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Procedures for Processing Conditional Use Permits and Site Plan Review Applications

These following procedures are how we process full site plan reviews and conditional use permits, including Amendments, but excluding minor and major revised exhibits.

1. Once you receive the file, send the Introduction Letter to the applicant and CC the owner. An example of this letter can be found in K*:\COA Streamlining\Final Documents\Other documents.* If e-mail addresses are included on the application, send via e-mail only.

2. Track comments from other agencies as you receive them. If there are any comments that are received that could "kill" or significantly modify the project, send those comments to the applicant as soon as you receive them.

3. During the comment period, prepare "Planning's Initial Comments" also known as the "Property Development Standards Checklist". As part of the preparation of this document, the following items need to be reviewed:

    a. Research Chapter 2, Article 12 of the Fresno Municipal Code (FMC). Search for the correct zone district and make sure the use is allowed. If you do not see the use listed in the code, check the "Uses" Table. We use this as a cheat sheet and it is not to be copied and given to the public. If there is a number next to a BR or CUP, that means that there is a Director's Classification (DC) that was approved that allowed the use. You can find the DCs in binders at the front counter or in K:common.

    b. Make sure the property complies with all property development standards contained in FMC. If the project does not, make sure that in the "proposed" section of this document you **bold** what the applicant needs to do in order to come into compliance with the standard.

    c. Research Chapter 12, Article 2, Section 12-306 of the FMC. Although the individual zone district should lead you here for parking and landscaping requirements, it doesn't always, and these standards apply to all projects (as applicable). For example, the bicycle parking requirements are buried in this section and are required to be placed on all projects.

    d. When you have the subject property up in IView, add the "boundary" layers to show Council District, Community Plan and Specific Plan. Look through the appropriate Community and Specific Plans for any relevant policies that need to be made conditions of approval for the project. Most specific plans will have very specific policies that will apply to projects. For Community Plans, pay special attention to the Central Area, West Area, Roosevelt, Woodward Park and Bullard Community Plans. These plans have policies that will apply to most projects.

    e. Check the General Plan for any relevant goals and policies that apply to the proposed project.

    f. Review the "Performance Standards for Parking Lot Shading" policy to make sure the project is in compliance.

g. Check the APN books at the counter or GIS toolbox for the complete zoning of the property (Iview only lists the base zoning). If there is a "CZ" attached to the zoning, review the rezone file associated with the project and locate the official ordinance bill associated with that rezone. The ordinance bill should contain the conditions of zoning associated with the subject property.

h. Check the APN books, GIS toolbox (for "image search"/scanned documents) and Naviline for old applications. Reviewing the previous applications for a site (especially for a built-out site) will help you understand the history of the site including any potential controversy, unique features, special conditions, environmental issues, etc. It is important to quickly review the previous conditions of approval for a built-out site to make sure the site is currently in compliance with all conditions of approval. Often times we find that landscaping or fencing requirements have not been met. Illegal fences are pretty common (in landscape setbacks, over height, non-approved barbed-wire, etc).

i. Check the title report to see if there are any covenants, easements, etc., that may impact the project. If the applicant is proposing a new building or a major addition, a title report is required.

j. In terms of format, it is important that you pull the documents from *K:\COA Streamlining\Final Documents* for reference, but you also want to ask other planners if they have recently worked on a similar project. For example, if you are working on a new commercial building in the Roosevelt Community Plan Area, ask around to see if anyone has worked on similar project. You can use the forms/documents from the Streamlining folder as your base document, but also cross reference the example to make sure you are not missing anything. Every type of project is unique and you may see something in someone else's analysis that you didn't think about.

4. Once you have received all conditions for other agencies and departments and have finished your initial conditions, send the Correction Letter along with all comments to the applicant. An example of this letter can be found in K*:\COA Streamlining\Final Documents\Other documents.* Give the applicant a 2-week deadline to return a revised site plan and all other needed documents. If they do not give you what you need within 2 weeks, let them know that the project timeline will be extended.

