

**New Planning Code Summary:  
Requesting Modification of Code Requirements or Planning Department Practices  
and Procedures to Accommodate a Disability-Residential Uses**

**Code Change:** Sec. 305.1 Requests for Reasonable Modification-Residential Uses

**Case Number:** Board File No. 14-1237 (21-15 adopted Ordinance)

**Initiated By:** Mayor and Supervisor Weiner

**Effective Date:** March 22, 2015

**The Way It Was:**

Currently requests for reasonable modifications to residential uses are addressed by the Zoning Administrator on a case-by-case basis through the standard variance process. Applicants are not offered a clearly delineated process for reasonable modifications requests. Requests for some basic modifications like the addition of a wheel chair ramp would require permits and entitlements that can delay the process. The City does not provide clear guidelines about how to propose reasonable modifications.

**The Way It Is Now:**

Individuals who request reasonable modifications for residential uses are eligible for an administrative review, which, under certain conditions, would not require a public hearing or public notice. In an effort to expedite certain reasonable modification requests, any request that is consistent with the criteria in this section is eligible for administrative review and approval. Individuals who do not qualify for an administrative modification as outlined below will be subject to the existing variance process described in Section 305.

(1) Parking, where no physical structure is proposed. The parking space must be necessary to achieve the modification. If the property already includes a parking space, requests for additional parking cannot be granted administratively. Exceptions may be considered for rear yard and the front setback requirements to accommodate the parking space within reason. In reviewing an Administrative Reasonable Modification for Parking, the Zoning Administrator has the authority to allow the parking space for five years. After five years, applicants may renew the temporary use for additional five-year periods.

(2) Access Ramps. Access Ramps, defined in Building Code Section 1114A, that do not impact the historical structure of the building may also be considered. They should be designed and constructed to meet the accessibility provisions in the California Building Code or the California Historic Building Code. Additionally, the ramp(s) should be easily removable when the ramp(s) are no longer needed for the requested modification.

(3) Elevators. Elevators, dimensions defined in Building Code Section 1124A, may be considered for an administrative variance reasonable modification if the elevator structure is not visible from the public right of way; and is set back 10 feet from the property line. Elevators must be necessary for applicants to access residential uses of the building and must be necessary to achieve the modification requested.

(4) Additional Habitable Space. Additional habitable space will also be considered under administrative reasonable modification provided that the additional space does not result in the addition of a new dwelling unit or require expansion beyond the permitted buildable envelope.

Requests for reasonable modifications in residential uses that do not meet the criteria described above would continue to be reviewed through the existing variance process as described in Section 305 of the Planning Code.

Please note the following:

- In the next week there will be a new Reasonable Modification Form that applicants will need to fill out if they are seeking an accommodation for a person with a disability(ies).

<http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances15/o0021-15.pdf>