



# MODIFICATION OF AN APPROVED PROJECT WITHOUT PHYSICAL CHANGES

## INFORMATIONAL AND REQUEST FORM PACKET

The Department may approve some non-physical amendments to previously approved projects through a streamlined process. For questions, you can call the Planning counter at 628.652.7300 or email [pic@sfgov.org](mailto:pic@sfgov.org) where planners are able to assist you.

**Español:** Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 628.652.7550. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder.

中文：如果您希望獲得使用中文填寫這份申請表的幫助，請致電628.652.7550。請注意，規劃部門需要至少一個工作日來回應。

**Filipino:** Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 628.652.7550. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

### SCOPES OF WORK THAT QUALIFY FOR THIS MODIFICATION TO A PREVIOUSLY APPROVED PROJECT PATHWAY:

- Inclusionary Rate Reduction Requests (that involve only non-physical changes)
- Changes in tenure (ownership to rental or rental to ownership)
- Modification of the elected method of compliance for the Inclusionary Housing Program (on-site to fee)
- Extension of performance standards
- Modification of previously conditioned hours of operation

Certain amendments to previously approved projects that **do not propose any physical changes** to the approved project, such as changes in the building massing or number of units, may qualify for streamlined approval. Most of these amendments can be approved administratively by the Planning Department. Some of these amendments, such as a change in tenure, or a request to modify the elected method of compliance for the Inclusionary Housing Program still require a Planning Commission hearing. Any amendment to a project that does not propose physical changes to the approved project shall submit this *Modification of an Approved Project without Physical Changes* request form in place of a new Project Application (PRJ). Other supplemental documents and fees may be required.

If the proposed amendments exceed the scopes outlined above, please submit a full [Project Application \(PRJ\)](#) and state all the changes between the previous approval and the current proposal in detail.

### HOW TO SUBMIT?

Submit this completed modification request form, along with the required supplemental documents, to [CPC.intake@sfgov.org](mailto:CPC.intake@sfgov.org).

### FEES

Projects that are eligible for review under this request form shall pay the application fee to amend the Conditions of Approval of a previous project as set forth in the [Planning Department Fee Schedule](#). If the project scope requires additional applications or an entitlement, then the associated fees will apply. If the project scope is modified such that it requires additional environmental review, then the application fee for the required environmental review will apply. For questions related to the [Fee Schedule](#), call the Planning counter at 628.652.7300 or email [pic@sfgov.org](mailto:pic@sfgov.org) where planners are able to assist you.

## DETAILS/ADDITIONAL INFORMATION ON MODIFICATION TYPES

- A. Extension of Performance Period or Hours of Operation
- B. Change in Tenure or Modification of the Elected Method of Compliance for the Inclusionary Housing Program
- C. Inclusionary Rate Reduction Requests (Non-Physical Changes Only)

### A. EXTENSION OF PERFORMANCE PERIOD OR CONDITIONED HOURS OF OPERATION ONLY

#### OVERVIEW

Projects that only seek to extend the performance period (entitlement validity timeframe) or alter previously conditioned hours of operation may use this abbreviated form in place of a new Project Application (PRJ).

#### REQUIRED SUBMITTAL MATERIALS

1. This Modification of an Approved Project request form (pages 4-5, and 7)
2. A new supplemental application for the entitlement to be modified (i.e. [Conditional Use Authorization](#), Large Project Authorization ([DNX](#) or [ENX](#)))
3. Letter of Authorization
4. An 11" x 17" copy of the approved permit plans for the project
5. Recorded Notice of Special Restrictions with conditions of approval from previous approval
6. Previous approval Motion

### B. CHANGE IN TENURE OR MODIFICATION OF THE ELECTED METHOD OF COMPLIANCE FOR THE INCLUSIONARY HOUSING PROGRAM

#### OVERVIEW

Projects that only seek to change tenure (ownership to rental or rental to ownership) and/or modify the elected method of compliance with the Inclusionary Housing Program (on-site units to fee) may use this abbreviated form in place of a new Project Application (PRJ).

