



ZONING MODIFICATIONS SUPPLEMENTAL APPLICATION



GENERAL INFORMATION

WHAT IS A ZONING MODIFICATION?

The City's Zoning Ordinance has standards for buildings that govern such features as front and interior setbacks, usable open space, maximum floor area, and parking. A Zoning Modification is a request for an exception to a zoning standard.

There may be special circumstances that make it difficult for a project to meet all of the City's zoning requirements. In those instances, an applicant may request a Zoning Modification. Decision-makers have the power to grant relief from specific requirements, when it would be consistent with the general purpose of the Zoning Ordinance.

HOW DOES THE PROCESS WORK?

Modifications are a type of discretionary land use approval. The Staff Hearing Officer or Planning Commission will approve, conditionally approve, or deny applications for Zoning Modifications after a noticed public hearing and consideration of the findings listed in the Municipal Code. For more information on the development review process see the [Planning Application Guide](#).

WHICH STANDARDS ARE ELIGIBLE?

Not all zoning standards can be granted a Zoning Modification. The Municipal Code Chapters [30.250](#) or [28.92](#) (Coastal Zone) describe which standards are eligible, listed below. In addition to these general categories, there are specific criteria for Solar Access Height Limitation modifications established by Council Resolution No. 17-075 listed on page 4 of this document.

ZONING MODIFICATIONS:

- Parking
- Setbacks
- Lot Area (Density)
- Floor Area
- Street Frontage
- Open Yard
- Front Yard – “Remaining”
- Required Distances
- Building Attachment
- Fences & Hedges
- Solar Access Height Limit
- Floor Area Ratio (FAR)
- Accommodation of Disabilities
- Nonconforming Structures
- Historic Resources

ARE THE FINDINGS IMPORTANT?

Yes, a decision to grant a Zoning Modification is based on the findings in the Zoning Ordinance. The findings are included on page 3 of this document. Review the findings carefully and make sure your situation meets the criteria and that you have provided adequate justification for your request. You may need to include additional data or other evidence to support the applicable findings for your project.

BEFORE YOU APPLY

While there is no guarantee of approval, there are some things you can do to improve the likelihood of success for your modification request:

- Take advantage of the City’s Pre-Application Services. Schedule a Planner Consultation to discuss staff support of your proposal before you submit an application. Please refer to the [Pre-Application Review](#) handout for further details.
- Address recommendations made by the design review body as it relates to aesthetic issues, consistency with existing development patterns, or conflicts with design guidelines.
- Consider neighborhood compatibility, views, and privacy when designing your project. Talk with your neighbors and show them your proposed design.
- Evaluate all design alternatives. If they are not suitable, explain why in your application.

TIMELINE FOR APPROVAL

Modification approval is just one step in the overall review process for a project. If design review is required, the project will also be reviewed by a design review body both before and after the modification hearing. Review and approval of a building permit is required before any construction may commence. Applicants should estimate an additional 3-4 months to go through the Modification process, but it may take longer depending upon the responsiveness of the applicant, and the complexity of the project.

INSTRUCTIONS

Complete the forms and provide any supporting materials described in this Supplemental Application and submit it along with a complete Planning (PLN) Application.



MODIFICATION FINDINGS

Review the following summary of required findings to help you prepare the Modification Intent Statement and to submit a complete application. **Note that there are some variations for projects located in the Coastal Zone.** Review either SBMC Chapters 30.250 or 28.92 (Coastal Zone).

All General Modifications

If **not** one of the specific types below, a decision to grant a Modification is based on the following findings:

1. The Modification is **consistent** with the general purposes of the Zoning Ordinance or the specific purposes of the zoning district in which the project is located; and
2. The Modification is necessary to accomplish any **ONE** of the following:
 - Secure an **appropriate improvement** on a lot.
 - Prevent **unreasonable hardship** due to the physical characteristics of the site or development, or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, proximity to creeks, or other unusual circumstance.
 - Result in development that is generally consistent with **existing patterns of development** for the neighborhood or will promote **uniformity of improvement** to existing structures on the site.
 - Construct a housing development containing **affordable residential units** rented or owned and occupied in the manner provided for in the City's Affordable Housing Policies and Procedures.

Parking Modifications

A decision to grant a Modification for reduced parking shall be based on **ONE** of the following findings:

- Reduced parking will meet anticipated **parking demand** generated by the project site; or
- A physical hardship exists that would otherwise prevent reasonable use of the property for an existing **single-unit residence**, such as extreme slope, narrow lot width, or location of existing development; or
- **Planning Commission Only (Title 30 only)**. Other criteria consistent with the purposes of the parking regulations and based on unusual or unique circumstances of a particular case.

Maximum Floor Area (Floor to Lot Area Ratio) Modifications

Planning Commission Only. A Modification to the Floor to Lot Area Ratio (FAR), shall be based on **ALL** of the following findings:

1. Not less than five members of the Single Family Design Board or six members of the Historic Landmarks Commission, as appropriate, have **voted in support** of the Modification during Concept Review; and
2. The subject lot has a **physical condition** (such as the location, surroundings, topography, or the size or dimensions of the lot relative to other lots in the neighborhood) that does not generally exist on other lots in the neighborhood; and
3. The physical condition of the lot allows the project to be **compatible with existing development** within the neighborhood that comply with the floor area standard.

