



DEVELOPMENT SERVICES



TO: Development Services and Fire Department Customers

SUBJECT: **INFORMATION BULLETIN 114**
Code Modification Request Procedures

DATE: October 31, 2006
Revised February 20, 2012/August 1, 2014/January 18, 2018 /August 1, 2019/March 1, 2021/ February 17, 2023

CREATED BY: Plan Review Division and Fire Department

Purpose:

As a customer service initiative, the City of San Antonio (COSA) Development Services Department (DSD) and San Antonio Fire Department (SAFD) created this **revised** bulletin to update IB 114 for code modification request procedures. This bulletin has been updated to refer to the **Accela on-line application** procedures.

DSD and SAFD have developed a formal Code Modification Request (CMR) process to allow the owner and/or owner's agent to apply for an alternative material, design and/or method of construction or other modification to any provision of the City's building construction codes. These codes include the City's *Building, Existing Building, Fire, Residential, Energy Conservation, Mechanical, Electrical and Plumbing* codes. The current list of adopted codes can be found at <http://www.sanantonio.gov/dsd/resources/ordinances.aspx>.

Scope:

The CMR is required to show that the spirit, intent and minimum acceptable level of public health, welfare and safety are observed per the applicable code. Through this process, the City is attempting to resolve issues before appeals to the Building-Related and Fire Codes Appeals and Advisory Board become necessary. This process has been introduced to help expedite and evaluate your requests in a timely manner and will apply to all aspects of the applicable codes listed above.

Any modification request to the Unified Development Code (UDC) should be processed through an Administrative Exception/Variance Request (AEVR) which uses the same on-line application as described below, however reviewed by Land Development staff. All non-zoning UDC modifications being requested are defined by the UDC as either administrative exceptions reviewed by the department, or as variance requests reviewed by Planning Commission. Zoning variances are sent to the [Board of Adjustments](#) for decisions.

CMR Information

The following information is provided to help expedite the review of your CMR.

- CMRs are reviewed the 1st, 3rd and 5th Wednesday of the month and the CMR is to be submitted no later than Friday before the next Wednesday CMR review.
- One CMR application is required for each item/code issue under consideration. This helps expedite issues if one issue requires further discussion.
- The supporting documentation for the CMR is to be prepared on company letterhead, signed and dated. The CMR documentation letter must be signed and sealed by the Texas registered architect or licensed professional engineer of record when the modification request applies to a building or system that is required to be designed and sealed by the Texas Architectural Board Statute or Texas Engineering Practice Act. See example attached to this IB.
- For most CMR request, DSD and the Fire Department would need site plans or floor plans uploaded for review that graphically describe the issues presented in the letter (if appropriate). Descriptions of issues without a plan sheets uploaded for illustration may cause e-mail or phone call follow-ups to understand what is being requested.
- The CMR documentation letter must be signed by the Owner if administrative controls are included in the CMR. Examples include limitations on use of the building, space or material proposed; security measures; operational procedures; etc.
- There is a \$350.00 fee for each CMR submitted for review and consideration. The applicant is to pay fee at the time of submission. Payment is on-line through the Accela portal.
- If a CMR includes a products or sample for a new material, theses may be delivered to:
 - City of San Antonio Development Services Department
 - Plan Review Division
 - Attn: Plans Management Staff
 - 1901 S. Alamo St.
 - San Antonio, TX 78204

(reference the CMR record number provided after the application is submitted)

- The estimated turnaround time for CMR review and action is ten (10) business days.

Application Process

The application process is through the [Accela Citizen Access Portal](#) (ACA) by login with the password for the applicants' ACA account.

