

---

**Chapter 12.5  
of the Fresno Municipal Code**

**Downtown Development Code**

**PUBLIC DRAFT  
1 JUNE 2011**

## INTRODUCTION

The Downtown Development Code (Downtown Code) implements the Downtown Neighborhoods Community Plan (DNCP) and the Fulton Corridor Specific Plan (FCSP). The Downtown Code does so by building upon central Fresno's strengths and particular characteristics through a tailored and articulate set of zoning standards. These zoning standards are based on three key pieces of information:

- A. Historical Basis
- B. Public Planning Process
- C. Vision-Based Standards

### A. Historical Basis.

The following is provided for background purposes and is not intended as regulatory. Among the Downtown Code's many purposes, a main purpose is to respond to and further the center city's unique physical structure of neighborhoods, districts and corridors. In order to put Fresno's structure and pattern in the context of the Downtown Code, the following summary of Fresno's first 140 years is provided:

In 1870 the Central Pacific Railroad began its diagonal push down the San Joaquin Valley and in 1872 the railroad reached what is now Fresno. The Contract and Finance Company, a subsidiary of the Central Pacific Railroad, bought 4,480 acres and surveyor Edward H. Mix laid out the new town in blocks 320 feet by 400 feet, with 20 foot alleys, lots 25 x 150 feet fronting on 80-foot wide streets parallel to and on both sides of the tracks. The plan was remarkably rigid, interrupted only by the space reserved for a future courthouse and the broad swaths through the center of town for the tracks, depot and yards.

Fresno grew slowly and in 1874 became the county seat. In the 1880s the desert was turned into profitable farmland with the introduction of irrigation and agricultural colonies. By 1890 the population of Fresno was over 10,000, and land outside of the original town site was developed with new neighborhoods. These new subdivisions were surveyed to be parallel to the surrounding agricultural sections and were laid out with streets oriented north-south, east-west. The first streetcars were introduced in 1892, and this greater mobility allowed for the construction of a variety of streetcar suburbs.

Fresno's pattern of interconnected walkable blocks and streets had been established with significant and beautiful commercial streetscapes of Victorian-era buildings in the downtown and a variety of large and small houses nearby in surrounding stately neighborhoods.

Beginning in the early 20th century, the downtown was completely transformed from an environment of buildings that were primarily under five stories to one where tall buildings were becoming the norm. The elegant Victorian style blocks and hotels were demolished or in the case of smaller buildings were eventually refaced with a "modern" storefront. What emerged was a more "rational" Classic Revival city influenced by the latest trends in architectural design emanating from large cities such as New York, Chicago and San Francisco as well as Paris, France.

The first "high-rise" neoclassical office building was the Griffith-McKenzie Building, also known as the Helm Building, a 10-story steel frame structure constructed in 1914 and designed by the San Francisco architect George Kelham. Numerous other office buildings were constructed until the Depression of 1929 halted the building boom in downtown Fresno.

During the Depression, monumental civic buildings were constructed downtown with funding from New Deal agencies such as the Public Works Administration (PWA) and the Works Progress Administration (WPA). Notable landmarks from this era include the Fresno (Veteran's) Memorial Auditorium (1935-36) and the Fresno County Hall of Records (1935-6).

In the 1960's, redevelopment permanently altered the downtown landscape with the demolition of several early Classic Revival buildings that were replaced by parking lots. In 1964, six blocks of Fulton Street were closed for a pedestrian mall, designed by landscape architect, Garrett Eckbo. In the following 50 years, Fresno's center city continued to change with the addition of numerous "Mid-century Modern" buildings.

Moving forward, the above history establishes Fresno's center city as a place that began with strong intentions toward making a significant and appealing community. Examining Fresno's center city, its history and the two plans that this code is implementing (DNCP and FCSP), the following key principles of traditional city design are identified as having generated early Fresno and to continue its revitalization into the 21st century:

- 1) Neighborhoods and corridors are made of an interconnected network of streets and blocks;
- 2) Streets are designed for vehicles and pedestrians;
- 3) Buildings face and shape the public realm or 'streetscape';
- 4) Open Space is distributed to serve a variety of needs; and
- 5) Buildings support a sustainable environment and are flexible on land use.

These principles and Fresno's history inform and guide the intent of the Downtown Code.

## B. Public Planning Process.

The Downtown Code was prepared based on the outcomes of a public process that applied policy direction and design solutions to property within the Downtown Code Boundaries (Figure 1). Through this public process, residents, merchants, property owners, and the development community participated in identifying the land uses and development standards necessary to implement the desired outcomes of the public process.

Accordingly, the Downtown Code contains provisions for its updating and amendment over the course of its implementation. Such updates or amendments are to be evaluated and determined in a public process similar to the one used to prepare the Downtown Code. The Downtown Code provides for this need in Section 1.3C.

## C. Vision-Based Development Standards.

The Downtown Code is structured to directly respond to both the variety and comprehensiveness of the vision for the 7,290 acres in Figure 1. This structure is based on the following principles of what are commonly referred to as 'form-based' or 'vision-based' codes. This approach has been in effect for over 20 years with the State of California officially recognizing it in 2004 through the signing of AB 1268. In effect, the key distinction between the Downtown Code and conventional zoning codes is that the former is based on a vision and corresponding range of intentions and expectations resulting from a public process. Conventional zoning codes are also the result of a public process but with far less clarity about intentions, especially on the basis of how those intentions affect a particular geographic area.

The following key principles are key to the Downtown Code's structure and purpose:

- C1. Zoning Districts:** A vision-based code is defined around districts, neighborhoods and corridors as distinct from conventional zoning districts which often bear no relationship to the transportation framework or the larger area. In addition, each zoning district is not based only on land use as in conventional zoning codes but represents a set of development patterns, land uses and intensities that generate an 'environment' or range of places.
- C2. Regulatory Focus:** A vision-based code de-emphasizes density and land use-regulation in favor of standards for building form. A vision-based code recognizes that uses may change over time, but the building and its physical environment will endure.
- C3. Land Use:** A vision-based code emphasizes mixed-uses and a mix of housing types to bring destinations into close proximity to housing and to provide housing choices to meet many individuals' needs at different times in their lives. In addition, a vision-based code provides greater flexibility in the range of land uses that can occur in a building to make buildings sustainable and able to respond to changing economies.
- C4. Design:** A vision-based code gives greater attention to the streetscape and the design of public space, and the role of individual buildings in shaping public space. Vision-based codes recognize how critical public space is to defining and creating a sense of "place."
- C5. Public Participation:** A vision-based code is based on design-focused public participation process for providing a thorough discussion of land use issues as the vision and the development standards are created. This helps reduce conflict, misunderstanding and the need for hearings as individual projects are reviewed.