#### REQUIRED SUBMITTAL MATERIALS

1. This Modification of an Approved Project request form (pages 4-5, and 7)
2. A new supplemental application for the entitlement/approval to be modified (i.e. [Conditional Use Authorization](#), Large Project Authorization ([DNX](#) or [ENX](#)), or [Mandatory Discretionary Review](#))
3. Letter of Authorization
4. An 11" x 17" copy of the approved permit plans for the project
5. Recorded Notice of Special Restrictions with conditions of approval from previous approval
6. Previous approval Motion

### C. INCLUSIONARY RATE REDUCTION REQUEST (NON-PHYSICAL CHANGES ONLY)

#### OVERVIEW

On September 5, 2023, the Board of Supervisors approved legislation to temporarily reduce the Inclusionary Affordable Housing requirements for certain residential projects to improve the feasibility of residential development. The legislation was signed into law by Mayor London Breed on September 14, 2023, and became effective on October 14, 2023 (Board File No. [230769](#)). On October 3, 2023, the Board of Supervisors approved trailing legislation to clarify the Code language and criteria for reducing the Inclusionary Affordable Housing requirements for qualifying projects. This legislation (Board File No. 230855) was signed into law by Mayor London Breed on October 12, 2023, and became effective on November 12, 2023.

Pipeline Projects are eligible for an inclusionary rate reduction and may seek administrative approval from the Planning Director, or their designee, to modify conditions of approval to lower the inclusionary requirement, extend the performance period of an entitled project, and to make State Density Bonus findings related to minor modifications to the income tiers for a Pipeline Project. Projects must procure a First Construction Document on or before May 1, 2029. More information is available on the [Inclusionary Affordable Housing Program](#) page of the Planning Department’s website.

Only projects with non-physical changes are eligible to use this modification form. All Inclusionary Reductions requests that involve physical changes must submit a Project Application (PRJ).

### **WHAT IS A PIPELINE PROJECT?**

Planning Code Section 415A offers temporary reductions for Pipeline Projects. A project is considered a Pipeline Project if it meets ALL of the following criteria:

1. It is a residential project subject to the Inclusionary Affordable Housing Program,
2. It received final approval\* by November 1, 2023, and
3. It has not been issued a first construction document.

\*Final Approval means 1) the date that a project’s first Development Application was approved; or 2) if a project only requires a building permit, the date the first site or building permit was issued; or 3) if the first Development Application or first site or building permit was appealed, then the date the appeal of that approval or issuance was finally decided by the relevant City Board or Commission. “Finally Approved” or “Final Approval” does not include any modification of the approval under Section 415A.5.

If a residential project does not meet the definition of a Pipeline Project, then it may be eligible for temporary interim inclusionary rate reductions pursuant to Section 415B. More information is available on the [Planning Department’s inclusionary webpage](#).

### **REQUIRED SUBMITTAL MATERIALS**

If a Pipeline Project only seeks to reduce the applicable inclusionary rate and does not propose any physical modifications to the scope of work, the following materials are required:

1. This Modification of an Approved Project request form (pages 4 and 6 - 7)
2. Letter of Authorization
3. Completed Inclusionary Affordable Housing Program [Affidavit of Compliance](#)
4. Recorded documents from the approved project as applicable, including but not limited to:
  - a. Notice of Special Restrictions with conditions of approval
  - b. Regulatory Agreement for the previously approved project
  - c. Below Market Rate (BMR) Notice of Special Restrictions (NSR)
5. An 11” x 17” copy of the approved permit plans for the project
6. SB 330 Preliminary Application (optional)



# MODIFICATION TO A PREVIOUSLY APPROVED PROJECT REQUEST

## GENERAL INFORMATION

### Property Information

Project Address: \_\_\_\_\_

Block/Lot(s): \_\_\_\_\_

### Property Owner's Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

### Applicant Information

Same as above

Name: \_\_\_\_\_

Company/Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Please Select Billing Contact:                      Owner                      Applicant                      Other (see below for details)