- Once logged in to the ACA account, the CMR application is under the Profile tab.
- Click on "Create an Application"

- Click on Profile under the search for a record type, and choose CMR or AEVR Request

Home Land Development Building **Profile** Fire

Search Applications **Create an Application**

Select a Record Type

Choose one of the following available record types. For assistance or to apply for a record

▼ Profile

CMR or AEVR Request

ESCROW ACCOUNT

As part of the application, an address is required. There are a few CMR requests that do not have an address such as approval to use a new product on a city wide basis. It is suggested in this case to use the address 1901 Alamo (DSD address) to complete the application. Search using only 1901 and Alamo to find the DSD address. Alternatively the applicant could use their own address. The address is required to be in the City of San Antonio city limits however.

After the address is entered, Contact information is entered. By logging in to the ACA portal the applicant is attached as the main contact by default and no other contacts are required to be added.

The main part of the application: Screen shot follows.

- Enter a Project Name. It is helpful to match the Building permit application project name if appropriate for help in later research.
- Choose CMR for Building and Fire related codes (do not choose AEVR; which is related to the Unified Development Code and zoning issues or variances).
- Choose either Building, Fire, Mechanical, Electrical, Plumbing, or Other. Other is used for codes related to Energy, Residential, Pool and Spa, and Existing Building Code.
- For Code Issue, input the general code issue/summary in a few words.
- Place the Code Section number for the issue in question. For example, if Building is chosen, the reference Code Section is assumed to be the International Building Code (IBC). More than one reference section and table number may be required.
- A question is asked if the CMR is related to an exiting permit application or a issued permit, and will ask for the record number if answered Yes. It is important to provide the correct

Record number to tie the CMR to the other permits and applications. That helps with research later to expedite further project applications and permits.

Custom Fields

CMR/AEVR REQUEST DETAIL

One Request is required for each item/code issue under consideration. Your CMR/AEVR request and the final decision number for future reference. For additional information please refer to [IB114 \(CMR\)](#) or [IB124 \(AEVR\)](#).

Project Name:	Crosswinds Office Building Phase 1
* Request Type:	Code Modification Reque▼
CMR Issue Type: *	Building ▼
* Land Use:	Commercial ▼
Occupancy Group:	Business B ▼
* Code Issue:	Exterior Wall Protection
* Code Section:	705.8
Ordinance Year:	2021
Project Acreage:	
* Is this request related to an in-process application, permit or plat?:	<input checked="" type="radio"/> Yes <input type="radio"/> No
Record Number: *	COM-PRJ-APP20-3980047

Upload of Digital Documents

In the next section of the application, the Applicant is required to upload digital files.

- The CMR Request Review letter is required. (example last page of the IB). The file upload would be required to be in a PDF format. The request letter on the applicant or Owner letter head and is required to be signed and uploaded.
- The actual CMR information form (also attached to this IB) is Not required, however the form helps with intake.
- Upload any site plans, floor plans, or other plan sheets for review that graphically describe the issues presented in the letter. Please do not upload an entire set of construction documents as part of the CMR request.
- Upload any product literature or manufacturers cut sheets as appropriate.

Document types are chosen when uploading each pdf file, example below. A description is helpful.

Attachment

To upload a new document click Add.
 The maximum file size allowed is 80 MB
 ade;adp;bat;chm;cmd;com;cpl;exe;hta;htm;html;ins;isp;jar;js;jse;lib;lnk;mde;mht;mhtml;msc;msp;mst;php;

Name	Type	Size	Latest Update
No records found.			

* Type:
 --Select--
 --Select--
 AEVR/CMR Supporting Documents
 Hardship Letter
 Site Plan Exhibit
 Other Document

Description:

Save Add Remove All

Fees

The last portion of the application is to pay fees online. A CMR request is \$350.00.

City Intake Process

After submittal of a CMR application, intake staff will be notified by the Accela permitting system to review the CMR application for completeness (adequacy of documents and determination of which staff needs to review depending on the code issues) and then route the request to appropriate CMR Committee staff. Intake staff will set up the dates of internal review.

CMR Committee Process

The CMR committee for the particular discipline will meet internally to discuss the alternative to code requirements that is submitted.