## 1.0 PURPOSE AND APPLICATION

### 1.1 INTRODUCTION TO THE DOWNTOWN CODE

**1.1A. Authority of the Downtown Code.** As a charter City and per Fresno Municipal Code Article 2, section 200, the Downtown Code is enacted based on the authority vested in the City of Fresno by the State of California Constitution, Article XI to apply zoning regulations to property in conformance with the City's General Plan currently in effect. As a sub-part of the Fresno Municipal Code which applies to all property within the Downtown Code boundaries (Figure 1), the Downtown Code also applies to all property within the Downtown Code Boundaries. Therefore, all property within the Downtown Code boundaries is subject to the Downtown Code.

**1.1B. Responsive Code Structure and Development Standards.** In response to the respective visions for the DNCP and the FCSP, the Downtown Code is organized by geography of place, physical character and development intensity. Generally, the particular vision and direction for all of the area falls into five types of 'environments' or zoning districts. In support of the DNCP and FCSP, the Downtown Code's standards are allocated to five categories of zoning districts throughout the code boundaries:

**1.1B1. City Center Zoning Districts.** Areas within Fresno's core that serve the entire community and in the case of certain areas, the region. Examples include the downtown, civic center and the unique center-city urban neighborhoods.

**1.1B2. Urban Center Zoning Districts.** Areas that punctuate corridors and serve sub-regional, community and neighborhood level needs

**1.1B3. Corridor Zoning Districts.** Areas that border neighborhoods and are typically along major streets that link several areas and sometimes run the length of the community.

**1.1B4. Neighborhood Zoning Districts.** Areas that are primarily residential with some mixed-use activity.

**1.1B5. Special Districts.** Areas that by their nature and scale of activity do not comprise or belong in neighborhoods or along corridors. Examples include industrial areas, airports, hospitals.

The Downtown Code regulates the same topics as Chapter 12 of the FMC but also identifies equally important topics such as building types, frontages, open space types, walkable blocks, and streetscapes. Through this more articulate set of topics and standards, the updated vision is fully enabled with the variety and subtlety expected in the vision. As a result, most improvements or projects that comply with the Downtown Code and do not involve a request for administrative deviation, a conditional use permit, a subdivision, an amendment to the Downtown Code, or an historic resource that is outside of the Historic Resource Overlay can be approved by ministerial process. The ability to significantly expand what can be approved by the Director is in direct relation to the format and level of information contained in the Downtown Code.

**1.1C. Organization and Use of Downtown Code.** The Downtown Code is organized into the following eleven sections to enable the vision, intent and variety of intended outcomes identified in the the DNCP and FCSP. Property and rights-of-way within the Downtown Code boundaries (Figure 1) shall comply with all applicable requirements of the Downtown Code:

**1.1C1. Purpose and Application of Downtown Code (Section 1.0).**

Section 1.0 establishes the purpose and role of the Downtown Code within Fresno's regulatory structure, identifies the property and rights-of-way subject to the Downtown Code, and identifies the administrative provisions to be used in implementing the Downtown Code;

**1.1C2. Zoning Districts and Regulating Plan (Section 2.0).** Section 2.0 establishes and defines the zoning districts and overlays that are to maintain and/or generate the intended physical character and land use activity. Figure 2, Regulating Plan identifies the zoning districts and the parcels subject to their requirements;

**1.1C3. Land Use Standards (Section 3.0).** Section 3.0 identifies the land use types allowed in each zoning district established by the Regulating Plan. A parcel or building subject to the Downtown Code shall be occupied only by land uses allowed within the applicable zoning district;

**1.1C4. Development Standards (Section 4.0).** Section 4.0 identifies the standards for how a building is located on its site and is to incrementally shape the intended public realm through requirements for building placement, height and frontage, parking placement, and access;

**1.1C5. Building Standards (Section 5.0).** Section 5.0 identifies the standards for compatible buildings in a variety of physical settings through building types for each zoning district;

**1.1C6. Frontage Standards (Section 6.0).** Section 6.0 identifies the standards for how individual buildings front and shape the adjoining streetscape(s) to create pedestrian-oriented buildings with active frontages through frontage types for each zoning district;

**1.1C7. Signage Standards (Section 7.0).** Section 7.0 identifies the standards for signage to be consistent with the character of buildings and the frontages intended for each zoning district through signage types for each zoning district;

**1.1C8. Open Space and Landscape Standards (Section 8.0).** Section 8.0 identifies the standards for incorporating a variety of open spaces throughout each neighborhood and the Downtown through open space types for each zoning district;

**1.1C9. Walkable Block and Street Standards (Section 9.0).** Section 9.0 identifies the standards for a walkable network of blocks to support the intended physical character and range of land use activity in each zoning district;

**1.1C10. Special Standards (Section 10.0).** Section 10.0 identifies the standards for particular elements of buildings, sites, and certain land uses to ensure a consistent and high level of quality in building design, materials, and to ensure land use compatibility;

**1.1C11. Definitions (Section 11.0).** Section 11.0 describes the specialized terms or phrases used in the DNCP or FCSP that either do not exist in the Fresno Municipal Code or require a new definition for the purposes of implementing the particular vision of the DNCP or FCSP.

## Contents of Chapter 12.5 of the Fresno Municipal Code

Section	Title	Page	
<b>Introduction</b>	Historical Basis, Public Planning Process, Vision-Based Codes	ii	
<b>1.0 Purpose and Application</b>	1.1 Introduction to the Downtown Code	1-1	
	Figure 1: Downtown Code Boundaries	1-4	
	1.2 Intent of Downtown Code	1-5	
	1.3 Applicability, Use of and Amendment to Downtown Code	1-7	
	1.4 Administration of Downtown Code	1-11	
	Table 1A: Review Authority	1-11	
	Table 1B: Administrative Deviation	1-15	
	Table 1C: Application and Approval Process	1-17	
<b>2.0 Zoning Districts and Regulating Plan</b>	2.1 Zoning Districts and Overlays	2-1	
	2.2 Regulating Plan	2-1	
	Figure 2: Regulating Plan	2-2	
	Table 2: Summary of Zoning Districts	2-3	
<b>3.0 Land Use Standards</b>	3.1 Land Use Standards	3-1	
	3.2 Permit Requirements	3-1	
	Table 3: Land Use Standards by Zoning District	3-3	
<b>4.0 Development Standards</b>	4.1 Development Standards	4-1	
	Table 4: Development Standards by Zoning District	4-3	
	City Center-oriented Districts	CBD 1 - Central Business District 1	Table 4A 4-5
		CBD 2 - Central Business District 2	Table 4B 4-7
		CC - Civic Center	Table 4C 4-9
		CT - Chinatown	Table 4D 4-11
		CA/SS - Cultural Arts / South Stadium/South Van Ness	Table 4E 4-13
	Urban Center-oriented Districts	TC - Town Center	Table 4F 4-15
		NC - Neighborhood Center	Table 4G 4-17
		CG - Corridor General	Table 4H 4-19
	Corridor-oriented Districts	reserved	
	Neighborhood-oriented Districts		
		NG - Neighborhood General	Table 4I 4-21
		NG P - Neighborhood General Preservation	Table 4J 4-23
		NG R - Neighborhood General Revitalization	Table 4K 4-25
	NE - Neighborhood Edge	Table 4L 4-27	
	reserved		
Special Purpose-oriented Districts			
	SD G1 - Special District General Industrial 1	Table 4M 4-29	
	SD G2 - Special District General Industrial 2	Table 4N 4-31	
	SD A1 - Special District Chandler Airport	Table 4O 4-33	
	SD H1 - Special District Chandler Hospital	Table 4P 4-35	
	reserved		
<b>5.0 Building Standards</b>	5.1 Building Standards	5-1	
	Table 5: Requirements for Allowed Building Types	5-2	
	5.2 General Requirements for Buildings	5-3	
<b>6.0 Frontage Standards</b>	6.1 Frontage Standards	6-1	
	Table 6: Requirements for Allowed Frontage Types	6-2	
	6.2 General Requirements for Frontages	6-3	
<b>7.0 Signage Standards</b>	7.1 Signage Standards	7-1	
	Table 7: Requirements for Allowed Signage Types	7-2	
	7.2 General Requirements for Signage	7-3	
<b>8.0 Open Space and Landscape Standards</b>	8.1 Open Space and Landscape Standards	8-1	
	Table 8: Requirements for Allowed Open Space Types	8-2	
	8.2 General Requirements for Open Space and Landscape	8-3	
<b>9.0 Walkable Block and Street Standards</b>	9.1 Walkable Block and Street Standards	9-1	
	Table 9A: Requirements for Allowed Street Types	9-2	
	Figure 9: Street Network Regulating Plan	9-3	
	Table 9F: Block Standards	9-12	
<b>10.0 General Standards</b>	10.1 General Standards	10-1	
<b>11.0 Definitions</b>	11.1 Definitions and Specialized Terms	11-1	