5. While you are waiting for the revised exhibits, you can begin the environmental assessment process. If there were no additional submittal requirements as part of your initial review (traffic study, noise study, etc), at this point, you can either 1) See if there is an appropriate categorical exemption for your project and complete the standard one page write-up or 2) Complete an initial study and determine if a Mitigated Negative Declaration or a Finding of Conformity would be appropriate. Typically a Finding of Conformity is most appropriate for projects that cannot be determined to be categorically exempt. A mitigated negative declaration is typically done for most projects that have a plan amendment associated with them because these cannot be determined to be in conformance with the MEIR completed for the 2025 Fresno General Plan. The appropriate CEQA forms can be found here: *K:\CEQA & NEPA\CEQA\`Forms & Sample Documents*.

6. Complete the Application Form/Staff memo. The purpose of this memo is to include any analysis that you have done for the project. For example, sometimes if a project has a long history, it is important to do a thorough review of the previous entitlements associated with the project. Or, if a project has conditions of zoning, this is the place where you would list them and say that they are no longer relevant and why. If there was a reason why you calculated parking a certain way, you would describe your method in this memo. The most important part of this document is the

Findings section. Site Plan Reviews, Conditional Use Permits and Variances all have different findings that must be made before we approve a project. If your project is somewhat controversial, make sure you spend some time providing evidence to justify your findings.

7. Once the corrected site exhibits are submitted, re-route the site plan and other exhibits to those departments or agencies that need to re-review the plans. If the comments that the agency/department had were simple, verify the condition has been met and do not re-route. Typically, projects are re-routed to traffic, solid waste and fire.

8. Verify that all Planning conditions have been met. If there is something missing (for example, they are still not providing bicycle parking or are not providing it near the main entrance of the building) pull that condition out and put it in the top portion of the approval letter (Part A). Below are some examples of what is typically included in this section of the letter:

☐	1.	A solid wall (at least 6-feet) is required on the east side of Assessor's Parcel No. 461-000-00. It appears that this wall may already exist. Revise site plan to show this wall and call it either existing or proposed. **The revised site plan shall be submitted and approved prior to issuance of building permits.**
☐	2.	Provide elevations of the proposed trash enclosure that includes a color and material schedule showing that the enclosure will be compatible with the color and architectural style of the main building. **Trash enclosure elevation shall be submitted and approved prior to issuance of building permits.**
☐	3.	Move the proposed bike rack to a more ideal location on the site (i.e. closer to the main entrance). See attached site plan for suggested location. **The revised site plan showing this change shall be submitted and approved prior to issuance of building permits.**
☐	4.	Please indicate the height and material of all **existing** and proposed fences on the <u>entire</u> site. **The revised site plan with this correction shall be submitted and approved prior to issuance of building permits.**
☐	5.	A cross access/off-site parking agreement is required given that some required parking is provided off-site (on two separate parcels). The existing "Covenant (Off-Street Parking Spaces)" recorded on June 8, 1981 may fulfill this requirement. Please provide a copy of this document to verify that this requirement has been met or submit the covenant fee and title reports **prior to issuance of building permits. The Covenant must be recorded prior to occupancy.**
☐	6.	Remove the existing billboard located on the southeastern portion of the subject site. Site plan shall be modified to show the removal of this sign. **The revised site plan showing this change shall be submitted and approved prior to issuance of building permits.**

9. Prepare the approval letter for the site plan review or conditional use permit. There is different language that must be added in the conditional use permit approval letter that is not included in the site plan approval letter (related to a notice being sent out and that if the project is appealed it will be scheduled for Planning Commission). Make sure you use the correct format for the approval letter. Make sure the approval letter includes a brief description of the project and states that the project and the related environmental document were approved (*The Development and Resource Management Director, on ___________, 2013, approved Special Permit Application No.* ***C-13-***

_________, which proposed ___________________, and the related environmental document. The proposed project was determined to be exempt from CEQA by the Development and Resource Management Department on ______ through a Class ___ Categorical Exemption. The approval of this project is subject to compliance the following Conditions of Approval:)

10. In addition the items listed in #8 above, Part A of the approval letter shall also list any items from other departments/agencies that must be verified or are still outstanding. The following items are examples of items that would be included in Part A:

☐	1.	Deeds of easements for the required dedications (the 2-foot pedestrian easements, corner cuts and the 4-foot offer of dedication for street widening) shall be completed (deeds recorded) **prior to issuance of building permits.**
☐	2.	A flood control fee of _______ is due **prior to issuance of building permits**. This fee is valid though XXX, 2013.
☐	3.	The Indirect Source Review (ISR) must completed and all applicable fees must be paid to the San Joaquin Valley Air Pollution Control District prior **to issuance of building permits**. Submit verification that this process has been completed.
☐	4.	The memo from the Fresno Fire Department dated October 12, 2013 requires a fire hydrant and that notes be added to the site plan. **The revised site plan showing these changes shall be submitted and approved prior to issuance of building permits.**

11. Part A of the approval letter shall also include a few standard conditions that we must verify on almost every project. For example, the requirements for landscape installation prior to occupancy and the requirement to add all applicable notes from the “General Notes and Requirements for Entitlement Applications” document will almost always be included in Part A. The notes that need to be added are those that are bolded and state “Add to Site Plan and/or Landscape Plan”.

12. Make sure in the “Part B” section of the approval letter, the form titled “Planning’s Initial Comments/Property Development Checklist” is referenced. It is a good idea to call this form “Planning’s Initial Comments” when you initially send this form out for corrections, but change it to “Property Development Standards Checklist” when you send out the final version with the approval letter. You have to edit this document to reflect the corrections that the applicant has made. For example, if you originally stated that the 10-foot landscape setback had not been met, and the revised site plan now reflects this change, make sure you change the language in this document to state the landscape setback has been met. Even though the project may be in compliance with all property development standards, you still must attach this document and state that compliance with these standards is a condition of approval because often times, projects will change even after approval. You want to make sure that you have all requirements (parking, setbacks, landscaping, etc.) in writing somewhere so you can easily verify compliance if the project changes.

13. Make sure in the “Part B” section of the approval letter that compliance with the document titled “General Notes and Requirements” is made a condition of approval.

14. Make sure in the “Part B” section that you reference the MEIR Mitigation Monitoring Checklist if the environmental finding for your project was a Finding of Conformity or Mitigated Negative Declaration.

15. Make sure in the “Part A” section that you reference the Project Specific Mitigation Monitoring

Checklist if the environmental finding for your project was a Mitigated Negative Declaration (or an EIR).

16. Make sure in the "Part B" section that compliance with the submitted operational statement is made a condition of approval.

17. Part B (2) shall include a list of all the memos and letters from all other departments and agencies. Look at the format in *K:\COA Streamlining\Final Documents*.

18. In the "Backcheck" section of the approval letter, make sure you modify items needed as appropriate. For an alcohol CUP, a revised landscape plan may not be needed. It is important that you tell the applicant exactly what you need from them in order to sign off on building permits.

19. Once you have the approval letter with the conditions of approval complete, print and gather all documents (Exhibits, approval letter, memo, environmental document, property development standards checklist, general notes and requirements), place them in a logical order and rubber band them to the top of the file folder and put the file in your supervisor's inbox for review. Tab the signature page of the memo and the signature page of the environmental finding so your supervisor knows where to sign.

20. Once you receive the file back and the project has been approved, if the project is a site plan review, send out the approval packet to the applicant. Unless a hard copy is specifically requested by the applicant, scan all documents (or convert word documents to PDF) and send the packet electronically. If you can, it is always best to convert word documents to PDFs rather than scanning documents because then all hyperlinks can be utilized. Use Adobe Pro to create one PDF document. Use the FTP site to create a link to access the document because typically the file will be too large to attach to an e-mail (http://m3.fresno.gov/upload/upload-form.php). The approval packet will generally include the following documents:

    a. Approval Letter with Conditions
    b. Exhibits (Site Plan, Elevations, Landscape Plan, etc.)
    c. Comments from Partner Agencies & Departments
    d. Initial Project Comments/Property Development Standards Checklist
    e. General Notes and Requirements for Entitlement Applications
    f. Operational Statement
    g. MEIR and/or Project Specific Mitigation Monitoring Checklist (if applicable)
    h. Performance Standards for Parking Lot Shading
    i. Landscape Certification Form

21. Always send Traffic's marked-up site plan as "Exhibit A" in the approval packet (traffic will send a scanned color copy of the exhibit). If you have Planning notes/comments on the site plan or if Fire or any other department has comments on the site plan, attach a second "Exhibit A". Make sure you reference two Exhibit A's in the conditions of approval if you do go this route.