Accommodation of Disabilities Modifications (Title 30 Only)

*A Modification to allow improvements to an existing structure or site in order to provide reasonable accommodations to individuals with disabilities is based on **ALL** of the following findings:*

1. The project does not include new structures, demolitions or substantial redevelopment and rebuilds, or additions where the proposed **project precludes a reasonable accommodation** that would not require a Modification; and
2. The property which is the subject of the request for reasonable accommodation **will be used by** an individual or organization entitled to protection; and
3. If the request for accommodation is to provide fair access to housing, the request for accommodation is necessary to **make specific housing available** to an individual protected under State/federal law; and
4. That the **conditions** imposed, if any, are necessary to further a compelling public interest and represent the least restrictive means of furthering that interest; and
5. That **denial** of the requested Modification would conflict with any State or federal statute requiring reasonable accommodation to provide access to housing.

Preservation of Historic Resources Modifications (Title 30 Only)

*A Modification to allow improvements to an existing structure or site in order to preserve a designated historic resource shall be based on **ALL** of the following findings:*

1. The Modification is **consistent** with the general purposes of the Zoning Ordinance or the specific purposes of the zoning district in which the project is located; and
2. The project design proposes improvements that **encourage rehabilitation** or adaptive re-use of a designated historic resource, as an alternative to demolition or relocation; and
3. Reduction/waiver of zoning requirements would **facilitate the preservation** of the historic resource; and
4. The Modification approval and project after completion will be consistent with the **City's Historic Resource Design Guidelines**.

Solar Access Height Modifications

*Per Council Resolution No. 17-075, a Modification for Solar Access Height Limitations must meet **ONE** of the following four criteria to be considered an unreasonable hardship and eligible for a modification:*

Option # 1: Maintaining Allowable Number of Dwelling Units

Solar access height limitations will result in a reduction in the otherwise **allowable number of dwelling units** in a residential structure or development, including density bonus, and meets **ALL** criteria below:

1. Every **feasible effort** has been made to comply with the solar access height limitations and the development is determined to be unable to achieve the otherwise allowable number of dwelling units without exceeding the solar access height limitations; and
2. The encroachment is the **minimum necessary** to permit the allowable number of units on the property.

Option # 2: Affordable Housing

Solar access height limitations will result in significant additional costs for the construction of a development which includes 25% or more dwelling units meeting the **affordability criteria** of the Community Development Department (minimum of 10 years) and meets **ALL** criteria below:

1. Documentation is provided showing the extent of the **extra costs** associated with compliance; and
2. The encroachment is the **minimum necessary** to prevent significant extra construction costs.

Option # 3: Consideration of Second Story Additions

Second story **additions to existing dwellings** in the single unit zones and two-unit zones (one-family and two-family zones) may use the height limitation required for other zones (i.e., sum of 18 feet and 58% of the shortest distance from the structure to the nearest northerly lot line), if **ALL** the below criteria are met:

1. All portions of the proposed addition which will exceed the solar access height limitations, except for roof overhangs up to 2 feet, are within the **perimeter** of a structure constructed prior to October 7, 1986; and
2. The horizontal dimensions of the proposed addition, excluding roof overhangs, as measured parallel to all northerly lot lines of the lot, do not exceed **25 feet**. (Portions of the addition that comply with the solar access height limitations for single unit and two-unit zones are exempt from this limitation); and
3. A Shadow Plan has been prepared showing all portions of the addition which exceed the solar access height limitations have been designed so as to cast no shadow at 9:00 a.m., Noon, and 3:00 p.m. PST on December 21 on any **solar energy system** located on any adjacent lot; and
4. A Shadow Plan has been prepared showing the amount of direct sunlight on all **south facing windows** on any adjacent lot at 9:00 a.m., Noon, and at 3:00 p.m. PST on December 21 following construction of the proposed addition will be greater than or equal to the amount of such sunlight in the event that the maximum addition in compliance with the solar access height limitations were to be constructed.

Option # 4: Multi-Story Buildings in the Downtown Area

A multi-story structure in any zone other than the single unit zones and two-unit zones (one-family and two-family zones) located in the **Downtown Area**, if **ALL** the below criteria are met:

1. The property has less than the required **60 feet of frontage** on a public street; and
2. A Shadow Plan has been prepared showing all portions of the structure which exceed the solar access height limitations have been designed so as to cast no shadow at 9:00 a.m., Noon, and 3:00 p.m. PST on December 21 on any **solar energy system** located on any adjacent lot; and
3. A Shadow Plan has been prepared showing the amount of direct sunlight on all **south facing windows** on any adjacent lot at 9:00 a.m., Noon, and at 3:00 p.m. PST on December 21 following construction of the proposed third story will be greater than or equal to the amount of such sunlight in the event that the maximum addition in compliance with the solar access height limitations were to be constructed.



MODIFICATION INTENT STATEMENT

The answers you provide below will be used by your assigned planner to conduct project analysis, prepare a staff report, and confirm there is sufficient evidence to support the request. Attach a separate sheet, if needed.

1. Describe the **existing development** on site (*list all existing uses, parking, and sq. ft. of buildings*):

2. Explain the **proposed project** (*provide sq. ft. of additions; note any new buildings, units, or uses*):

3. Describe each **modification request** and a **justification** for each request:

4. Describe any **design alternatives** that you explored, but were not pursued, and why:

5. Provide a detailed statement describing the **benefits** of the project: