

Administrative Reasonable Modification (i.e. Parking, Access Ramp, Elevator, Habitable Space)

Standard Variance Procedure

4 Project Description

Please check all that apply:

Change of Use

**Additions
to building:**

Present or Previous Use:

Change of Hours

Rear

Proposed Use:

New Construction

Front

Alterations

Height

Building Application Permit No.:

Demolition

Side Yard

Other:

Date Filed:

4a. Describe the requested modification, relevant zoning code provision for which the modification is being requested.

4b. Describe the need for the requested modification, including an identifiable relationship (or nexus) between the requested modification and the applicant's qualifying disability under Federal or State Fair Housing Laws.

4c. Describe how the requested modification is necessary to make accessibility to housing available to the person or person(s) requesting the modification.

4d. If known, describe the potential impact of the reasonable modification on surrounding properties or the public right-of-way.

In some limited cases a Doctor's note may be required if the connection between the disability and the request modification is not clear or obvious, however in submitting this kind of supporting documentation, it is not necessary to disclose confidential information protected by the Health Insurance Portability and Accountability Act (HIPAA).

If applying for the standard variance, please submit pages 5-6 of this form and the Variance application* packet. If you are applying for the administrative reasonable modification, please fill out this entire form (pages 5-10).

* The Variance application packet can be downloaded at <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=548>

5 Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. **If a given policy does not apply to your project, explain why it does not.**

5a. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

5b. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

5c. That the City's supply of affordable housing be preserved and enhanced;

5d. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

5e. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

5f. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

5g. That landmarks and historic buildings be preserved; and

5h. That our parks and open space and their access to sunlight and vistas be protected from development.

6 Estimated Construction Costs

Type of Application:

Occupancy Classification:

Building Type:

Total Gross
Square Feet of
Construction:

By Proposed Uses:

**Estimated
Construction
Cost:**

Estimate Prepared By:

Fee Established:

AFFIDAVIT

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Under penalty of perjury the following declarations are made:

- a. The undersigned is the owner or authorized agent of the owner of this property.
- b. The information presented is true and correct to the best of my knowledge.
- c. The other information or applications may be required.

Sign Here

Signature of Applicant:	Date:
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Print Full Name: Owner Authorized Agent

APPLICATION CHECKLIST

REASONABLE MODIFICATION RENTAL REGISTRATION

Applications listed below submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent and a department staff person.**

Application Materials

- | | |
|----------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| <input type="checkbox"/> Application, with all blanks completed | <input checked="" type="checkbox"/> Section 303 Requirements |
| <input type="checkbox"/> 300-foot radius map, if applicable | <input type="checkbox"/> Prop. M Findings |
| <input type="checkbox"/> Address labels (original), if applicable | <input type="checkbox"/> Historic photographs (if possible), and current photographs |
| <input type="checkbox"/> Address labels (copy of the above), if applicable | <input type="checkbox"/> Check payable to Planning Dept. |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Original Application signed by owner or agent |
| <input type="checkbox"/> Floor Plan | <input type="checkbox"/> Letter of authorization for agent |
| <input type="checkbox"/> Elevations | <input type="checkbox"/> Other: |
- Section Plan; Detail drawings (i.e. windows, door entries, trim); Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)*

NOTES:

- Required Material. Write "N/A" if you believe the item is not applicable, (e.g. letter of authorization is not required if application is signed by property owner.)
- Typically would not apply. Nevertheless, in a specific case, staff may require the item.

After your case is assigned to a planner, you will be contacted and asked to provide an electronic version of this application including associated photos and drawings.

Some applications will require additional materials not listed above. The above checklist does not include material needed for Planning review of a building permit. The "Application Packet" for Building Permit Applications lists those materials.

No application will be accepted by the Department unless the appropriate column on this form is completed. Receipt of this checklist, the accompanying application, and required materials by the Department serves to open a Planning file for the proposed project. After the file is established it will be assigned to a planner. At that time, the planner assigned will review the application to determine whether it is complete or whether additional information is required in order for the Department to make a decision on the proposal.

Planning Department Use Only:

Application received by: _____ Date: _____