## 1.0 PURPOSE AND APPLICATION

### 1.1 INTRODUCTION TO THE DOWNTOWN CODE

**1.1D. Role and Purpose of the Downtown Code (FMC Chapter 12.5).** The Downtown Code is adopted to provide the integrated set of development and land use standards that implements the wide variety of intended outcomes of the DNCP and the FCSP.

The Downtown Code has been prepared to reflect the General Plan currently in effect, addressing key issues such as land use and key development standards such as lot coverage, building height, building setbacks and parking.

In order to reflect the recently adopted DNCP and FCSP, the Downtown Code consists of standards aimed at fully enabling and supporting the updated vision for the entire 7,290-acres identified in Figure 1.

**1.1E. Relationship of Downtown Code to Fresno General Plan.** The Downtown Code is declared to be consistent with the Fresno General Plan currently in effect, as required by Government Code 65000, et seq., California Statutes. The Downtown Code implements the Downtown Neighborhoods Community Plan (DNCP) and the Fulton Corridor Specific Plan (FCSP), both of which are refinements of Fresno's policy direction in the General Plan currently in effect for the area identified in Figure 1.

General Plan policy, as refined and articulated through the DNCP and FCSP is to be implemented through a series of updates, replacements, and additions to various regulations and procedures used on a daily basis by the City of Fresno. The DNCP and FCSP identify such actions on the basis of being near, mid, or long term priorities based on the community vision. Among the key priorities is to update or replace the necessary zoning standards to enable the wide variety of intended outcomes described in the vision. The Downtown Code is structured and written to enable the intended outcomes of the DNCP and FCSP.

**1.1F. Relationship of Downtown Code to Fresno Municipal Code.** Chapter 12.5 of the Fresno Municipal Code shall be referred to as the 'Downtown Code'. The Downtown Code provides all requirements for development and land use activity within the boundaries identified in Figure 1. Except as specifically referenced within the Downtown Code, the FMC requirements in place prior to the adoption of the Downtown Code are hereby replaced by Chapter 12.5.

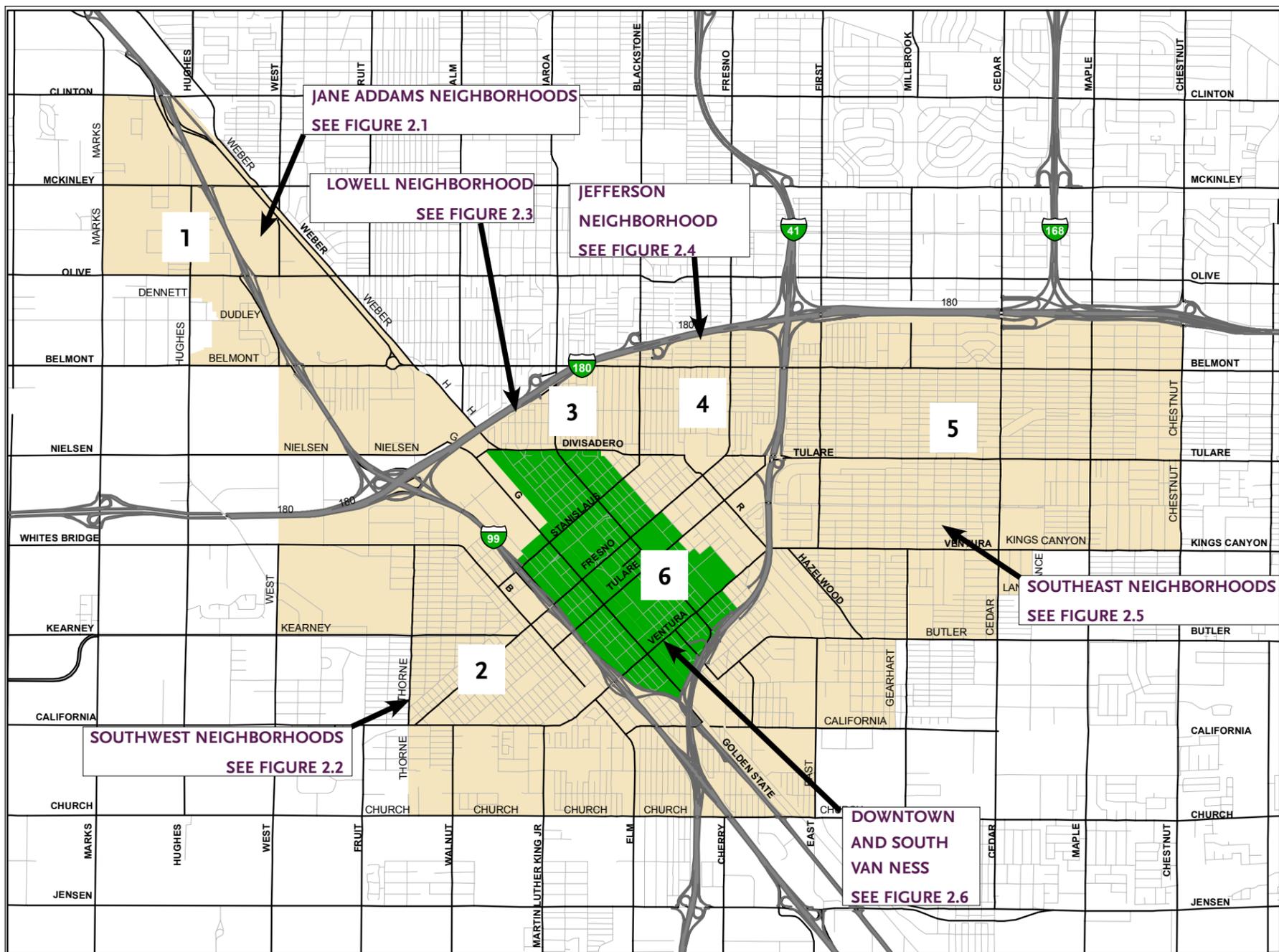
#### **1.1G. Relationship of Downtown Code to Existing Community Plans and Specific Plans.**

