



Modification Permit Information

Community Development Department

Planning Division

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General Information

A Modification Permit provides relief from specified development standards of the Zoning Code when so doing is consistent with the purposes of the Code and the General Plan, and does not negatively impact the community at large or in the neighborhood of the specified development. The Zoning Administrator has the authority to approve, conditionally approve, or deny applications for Modification Permits applicable only to the following:

1. Height modifications from exceptions identified in Part 3 (Site Planning and Development Standards) of the Zoning Code. The following modifications are limited to not more than a 10 percent deviation from the standard being modified.
 - a. Chimneys, rooftop architectural features, and vents in excess of the exception to the allowed height limits identified in Part 3 (Site Planning and Development Standards);
 - b. Flag poles in excess of the exception to the allowed height limits; and
 - c. Heights of fences, hedges, or walls (except retaining walls).
2. Setback modifications. The following modifications are limited to not more than a 10 percent deviation from the standard being modified.
 - a. Encroachments in front, side, or rear setback areas while still maintaining the minimum clearances required by Section 20.30.110 (Setback Regulations and Exceptions). Exceptions include the following:
 - (1) Modifications shall not be allowed for encroachments into alley setbacks; and
 - (2) Modifications shall not be allowed for encroachments into bluff and canyon setback areas.
 - b. Structural appurtenances or projections that encroach into front, side, or rear setback areas.
3. Other modifications. The following modifications are not limited in the amount of deviation from the standard being modified.
 - a. Distances between structures located on the same lot;
 - b. Landscaping standards in compliance with Chapter 20.36 (Landscaping Standards);
 - c. Maximum allowed roof area for roof mounted equipment that exceeds the allowed height limits identified in Part 3 (Site Planning and Development Standards);
 - d. Size or location of parking spaces, access to parking spaces, and landscaping within parking areas;
 - e. Increase in allowed floor area of additions for uses that have nonconforming parking;
 - f. Increase in allowed height, number, and area of signs; and
 - g. Increase in the allowed height of retaining walls.

Justification and Required Findings

Pursuant to 20.52.050 E., the Zoning Administrator may approve or conditionally approve a Modification Permit if, on the basis of the application, materials, plans, and testimony (orally and/or in writing) submitted, if all of the following findings first can be made:

1. The requested modification will be compatible with existing development in the neighborhood;
2. The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use;

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3. The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code;
4. There are no alternatives to the Modification Permit, that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public; and
5. The granting of the modification would not be detrimental to public health, safety, or welfare to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.

Application Requirements

1. A completed Planning Permit Application for a Modification (attached);
2. Project Description and Justification

A written statement describing the proposed project in detail. This document will serve as the formal statement to the approving authority on what the project is and why it should be approved. Please include any relevant information which supports the application and the required findings pursuant to Section 20.52.050 E., which are noted above. Moreover, please indicate what work is to be done and all existing and proposed nonconformities.

3. Public Noticing Requirements.

Please refer to the Planning Division's handout on [Public Noticing Requirements](#) for more information on the application materials required for a public hearing.

4. Plans

Modification Permit applications must be accompanied by one (1) full size and five (5) reduced to 11" x 17" (with details itemized on 8 ½"x 11" sheets if necessary) sets of plans. Please include the plot/site plans, floor plans, and elevations indicating existing and proposed conditions. The plot plans must display the entire property, property lines, adjacent streets, and existing and proposed buildings/structures with emphasis on the request. Please draw plans to scale and show all necessary dimensions to give a true and clear picture of the existing and proposed conditions. Provide exterior elevations of all existing and proposed structures. Each set of plans must be collated, stapled, and folded to a maximum size of 8½" x 14".

5. Filing Fee

A filing fee is required at the time of filing to partially defray the cost of processing and other expenses. The Planning Department will advise you of said fee.

6. Electronic Copy

All of the above submittal items are required to be submitted in electronic format (i.e., USB flash drive or CD-ROM) as determined by the Planning Department prior to application submittal.