

POLICY CRITERIA FOR DETERMINING MINOR AND MAJOR MODIFICATIONS FOR DEVELOPMENT PROJECTS

It is the intent of every approval that the project be developed in substantial compliance with the plans submitted and approved by the Planning Commission or City Council, on appeal. The City recognizes that modifications and adjustments to projects are sometimes necessary due to field conditions or other aspects of the development. With this in mind the City adopted provisions in Sections 17.38.065, 17.42.065 and 17.46.070 of the Zoning Ordinance which state that after a Variance, Conditional Use Permit or a Site Plan Review application has been approved, the City Manager or the Planning Commission – while construction is taking place - may consider modification(s) to the approved plans and/or to any conditions imposed, when requested by the applicant. The City Manager or his designee has the authority to review and act upon minor modifications, and the Planning Commission has the authority to review and act upon major modifications.

Minor modifications when approved by the City Manager, or his designee, are considered an administrative action and do not require a public hearing. Major modifications are recognized as a new project and are subject to a public hearing. Any proposed modification that triggers discretionary review is considered “major” modification.

Pursuant to the above provisions of approval of discretionary permits, staff is required to establish criteria for minor and major modifications.

The following is a list of projects that are intended to serve as an illustrative guideline to determine if a project modification is to be deemed “minor” or “major”. The list is not all-inclusive. Other and/or similar requests for modifications may not always be based on the examples listed therein.

Prior to rendering a decision as to whether the proposed project could be considered “minor” or “major,” City staff evaluates the Planning Commission’s or City Council’s conditions of approval imposed at the time the project was initially approved, records and minutes of the public hearings and the property’s prior history. Staff may also require that the applicant notify neighbors and inform them of the proposed project amendment.

EXAMPLES OF MINOR AND MAJOR MODIFICATIONS TO PROJECTS

MINOR MODIFICATION	MAJOR MODIFICATION
Cut or fill of no more than 3 feet	Cut or fill of more than 3 feet
Enlarge the building pad or limit of grading by no more than 2,000 sq.ft. when the total disturbance does not exceed the max. permitted of 40%.	Enlarge the building pad or limit of grading by more than 2,000 sq.ft.
Move a pool or pool equipment area to other location (not triggering discretionary review) Reconfigure a pool/spa where the total water surface area does not exceed 100 s.f. and which does not trigger SPR	Increase of pool size by more than 100 sq.ft. than originally approved
Reduce the size of structure; or enlarge structure where trade off is proposed for reducing a structure elsewhere	Larger than approved structure, where no trade off is proposed
Add or move garden walls or planter walls; extend a wall, (3' high or less)	Additional walls, more than 3' high
* Raise the building pad, driveway or height of structures by no more than 12 inches	Raise the building pad, driveway or height of structures by more than 12 inches
Import or export of dirt, 500 c.y. or less, when meet City requirements (Sections 15.04.150 & 15.04.170)	Import or export of dirt over 500 c.y.
Minor shift of the structure, i.e. move the house or other structures no more than 5 feet in one direction or another; pivot a tennis court by few degrees	Additional square footage to a previously approved house/garage (additions to approved rec.rm., guest hs. and similar requires a CUP)
Change in slope configuration (from more steep to less steep), where the limit of grading is no greater than 2,000 sq.ft. from the approved limit of grading	Change in slope configuration (from less steep to more steep)
Add an outdoor kitchen, barbeque, fire place, trellis	Modification requiring a second driveway
Change out of square footage of structures, where the total structural coverage does not change, (i.e. decrease size of house for additional trellis or for a larger garage; remove attached trellis/porch to construct a detached trellis)	Projects, which are determined by the City Manager/Planning Director to be similar to and likely to have similar or greater impacts than those projects enumerated above.
Temporary access way for construction materials delivery (may require Bldg. & Safety review)	

EXAMPLES OF MINOR AND MAJOR MODIFICATIONS TO PROJECTS

MINOR MODIFICATION	MAJOR MODIFICATION
Add a basement (w/o grading)	
Modification to driveway or approach (Traffic Commission approval is required for new or enlarged driveway approach)	
Deeper than anticipated excavation for caissons or to locate bedrock, where no additional surface area is graded; or if graded for access or work area, then it must be restored to pre-disturbed condition	
Projects, which are determined by the City Manager/Planning Director to be similar to and likely to have no greater impacts than those projects enumerated above.	

Staff's decision may be appealed to the Planning Commission, pursuant to Chapter 17.55 of the Zoning Ordinance.

* Every effort is made to allow the least variation in height from approved plans, except in extenuating circumstances where a larger increase has no significant impact, up to 12 inches may be approved.