22. For CUPs only: If the project is a conditional use permit, on the same day that you send out the approval packet as referenced in #20 above, also send out a Notice of Granting to property owner's within 350-feet (the code requires 300-feet). An example of the Notice of granting is contained in the following folder: *K:\COA Streamlining\Final Documents\Other documents\Noticing*. The notice of granting consists of the notice, the Vicinity Map Mailer and the noticing list. The vicinity map is taken straight from Iview (with only the parcel layer on and the parcel(s) in question centered). To get the address list, go to http://gisweb.fresno/ and click on "Address Lists". There you enter the application number under "Request ID" and enter the APNs one at a time to the "APN List". Click "Compute Address List" to get the list. You can then download the excel sheet to

save to your file. Make sure you also add the appropriate Council District list from *K:\Labels & Mailing Lists* under "`District 1-2-3-4-5-6-7 Labels" to your excel mailing list. Make sure you also change the "Planner" listed on this list to your name so that you receive a notice in the mail. The Councilmember notice must be mailed separately through inter-office mail or you must add the correct address to the excel list.

23. For CUPs only: Once you have the notice, map and list ready, e-mail these three items to John DeLucia in the Copy Center to mail out. Once he confirms that the items have been mailed, fill out and sign the "Proof of Service by Mail Form" and place this form, a copy of the notice and the address list in the file.

24. For CUPs only: Once the 15-day appeal period expires, send out the final action letter. An example of this letter can be found in *K:\COA Streamlining\Final Documents\Other documents*. The document is titled "Example Final Action Letter- 15-day appeal period expired".

25. For alcohol or other "use only" CUPS: Once the applicant has provided proof of compliance of all conditions of approval, send out a second Final Action letter to the applicant (and ABC if it is an alcohol CUP). This letter can be found in *K:\COA Streamlining\Final Documents\Other documents*. The document is titled "Example Final Action Letter- conditions met-alcohol CUPs and other use only permits". This letter does not need to be sent out on any project that requires a building permit because your signature on the final exhibits (site plan, elevations, landscape plan) and signing off on the back check list is proof that the applicant has complied with all conditions of approval.

26. Organize the file and throw out anything you no longer need (extra copies of the exhibits, for example). If you know the applicant is going to be submitting the corrected exhibit shortly, keep the file at your desk. If not, file the folder in records after adding the file number to the close-out list (*K:\Counter\Application Logs*). If you are closing out the file, add a red circle to the front of the file indicating the file is complete.

27. Backcheck Process: The applicant must submit corrected exhibits and or/provide proof of compliance with all conditions of approval prior to signing off on building permits or commencement of operation. Once you receive the corrected exhibits, route site plan to traffic and any other departments or agencies that must review the site plan or landscape plan. Verify compliance with all outstanding conditions of approval by marking off the checklist on the approval letter. Once you verify compliance with all conditions and once you receive the site plan back from Traffic indicating that the site plan is permit ready, schedule a backcheck appointment with the applicant and with Traffic. Traffic must be present at this meeting and must sign-off on the site plan before Planning signs off. After you sign the relevant sheets, initial the applicants backcheck sheet in the appropriate location. Make sure you request, stamp, sign, and keep a copy of the final site plan for the file. Traffic will usually request to scan the final site plan.

28. Fill out a hold on occupancy form for those things that you will hold occupancy on (installation of landscaping, recordation of a covenant, etc). Make sure you make a copy for the file and the applicant and give the original to someone in Records (as of now, give this to Joyce R.). If the project is proposing an addition to an existing building, make sure you write "Hold Final Permit" on the form because you can't hold occupancy on an existing building. An example of this document is contained in *K:\COA Streamlining\Final Documents\Other documents.*

29. After you sign off on a project, complete #26 above.