**a. Existing Community Plans.** The Downtown Code implements the Downtown Neighborhoods Community Plan. Within the Downtown Code boundaries, the DNCP boundary overlaps four Community Plans that were replaced by the DNCP: the Central Area Community Plan, the West Area Community Plan, the Edison Community Plan, and the Roosevelt Community Plan. The goals, policies, and actions of the DNCP replace the goals, policies, and actions of these underlying plans. Accordingly, by implementing the DNCP, the Downtown Code replaces all land use and development standards contained in the prior Community Plans.

**b. Existing Specific Plans.** The Downtown Code implements the Fulton Corridor Specific Plan. The FCSP boundary amends the prior boundary of the Fulton Lowell Specific Plan. The goals, policies, and actions of the FCSP replace the goals, policies, and actions of the Fulton Lowell Specific Plan. Accordingly, by implementing the FCSP, the Downtown Code replaces all land use and development standards contained in the Fulton Lowell Specific Plan.

1.0 PURPOSE AND APPLICATION

DOWNTOWN CODE BOUNDARIES: **FIGURE 1**



KEY TO FIGURE 1	
<span style="display: inline-block; width: 20px; height: 10px; background-color: #f0e68c; border: 1px solid black;"></span>	Parcels within DNCP subject to Downtown Code
<span style="display: inline-block; width: 20px; height: 10px; background-color: #00b050; border: 1px solid black;"></span>	Parcels within FCSP subject to Downtown Code
<b>3</b>	See referenced figure for zoning district information
<b>1</b>	See Figure 2.1 Jane Addams Neighborhoods pg 2 - 9
<b>2</b>	See Figure 2.2 Southwest Neighborhoods pg 2 - 11
<b>3</b>	See Figure 2.3 Lowell Neighborhood pg 2 - 13
<b>4</b>	See Figure 2.4 Jefferson Neighborhood pg 2 - 14
<b>5</b>	See Figure 2.5 Southeast Neighborhoods pg 2 - 15
<b>6</b>	See Figure 2.6 Downtown and S. Van Ness pg 2 - 17

## 1.0 PURPOSE AND APPLICATION

### 1.2 INTENT OF DOWNTOWN CODE

**1.2A. Regulations to Implement the DNCP and FCSP.** The Downtown Code is organized and written to achieve the community vision for the DNCP and FCSP as stated in each of those plans and based on the principles described in section 1.2C.

Based on the community vision, as implemented by the principles in Section 1.2C, the Downtown Code's requirements are keyed to Figure 2, 'Regulating Plan' which designates the appropriate form, scale and character of development including compatible land-use activity.

**1.2B. Direction from the DNCP and FCSP.** The Downtown Code is adopted to preserve, protect, and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare of residents and businesses as stated in the DNCP and FCSP.

**1.2C. Principles.** The Downtown Code is designed to implement the DNCP and FCSP visions and foster predictable built results and a high-quality public realm of streets and open spaces by using physical form –rather than separation of uses – as the organizing principle for the Code. The Downtown Code does so by addressing the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks.

Fresno's prevalent physical community structure within the Downtown Code boundaries was originally built per a similar approach that has since become known as Traditional Neighborhood, District and Corridor Design.

Traditional Neighborhood, District and Corridor Design derives from the principles used to build great cities all across America prior to World War II. These cities were compact and provided a balance between town and country. They were centered on a mixed-use downtown, which in turn was surrounded by a ring of residential neighborhoods. On the outskirts of town were farms and ranches, and beyond the farms was undisturbed nature. All aspects of the City - from its overall size, to the size of its blocks, to the design of its sidewalks, to the scale of its buildings - were designed with the pedestrian in mind. In these cities, the public realm of beautiful streets and spacious public parks was just as important as the buildings which defined the public realm's edges. Fresno is one of these cities.

Key principles that carry forward Fresno's community structure and implement the DNCP and FCSP's wide variety of intended outcomes over time, are as follows:

## 1.0 PURPOSE AND APPLICATION

### 1.2 INTENT OF DOWNTOWN CODE

#### 1.2C1. Neighborhoods and Corridors consist of an interconnected network of streets and blocks.

- a. Streets form an interconnected network that disperses and reduces the length of automobile trips, encouraging walking and bicycling;
- b. Transit is convenient for residents and coordinated with the location of shopping, workplaces and transit;
- c. A mixture of compact, pedestrian-oriented and mixed use neighborhoods based on traditional neighborhood design principles are supported by revitalized mixed-use corridors;
- d. A variety of corridors provides a wide range of services and shopping for neighborhood and regional-serving needs.

#### 1.2C2. Streets are designed for as many modes as possible in support of the intended physical environment.

- a. Streets are attractive to pedestrians while conveniently and efficiently accommodating the needs of cyclists and the automobile;
- b. The design of streets reinforces safe environments but not at the expense of accessibility.

#### 1.2C3. Buildings face and shape the public realm or 'streetscape'.

- a. A mixture of land uses and open spaces situates shops, workplaces, residences, and civic buildings within walking distance of transit and one another;
- b. New and remodeled buildings work together to define the pedestrian-oriented public space and the streetscapes are harmonious with each other and the intended physical character;
- c. A variety of building types and sizes shape the streetscape while being contextual to their surroundings.

#### 1.2C4. Open space and civic uses are distributed to serve a variety of needs

- a. A variety of open spaces form an interconnected network ranging from neighborhood playgrounds to parks and plazas in response to the intended physical character and intensity of each location;
- b. Civic buildings are distinct from other buildings such as houses, mixed use buildings, offices, and stores to express their particular symbolic character or community-wide role;
- c. Civic buildings and public gathering places are of high quality and located to reinforce community.

#### 1.2C5. Buildings support their environment and are flexible on land use.

- a. Land use activity and development support improved physical health;
- b. Preservation and renewal of historic resources provide the continuity of Fresno's heritage;
- c. Land use activities that neither form neighborhoods or are appropriate along corridors are organized into districts aimed at enabling the land use activity with maximum compatibility for neighboring properties and uses;
- d. Within neighborhoods, a range of housing types offers choices to a wide range of people.

