
**THOMAS FIRE REBUILD
APPLICANT'S GUIDE - MODIFICATION**

INTRODUCTION

The purpose of this guide is to give you an overall understanding of the City's Modification process:

- What types of regulations can be modified;
- How Modifications are reviewed by the City; and
- How long this process takes.

WHAT IS A MODIFICATION?

The City's Thomas Fire Rebuild Overlay Zone Ordinance contains regulations which control reconstruction and repair of Qualifying Fire Damaged Structures within the Thomas Fire Overlay zone. It is recognized that these regulations may, in specific instances, create an undue hardship or prevent reasonable improvements from being made to a property. Therefore, the Community Development Director, or his designee, has been given the authority to approve Modifications to certain limited categories of the Thomas Fire ordinance.

MODIFICATIONS

Modifications may be approved at a **public hearing** by the **Community Development Director, or his designee** :

- A. Expansion of a structure above 10%, to a maximum of 25%, of the destroyed residence floor area.
No expansion shall result in the creation of a nonconforming setback or lot coverage where destroyed residence conformed.
In no event shall a cantilevered second story be allowed.
- B. (1) For a one-story primary residence: increase of height up to a maximum of 19'
(2) For a two-story primary residence: increase of height by no more than 5%, not to exceed 1.5 feet beyond the tallest preexisting ridge line

TEMPORARY STORY POLE, STAKING, AND FLAGGING.

The applicant shall construct story poles on site to represent an accurate silhouette of the proposed rebuild, following the Staking and Flagging Guidelines provided by the Planning Division. Timing for installation of the story poles, staking, and flagging shall occur after filing the Modification Permit application and receiving consultation and notice to proceed by the assigned Project Case Planner. The story poles, staking and flagging shall be erected within 10 days of the Project Case Planner's issuance of the notice to proceed. The staking and flagging shall remain in place and in good condition through the hearing date and for 10 calendars after the day of the hearing. If an appeal of the project is filed, the story poles, staking, and flagging shall remain in place and in good condition until the appeal process to a hearing is complete.

WAIVER FOR STORY POLE, STAKING AND FLAGGING.

The applicant may be granted a waiver to install story pole, staking and flagging by the Director if 50 percent or more of the abutting adjacent property owners, the majority of which are owner signatures from upslope and similar elevation properties, have reviewed and indicated support for the proposed rebuild project plans, signing a Neighbor Project Support Form provided by the Planning Division.

ABUTTING PROPERTY OWNER ACKNOWLEDGMENT FORMS.

The applicant shall share the proposed modification project site plan and building elevation plans, in person or by mail to the address on file with the County Assessor, with the property owners of the adjacent lots of record. The applicant shall use the Property Owner Acknowledgment Form provided by the Planning Division. The acknowledgment shall be a signature of the adjacent property owner stating awareness of the modification permit application, without expressing approval or disapproval of the proposal. Receipt of adjacent property owner acknowledgment forms from 50 percent or more of the adjacent property owners shall be deemed by the Project Case Planner as satisfying this component of the Modification Permit Application.

In the event the applicant has attempted to obtain signatures from the abutting property owners and is unable to reach them, the applicant can send the notice by certified U.S. mail, return receipt requested, and submit the return receipts in lieu of the Property Owner Acknowledgment Form. The Project Case Planner will accept these return receipts in lieu of the Property Owner Acknowledgment Form.

PUBLIC HEARING NOTICE.

All property owners located 300 feet from the exterior boundaries of the property of the subject application, as well as of the property owners involved in the application of the proposed project will be sent a notice of the public hearing. The applicant or their representative should attend the hearing, and will be given an opportunity to speak. Other interested persons may also provide input. At the conclusion of the public hearing, the Community Development Director, or his designee, may: (1) approve the request, with or without conditions; (2) deny the request; (3) continue the hearing to another date; or (4) refer the application to the Planning Commission for further consideration.

REQUIRED FINDINGS

In order for the decision-making authority to approve a Modification, findings must be made. **The applicant should provide information to assist in making such findings.** The findings are as follows:

- A. For Modifications, all the following findings set forth below must be made:
- (1) Approval of the Modification Permit for the rebuild proposal is consistent with the Thomas Fire Rebuild Statement;
 - (2) Approval of the Modification Permit for the rebuild proposal is consistent with the provisions of the Thomas Fire Overlay Modification Permit regulations;
 - (3) Approval of the Modification Permit for the rebuild proposal does not significantly impair a Protectable Private View from the viewing area of an abutting primary residential structure;
 - (4) A Height Certification by licensed surveyor has been required as condition of approval of the Modification Permit to ensure accuracy of the structure height during construction of the residence; and
 - (5) Conditions of approval as may be necessary to enable the above findings to be made have been imposed.

HOW DOES THE PROCESS WORK?

Projects requiring a Modification will include the following steps:

- Step 1:** Early in the process of designing a project, you should meet with staff to find out what Thomas Fire Ordinance regulations may affect you and whether a Modification is required. In addition, copies of the Thomas Fire Ordinance, application forms, and other information are available at the Planning Division public counter.
- Step 2: Filing Your Application** - Make a submittal appointment by calling (805) 654-7893).
- Step 3:** When your application has been filed, the project will be reviewed in detail by the Planning Division. The project will be assigned to a staff planner, who will contact you if questions arise regarding your application.
- Step 4: Public Hearing** - Following staff review and Preliminary Design Review of your project, a public hearing will be held, by the Community Development Director, or his designee. The decision of the Director is final, unless it is appealed.
- Step 5: Appeals** - An applicant or any other aggrieved party may file an appeal of any Modification action within 10 calendar days of the date of action. Appeals of decisions by the Director may be appealed to the City Council, and should be filed at the City Clerk's Office.
- Step 6: Building Permits** - Following approval of a Modification, the applicant is required to submit an application to the Building & Safety Division for a building permit along with working drawings for the project. For further information regarding this process, the Building & Safety Division should be contacted at (805) 654-7869.

APPLICATION SUBMITTAL STANDARDS

- Plans shall be drawn at a standard architect or engineer scale and shall show the name, address, phone number and State license number of the design professional that prepared the plans.
- Plans shall be folded and assembled into the number of sets listed in the Submittal Requirements for the permit type and shall easily fit into an 8.5 X 14-inch envelope. Rolled plans will not be accepted except for the color rendering.
- Plans submitted with the initial application are distributed for review by other City departments. Once an application is deemed complete, you will be contacted to provide additional full size plans, as needed.