If the CMR committee has any questions regarding the application, or requests modifications or additional information be submitted to the CMR record, you would be notified through the Accela system by e-mail. Often after the Committee meeting, a DSD engineer, or DSD architect may contact the applicant with questions and initiate discussions about the issue and perhaps find a solution to help provide final approval of the CMR rather than just denial of the request. During discussions the revised CMR Modification Request Review letter may need to be modified and resubmitted to document the issue and solution agreed upon by DSD/Fire Department, the applicant of the request and the Owner of the affected project.

CMR Decision

COSA DSD or SAFD will respond to your CMR by approving your request, approving your request with additional requirements, or denying your request.

The decision for Approved or Approved with Comments will be returned by e-mail through the Accela system. If the CMR is approved, or approved with conditions, the applicant may be advised to submit revised building plans that matches the request and approval of the CMR.

A CMR that is Approved with Comments may affect design and costs of the Project. The applicant should review the decision and if not in agreement, is welcome to reach out for discussions to reach an agreement. The City of San Antonio's goal is to agree upon an alternative solution to code that is acceptable both to the Building and Fire Code Official as well as the Owner and Owner's Design Professionals.

If a Denial is the final result of a CMR for Building, Mechanical, Electrical or Plumbing , the applicant will receive that denial in written form by a separate e-mail which will include an analysis of the code and why the CMR is denied along with a letter from the Director of Development Services with further options that can be pursued.

For denials of Fire related CMRs, which may not receive an analysis letter, the applicant is welcome to reach out to the Fire Marshal's Office to discuss.

Records

The CMR application and the final decision of the Building or Fire Official shall be officially recorded in the permanent records of this department. The application CMR record number should be kept for future reference.

We hope that this customer service initiative will help you complete your project or address your special situation. Should you have any questions regarding the Code Modification Request process, please contact Development Services at DSDPlansManagement@sanantonio.gov.

Should you be dissatisfied with the action/ruling taken on your CMR, you have the right to appeal the ruling to the appropriate Board of Appeals in accordance with the applicable codes listed above.

Attachments:

1. CMR Application Form
2. Example format for CMR Letter to be submitted with CMR application

Summary:

This Information Bulletin is for informational purposes only.

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DEVELOPMENT SERVICES



CODE MODIFICATION REQUEST INFORMATION

Project:	
Address:	
Owner's Name:	
Permit# (if applicable):	
Issue:	
Applicable Code:	
Code Sections:	

<u>Submitted by:</u>	
Name:	<input type="checkbox"/> Owner <input type="checkbox"/> Owners Agent
Company:	
Address:	
City, State, Zip:	
Tel #:	
Email:	
Signature:	

CUSTOMER'S CO. LETTERHEAD

Date

Code Modification Request Review^{1,2}
Development Services Department
Plans Management Staff
1901 S. Alamo St.
San Antonio, TX 78204

Re: Project Name
Project Record Number (if applicable)
Code Issue

Dear COSA Building or Fire Official,

At a minimum, provide the following information in your code modification request letter:

- Introduction: Identify the project and state that you are requesting consideration of a modification or an alternate method of construction or materials.*
- Code Issue: Identify the specific code section for which the Code Modification Request / Alternative Methods & Materials is proposed.*
- Discussion / Justification: Provide rationale and supporting information, such as technical data, engineering calculations, results of actual field tests, requirements or allowances in other model codes, etc. that provide the basis for the City to accept the request. Proposed design documents (i.e., architectural or engineering plans) and supporting information listed above should be attached to the request as needed to clarify proposed request.*
- Conclusion: Provide a summary statement such as "In my/our professional opinion, the proposed code modification / alternate method of construction / materials meets the intent of the Code and provides a level of safety equivalent to, or better than, that required by the Code".*

Sincerely,

Signature and Title Block of Applicant

Signature of Owner (if applicable)

Attachment(s)

¹ Example format for Code Modification Request Letter

² To be uploaded during online application submittal of CMR to COSA