#### 1.2C6. Reinvestment is aimed at sustainability.

- a. Reinvestment in existing buildings utilizes valuable resources efficiently while contributing to the reanimation of many areas;
- b. Reinvestment in streetscapes and open spaces increases their appeal to the greater community and that of the surrounding business and housing;
- c. Reinvestment in the Downtown and surrounding neighborhoods is sustainability across a variety of subjects with the overall objective of revitalization on the individual terms of the various and distinct places contained within.

## 1.0 PURPOSE AND APPLICATION

### 1.3 APPLICABILITY OF DOWNTOWN CODE

**1.3A. Use of Downtown Code.** The Downtown Code shall be administered by the Fresno City Council, hereafter referred to as the “Council;” the Planning Commission, hereafter referred to as the “Commission;” the Development and Resource Management Director, hereafter referred to as the “Director;” and the Fresno Development and Resource Management Department, hereafter referred to as the “DARM.”

**1.3A1. Responsibility for Administration.** The Fresno DARM shall be the primary body responsible for administering the Downtown Code subject to the provisions of Section 1.4, 'Administration';

**1.3B. Applicability of Downtown Code to Property within Code Boundaries.**

Property, including structures, land uses and physical improvements such as signage, landscaping, and lighting within the boundaries of the Downtown Code (Figure 1) shall comply with all applicable requirements of the Downtown Code as follows:

**1.3B1. Zoning District(s) Requirements.** All property subject to the Downtown Code shall comply with the relevant requirements of the applicable zoning district(s);

**1.3B2. Effect of Downtown Code Requirements over other Fresno Municipal Code (FMC) Requirements.** Where a requirement exists for the same topic in both the Downtown Code and other chapters of the FMC, the requirement of the Downtown Code shall prevail unless specified otherwise;

**1.3B3. Permit Approval Requirements.** Each structure and land use shall be established, constructed, reconstructed, enlarged, altered, moved or replaced in compliance with the following requirements:

**a. Allowable use.** The land use must be one that is allowed by Table 3 in the zoning district where the site is located.

**b. Permit and Approval Requirements.** Any and all permits or other approvals required by the Downtown Code shall be obtained before the issuance of any required grading, building, or other construction permit, and before the proposed structure(s) is constructed and land use established or otherwise put into operation.

**c. Development standards, conditions of approval.** Each land use and structure shall comply with the applicable development standards of the Downtown Code for the zoning district in which the site is located.

**d. Other review procedures.** By way of example but without limitations, the following procedural requirements of the Zoning Regulations and State law shall also apply within the Downtown Code boundaries:

Alcoholic Beverage Sales (FMC 12-304, 12-326)  
 Development Agreement Procedure (FMC 12-1411)  
 Enforcement Procedure (FMC 10-7)  
 Subdivision Procedures (FMC 12-10)  
 Density Bonus Procedures (FMC 12-324)  
 Group Housing Facilities

**1.3B4. Improvements, Modifications or Expansions to Sites, Structures.**

**a. Improvements to Conforming Structures or Sites.** Applications that involve an improvement to a conforming site, an existing conforming structure(s), or a modification/expansion of an existing conforming structure(s), sign(s) are subject to the applicable requirements of the Downtown Code;

**b. Improvements to Non-Conforming Structures or Sites.** Applications that involve an improvement to a non-conforming site, an existing non-conforming structure(s), or a modification/expansion of an existing non-conforming structure(s), sign(s) shall comply with the applicable requirements of Section 1.3B10.

**c. Civic Buildings.** Applications that involve a civic building as defined by the Downtown Code shall comply with the applicable requirements of Section 1.3B.9;

**d. Historic Buildings or Resources.** Applications that involve a building immediately adjacent to or on the same site as an identified historic resource, as defined by the City's Historic Preservation Ordinance (FMC 12-1601), shall comply with the applicable requirements of Section 1.3B7;

## 1.0 PURPOSE AND APPLICATION

### 1.3 APPLICABILITY OF DOWNTOWN CODE

**1.3B5. Modification or Subdivision of Existing Parcel(s).** Applications involving the modification of an existing parcel or the subdivision of an existing parcel shall comply with the applicable requirements of the applicable zoning district(s) and Section 9.0 'Walkable Block and Street Standards'. Sites immediately adjacent to or containing an identified historic resource, as defined by the City's Historic Preservation Ordinance (FMC 12-1601), shall comply with the applicable requirements of Section 1.3B7;

**1.3B6. Approved Entitlement(s).** Entitlements approved prior to the adoption of the Downtown Code that have yet to be constructed are not subject to the Downtown Code. The entitlement(s) may not be extended beyond the four year approval period and upon expiration, the owner must demonstrate substantial completion in constructing the approved structure(s) or the property shall then comply with the Downtown Code. Substantial completion means at least 90 percent completion of the approved structure(s) as determined by the City of Fresno Building Official.

**1.3B7. Historic Resources.** All property immediately adjacent to or containing an identified historic resource, as defined by the City's Historic Preservation Ordinance (FMC 12-1601), is subject to the Downtown Code as follows:

- a. All relevant requirements of FMC Chapter 12-1601 'Historic Preservation Ordinance' apply;
- b. Land use activity shall comply with the requirements of Downtown Code section 3.0 'Land Use Standards' for the applicable zoning district(s);
- c. Improvements, modifications and expansions to structures and the construction of additional structures shall comply with the requirements of Section 4.0 'Development Standards' for the applicable zoning district(s) and Section 10.4B 'Special Standards for Historic Buildings';
- d. Sites immediately adjacent to or containing an identified historic resource, as defined by the City's Historic Preservation Ordinance (FMC 12-1601), shall comply with the requirements of Section 10.4B 'Special Standards for Historic Buildings'.

**1.3B8. Pre-1954 Structures.** Structures built prior to February 13, 1954 are exempt from the parking requirements of the Downtown Code. Additions to such structures shall comply with the parking requirements of the applicable zoning district.

**1.3B9. Civic Buildings.** Applications involving the modification or construction of a building to be used for civic purposes as defined in Section 11.0 'Definitions', shall comply with the following:

- a. Section 5.0 'Building Standards' are not required of civic buildings;
- b. All other Sections of the Downtown Code apply.

#### 1.3B10. Non-Conforming Sites, Structures or Land Uses.

**a. Maintenance and Repair of Non-Conformities.** Ordinary maintenance and repairs of a non-conforming structure or sign that was lawful before the adoption of the Downtown Code shall not require compliance with the provisions of the Downtown Code if the maintenance or repair does not increase the non-conformity.

**b. Removal of Non-Conformities.** Upon a non-conformity losing its non-conforming status, as identified in FMC 12-317 or in Section 1.3B10.e for non-conformities within the Transition Overlay, the non-conformity shall be removed or made to conform to the applicable standards.