Name: \_\_\_\_\_ Email: \_\_\_\_\_ Phone: \_\_\_\_\_

**Please Select Primary Project Contact:**                      Owner                      Applicant                      Billing

## RELATED APPLICATIONS

**Related Planning Records** (List all the Planning Records associated with the previous project)

N/A

Planning Record No(s): \_\_\_\_\_

Previous Motion No: \_\_\_\_\_ Condition No (s) to be Amended: \_\_\_\_\_

**Related Building Permit Application** (List any active building permits associated with the project)

N/A or Building Permit Application No(s): \_\_\_\_\_

## A. EXTENSION OF PERFORMANCE PERIOD OR HOURS OF OPERATION

Select if your modification to a previously approved project is for a project looking for an extension of performance period or hours of operation.

*If you selected above, complete this section and the Applicant Affidavit on page 7.*

### **PROJECT DESCRIPTION:**

Provide a narrative of the changes to the previously entitled project, including the precise conditions of the previous approval that this project seeks to amend and the proposed amendments.

## B. CHANGES IN TENURE OR MODIFICATION TO THE ELECTED METHOD OF COMPLIANCE FOR THE INCLUSIONARY PROGRAM

Select if your modification to a previously approved project is for a project seeking a change in tenure and/or a change in the inclusionary housing method of compliance from on-site units to payment of the affordable housing fee.

*If you selected above, complete this section and the Applicant Affidavit on page 7.*

### **PROJECT DESCRIPTION:**

Provide a narrative of the changes to the previously entitled project, including the precise conditions of the previous approval that this project seeks to amend and the proposed amendments.

## C. INCLUSIONARY REDUCTION REQUEST (NON-PHYSICAL CHANGES ONLY)

Select if your modification to a previously approved project is for a project looking for a change the conditions of approval to lower the inclusionary requirement.

*If you selected above, complete this page and the Applicant Affidavit on page 7.*

### PROJECT DESCRIPTION:

Provide a narrative of the changes to the previously entitled project, including the inclusionary rate reduction (fee and/or on-site) the project is seeking, the changes necessary to the conditions of approval, and any other relevant details. The [Affidavit of Compliance](#) includes the temporary reduced rates. If the project seeks a reduction in the number of on-site units, please ensure that the project continues to comply with the unit mix requirements, [Area Median Income \(AMI\)](#) level distribution requirements, and other criteria in the Planning Code and [Zoning Administrator Bulletin 10](#).

### IMPACT FEE REDUCTION:

Pursuant to Section 403, certain development fees assessed on or before November 1, 2026 shall be reduced by 33% for qualifying Pipeline Projects (a subset of housing projects as defined on page 2) if a First Construction Document is issued on or before May 1, 2029.

Would this project like to request a 33% reduction to the applicable impact fees?    Yes            No

### WAIVERS, INCENTIVES AND CONCESSIONS (STATE DENSITY BONUS PROJECTS ONLY):

Please describe any changes to requested waivers, incentives and concessions. Note that use of an incentive is required to 'collapse' the income tiers otherwise required by the Inclusionary Housing Program.

# APPLICANT'S AFFIDAVIT

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) Other information or applications may be required.
- d) I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property as part of the City's review of this application, making all portions of the interior and exterior accessible through completion of construction and in response to the monitoring of any condition of approval.
- e) I attest that personally identifiable information (PII) - i.e. social security numbers, driver's license numbers, bank accounts - have not been provided as part of this application. Furthermore, where supplemental information is required by this application, PII has been redacted prior to submittal to the Planning Department. I understand that any information provided to the Planning Department becomes part of the public record and can be made available to the public for review and/or posted to Department websites.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Relationship to Project  
(i.e. Owner, Architect, etc.)

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_