**c. Incremental Removal of Non-Conformities.** Prior to losing its non-conforming status, as identified in FMC 12-317 or in Section 1.3B.10e for non-conformities within the Transition Overlay, a non-conformity may be incrementally improved to achieve compliance with the applicable standards. The incremental removal of a non-conformity shall not prevent improvement(s) to the rest of the building or site or require incremental improvement of another non-conformity, except for expansion of floor area. When a structure is non-conforming due to violating the applicable building setbacks, no incremental expansion of floor area will be allowed until the violation is completely removed. Incremental expansion of floor area shall only be allowed as required by the applicable zoning district.

Incremental or complete removal of a building facade that is not within the specified frontage zone for the applicable zoning district is allowed provided that any building expansion must comply with the applicable frontage zone and building setback requirements of the zoning district.

**d. Non-Conforming Sites, Structures, and Land Uses not within Transition Overlay.** Applications that involve a non-conforming site, an improvement to an existing non-conforming structure(s), or a modification/expansion of an existing non-conforming structure(s), sign(s), or land use not within the Transition Overlay in Figure 2 shall continue under the provisions of FMC 12-317;

**e. Non-Conforming Sites, Structures, and Land Uses within Transition Overlay.** Applications that involve an improvement to a non-conforming site, an existing non-conforming structure(s), or a modification/expansion of an existing non-conforming structure(s), sign(s) within the Transition Overlay are subject to the requirements of the Downtown Code when the non-conformity loses its non-conforming status. A non-conformity within the Transition Overlay will lose its non-conforming status when any of the following occur or the property owner causes the following to occur:

- i. A non-conforming land use ceases operations for 90 consecutive days;
- ii. A non-conforming land use is changed or proposed to be changed to another non-conforming land use;
- iii. A non-conforming building is expanded or proposed to be expanded by 10 percent or more floor area;
- iv. A non-conforming sign is modified or proposed to be modified to not lessen the non-conformity;
- v. A non-conforming improvement such as a parking lot or accessory structure is modified or proposed to be modified to not lessen the non-conformity;
- vi. A non-conforming façade is modified or proposed to be modified to not lessen the non-conformity.

If a particular non-conformity loses its non-conforming status, such an occurrence does not affect the status of other non-conformities on the property.

## 1.0 PURPOSE AND APPLICATION

### 1.3 APPLICABILITY OF DOWNTOWN CODE

**1.3C. Amendments to Downtown Code.** Over the course of implementation, it is foreseeable that amendments to the Downtown Code may be necessary. The Downtown Code is a document intended to implement the DNCP and the FCSP and as such, amendments may be made to the Downtown Code which are consistent with the applicable goals and policies of the DNCP or FCSP further such implementation. Amendments to the Downtown Code shall be processed per the requirements of Section 1.3C1.

**1.3C1. Process for Amending the Downtown Code.** The Downtown Code may be amended by amending the text, tables or diagrams of the Downtown Code or by amending Figure 2 or Figure 9.

**a. Amendments to Text, Tables or Diagrams.** Amendments to text, tables or diagrams shall be processed as follows:

- i. Amendments may only be applied for annually for the first five years after the adoption of the Downtown Code, then every two years thereafter, as set by the City Council;
- ii. The amendment shall be filed with the DARM per the applicable filing fee and required materials. The filing fee is not required when the amendment is filed by the City;
- iii. The application requesting an amendment shall clearly identify the Section(s), Table(s) or Diagram(s) proposed for amendment and shall provide a statement identifying the need and purpose for the requested amendment and how the request is consistent with the intent of the Downtown Code.

For applications that propose an additional building type, frontage, type, signage type, open space type or street type, the request shall provide the following information:

- a statement identifying that the type(s) is not similar to any of the allowed types identified in the Downtown Code;
  - a diagram showing the proposed type(s) in plan and section (elevation diagram required for signage) to identify its configuration and key elements;
  - a minimum of three examples of the type(s) to show the type in its physical context;
- iv. The amendment shall be reviewed by the DRC who shall make a recommendation to the Director for presentation to the Planning Commission. The Planning Commission shall hold a duly noticed public hearing to consider the amendment and make a recommendation to the City Council for final action;
  - v. At least 10 days prior to the public hearing, notice of the public hearing shall be published at least once in at least two newspapers of general circulation within the City of Fresno and shall be posted on the City of Fresno's website;
  - vi. The amendment shall be in compliance with the applicable findings of the Downtown Code Section(s) being amended.

**b. Amendments to Figure 2.** Amendments to the boundary of a zoning district(s) or Overlay identified in Figure 2 shall be processed as follows.

- i. Amendments may only be applied for annually for the first five years after the adoption of the Downtown Code, then every two years, as set by the City Council;
- ii. The amendment shall be filed with the DARM and per the applicable filing fee and required materials. The filing fee is not required when the amendment is filed by the City;

- iii. The application requesting an amendment shall clearly identify the properties proposed for amendment and shall provide a statement identifying the need and purpose for the requested amendment and how the request is consistent with the intent of the Downtown Code;
- iv. Except where the amendment involves the extension of an existing zoning district boundary,, amendments to the boundary of a zoning district must be for a site at least 40,000 square feet in size and shall not result in a new zoning district for the site;
- v. Amendments to the boundary of a zoning district or overlay for sites less than 10 acres shall not result in a new zoning district or overlay for the site. The boundaries may only be adjusted to reflect new or modified rights-of-way or open space(s) on the site;
- vi. Amendments to the boundary of a zoning district or overlay for sites of 10 acres or more are allowed to result in the boundaries being reconfigured to reflect new or modified rights-of-way or open space(s) on the site, including a new zoning district (s) for the site in compliance with the requirements of Section 1.3C.2;
- vii. The amendment shall be reviewed by the DRC who shall make a recommendation to the Director for presentation to the Planning Commission. The Planning Commission shall hold a duly noticed public hearing to consider the amendment and make a recommendation to the City Council for final action;
- viii. At least 10 days prior to the public hearing, written notice of the public hearing shall be delivered by mail to all property owners within 1,000 feet of the subject property or all properties involved in the case of multiple properties;
- ix. The amendment shall be in compliance with the applicable findings of the Downtown Code Section(s) being amended.

**c. Amendments to Figure 9.** Amendments to the alignment or assignment of a street type(s) identified in Figure 9 shall be processed as follows.

- i. Amendments may only be applied for annually for the first five years after the adoption of the Downtown Code, then every two years thereafter, as set by the City Council;
- ii. The amendment shall be filed with the DARM and per the applicable filing fee and required materials. The filing fee is not required when the amendment is filed by the City;
- iii. The application requesting an amendment shall clearly identify the street(s) alignment or street type assignment proposed for amendment and shall provide a statement identifying the need and purpose for the requested amendment and how the request is consistent with the intent of the Downtown Code.
- iv. Amendments to the alignment or assignment of a street type identified in Figure 9 shall be evaluated per the following:
  - the intended physical context identified in the DNCP or FCSP, as applicable;
  - the transition from one physical context to another and whether or not such a transition supports the intended physical context;
- v. Amendments to the to the alignment or assignment of a street type identified in Figure 9 shall not result in less connectivity of the network of blocks and streets;

## 1.0 PURPOSE AND APPLICATION

### 1.3 APPLICABILITY OF DOWNTOWN CODE

- vi. Amendments to the alignment or assignment of a street type identified in Figure 9 shall not result in a new zoning district for the site. The adjacent boundaries may only be adjusted to reflect new or modified rights-of-way or open space(s). For realignments that are part of an Infill Plan per Section 1.3C2, the Infill Plan process will identify any new zoning district(s) for the involved site(s);
- vii. The amendment shall be reviewed by the DRC who shall make a recommendation to the Director for presentation to the Planning Commission. The Planning Commission shall hold a duly noticed public hearing to consider the amendment and make a recommendation to the City Council for final action;
- viii. At least 10 days prior to the public hearing, written notice of the public hearing shall be delivered by mail to all property owners within 1000 feet of the subject property or all properties involved in the case of multiple properties;
- ix. The amendment shall be in compliance with the applicable findings of the Downtown Code Section(s) being amended.

**1.3C2. Generative Standards.** In response to changing needs over the course of implementing the Downtown Code, the owner of a parcel or abutting parcels consisting of at least 10 acres of contiguous lots may apply at any time to prepare an Infill Plan per the following:

- a. Public Process.** Through a public process that involves the immediate neighborhood in which the site is located, the Infill Plan may adjust the street alignments and street types assigned in Figure 9, and adjust the zoning district boundaries as identified in Figure 2 or introduce new zoning districts provided that:
  - i. At least 10 days prior to beginning the public process required in subsection a.ii below, written notice of the public process shall be delivered by mail to all property owners within 1,500 feet of the site;
  - ii. The process consists of at least three meetings where the applicant will meet with property owners, merchants and residents in the area to: a) solicit input, b) propose initial ideas for the site, and c) present the proposed Infill Plan, in compliance with Section 10.2A, prior to submitting it to the City;
  - iii. Only after the above public process has occurred can the Infill Plan be submitted for further processing by the City. After the completion of the above public process, the Infill Plan will be reviewed by the DRC to evaluate the Plan for: a) compliance with all applicable requirements, b) any proposed changes to the Downtown Code, and c) input or comment from property owners, merchants and residents in the area;
  - iv. The Infill Plan shall be reviewed by the DRC who shall make a recommendation to the Director for presentation to the Planning Commission. The Planning Commission shall hold a duly noticed public hearing to consider the amendment and make a recommendation to the City Council for final action;
  - v. At least 10 days prior to the public hearing, written notice of the public hearing shall be delivered by mail to all property owners within 1,500 feet of the subject property or all properties involved in the case of multiple properties;
  - vi. The Infill Plan shall be in compliance with the applicable findings of the Downtown Code Section(s).

#### **b. Infill Plan Requirements.**

- i. The Infill Plan shall be generated based on a public process as required in Section 1.3C2.a;
- ii. New zoning districts may be introduced to the site provided that appropriate transitions are maintained with adjacent areas and that such adjustments or assignments of new zoning districts are consistent with Section 1.2 'Intent' of the Downtown Code and the vision for either the DNCP or FCSP, as applicable. Appropriate transitions shall be evaluated at the discretion of the City;
- iii. The Infill Plan shall show the following at a minimum:
  - The physical context within 1,500 feet of the site, identifying the size of lots and height of buildings on each block;
  - The proposed block network and any required or proposed open space;
  - The proposed adjustments to zoning districts or introduction of new zoning districts and their boundaries;
  - The proposed lots on each block and proposed building type(s) for each lot;
- iv. The Infill Plans shall be subject to the applicable CEQA requirements.

**1.3C3. Comprehensive Review of Downtown Code.** Every years for the first five years after the adoption of the Downtown Code and every two years thereafter, the Director shall conduct a comprehensive review of Figure 2 to evaluate the development direction of the neighborhoods, districts, corridors and downtown to determine if additional amendments are appropriate. This review shall be made in writing and presented to the Planning Commission and City Council for review and consideration.

## 1.0 PURPOSE AND APPLICATION

### 1.4 ADMINISTRATION OF DOWNTOWN CODE

**1.4A. Review Authority.** This Section of the Downtown Code identifies the responsible body or individual that has the responsibility and authority to review and act upon applications submitted to the City.

**1.4A1.Applications.** The following types of applications shall be reviewed and acted upon by the identified body or individual.

**a. Ministerial Applications.** The Director shall be the Review Authority for ministerial applications as listed in Table 1A and in compliance with the procedures identified in Section 1.4B. No application involving a historic resource shall be processed per the ministerial process.

**b. Discretionary Applications.** Discretionary application shall be reviewed as listed in Table 1A and in compliance with the procedures identified in Section 1.4B.

**1.4B. Processing and Procedures.** Property subject to the Downtown Code shall comply with the applicable filing requirements of the DARM and the applicable requirements of this Section.

**1.4B1. Downtown Review Committee (DRC).** In order to facilitate and coordinate processing and review of applications submitted per the Downtown Code, the DRC shall review all applications for compliance with the Downtown Code and as identified in the procedures in Section 1.4B3, except the following:

- Zone Clearances
- Temporary Use Permits
- Sign Permits
- Sidewalk Dining Permits

The DRC shall consist of a representative of the following departments: DARM, Public Works, Police, Fire, Parks. Other staff may participate as needed to assist in the review process.

**a. Ministerial Applications.** For ministerial applications, the DRC shall review applications for compliance with the applicable requirements of the Downtown Code and report on the results to the Director. Upon determining that an application is in compliance with the applicable requirements, the Director shall approve the application and communicate the results to the applicant.

**b. Discretionary Applications.** For discretionary applications, the DRC shall review applications for compliance with the applicable requirements of the Downtown Code and make a recommendation that may include modifications of the application to the Director. Upon reviewing the DRC's recommendation, the Review Authority shall review and consider the application per the procedures set forth in Section 1.4B.3.

**1.4B2. Architectural Advisor.** In order to facilitate the application and review process, the DRC shall include an architectural advisor who shall advise the DRC for the following types of applications established in Section 1.4A.1:

**a. Ministerial Applications**

- Site Plan to modify or expand an existing building
- Site Plan to construct a new building
- Facade Modification/Renovation Permit

**b. Discretionary Applications**

- Any application involving a historic resource
- Conditional Use Permit per Table 3
- Infill Plan
- Subdivision of Land

**1.4B3.Applications.** The following types of applications may be filed. Each application and its requirements is described below:

**a. Applications for a Zone Clearance.** A zone clearance is required for the following:

- a new land use or business to be established
- an existing land use or business to be expanded
- a new building to be constructed from an approved Site Plan
- an existing building to be modified from an approved Site Plan

DARM staff shall review the application for compliance with the applicable requirements. If the application is in compliance with all applicable requirements, the Director shall approve the zone clearance and the applicant shall be able to apply for a business license, or a building permit to install or construct tenant improvements, a building modification, or a new building.

TABLE 1A REVIEW AUTHORITY					
Application		Review Authority			
Ministerial		D	HPC	PC	CC
M1	Zone Clearance for Business License	A			
M2	Zone Clearance for Building Permit	A			
M3	Zone Clearance for Tenant Improvement	A			
M4	Site Plan to modify/expand an extg bldg	A			
M5	Site Plan to construct a new building	A			
M6	Facade Modification/Renovation Permit	A			
M7	Sign Permit (for sign types A-H)	A			
M8	Temporary Use Permit	A			
M9	Sidewalk Dining Permit	A			
M10	Lot Line Adjustment, Voluntary Parcel Merger	A			
Discretionary					
D1	Sign Permit (for sign types I and J)	FD			
D2	Administrative Deviation per Table 1B	FD			
D3	Any application involving a historic resource	R	A	RA	RA
D4	Conditional Use Permit per Table 3	D		RA	RA
D5	Infill Plan	R		R	FD
D6	Downtown Code amendment (text, table, diagram)	R		R	FD
D7	Zoning District boundary amendment to Figure 2	R		R	FD
D8	Change of Zoning District in Figure 2	R		R	FD
D9	Parcel Map	R		FD	
D10	Tract Map	R		R	FD
D11	Variance	D		RA	RA

**KEY to Table 1A**

Review Authority

- D DARM Director
- HPC Historic Preservation Commission
- PC Planning Commission
- CC City Council

Actions

- A Approves
- R Recommends
- RA Reviews on Appeal
- D Decision may be appealed
- FD Final Decision

## 1.0 PURPOSE AND APPLICATION

- b. Applications for a Site Plan.** A Site Plan is required to construct a new building or to modify or expand an existing building. For applications that require a Site Plan approval and do not involve a historic resource, CUP, Subdivision, or Variance, upon receiving the DRC's recommendation that the application is in compliance with all applicable requirements of Sections 3.0, 4.0, 5.0 and 6.0 of the Downtown Code, the Director shall approve the application.
- c. Applications for a Facade Modification/Renovation Permit.** A Facade Modification/Renovation Permit is required for applications that involve the modification or renovation of an existing facade that is adjacent to or visible from a public street or open space. For applications that require a Facade Modification/Renovation Permit and do not involve a historic resource, CUP, Subdivision, or Variance, upon receiving the DRC's recommendation that the application is in compliance with all applicable requirements of Sections 4.0, 5.0 and 6.0 of the Downtown Code, the Director shall approve the application.
- d. Applications for a Sign Permit.** A Sign Permit is required to construct a new sign or to modify or expand an existing sign.
- Applications for Signage Types A-H and do not involve a historic resource, CUP, Subdivision, or Variance, the Director shall approve the application in accordance with the applicable requirements and findings of Section 7.0 of the Downtown Code.
  - Applications for Signage Types I and J, the DRC's recommendation shall be reviewed by Director to determine if the application will be approved or be approved subject to modifications, or be denied.
- e. Applications for a Temporary Use Permit.** A Temporary Use Permit is required for certain activities as identified in Table 3. For applications that require a Temporary Use Permit and do not involve a CUP, Subdivision, or Variance, the Director shall approve the application in accordance with the applicable requirements and findings of Table 3 of the Downtown Code.
- f. Applications for a Sidewalk Dining Permit.** A Sidewalk Dining Permit is required for dining within a public sidewalk or open space. For applications that require a Sidewalk Dining Permit and do not involve a CUP, Subdivision, or Variance, the Director shall approve the application in accordance with the applicable requirements and findings of Table 3 and Section 10.3B of the Downtown Code.
- g. Applications for a Lot Line Adjustment or Voluntary Parcel Merger.** A Lot Line Adjustment or Voluntary Parcel Merger is required to adjust the existing lot line of a parcel or to merge parcels. For applications that require a Lot Line Adjustment or Voluntary Parcel Merger and do not involve a historic resource, CUP, Subdivision, or Variance, the Director shall approve the application in accordance with the applicable requirements and findings of the applicable zoning district of the Downtown Code.
- h. Applications for Administrative Deviation.** For applications that request a deviation from an applicable development standard and do not involve a historic resource, CUP, Subdivision, or Variance, the Director may grant up to the maximum amount of deviation available in Table 1B upon reviewing the application per the applicable requirements and findings of the Downtown Code.
- i. Applications immediately adjacent to or containing a Historic Resource.** For applications that are immediately adjacent to or contain a historic resource, as defined by the City's Historic Preservation Ordinance (FMC 12-1601), the DRC shall review the application for compliance with all applicable requirements of the zoning district in which the site is located and Sections 5.0, 6.0, 7.0 and 10.4B and shall make a recommendation that may include modifications to the application for the Director's consideration. Upon receiving the DRC's recommendation for the application and that the application is in compliance with all applicable requirements of the Downtown Code, the Director shall make a recommendation to the Historic Preservation Commission (HPC). The HPC shall review the Director's recommendation and make a decision on the application.
- j. Applications requiring a Conditional Use Permit.** Certain land uses have been identified in Table 3 as being of such community-wide interest or concern that such land uses need a public process to ensure that community concerns are appropriately identified and addressed. For applications that require a Conditional Use Permit ('CUP'), the DRC shall review the application for compliance with all applicable requirements of the zoning district in which the site is located and Sections 3.0, 4.0, 5.0, 6.0, 7.0 and 10.0 and shall make a recommendation that may include modifications to the application for the Director's consideration. Upon receiving the DRC's recommendations for the application and that the application is in compliance with all applicable requirements of the Downtown Code, the Director shall set community workshops as follows, for the purpose of receiving input from the community prior to making a decision on the application:
- At least 10 days prior to beginning the public process required in subsection j.ii below, written notice of the process shall be delivered by mail to all property owners within 500 feet of the site;
  - The process consists of at least three meetings where the applicant will meet with property owners, merchants and residents in the area to: a) solicit input, b) propose initial ideas for the site, and c) present the proposal, prior to submitting it to the City;
  - Only after the above public process has occurred can the CUP application be submitted for further processing by the City. After the completion of the above public process, the application will be reviewed by the DRC to evaluate and incorporate input or comment from the public process prior to the Director making a decision on the application;
- k. Applications involving an amendment to the Downtown Code.** For applications that propose amending any portion of the Downtown Code, such applications shall comply with Section 1.3C.
- l. Applications for a Subdivision.** Approval of a subdivision of land is required for the division of an existing parcel into additional parcels.
- Parcel Map. Applications that involve the subdivision of land into fewer than five parcels or airspace parcels within a building, shall be reviewed by the DRC for compliance with all applicable requirements of the zoning district in which the site is located and Section 9.0. The DRC shall make a recommendation that may include modifications to the application for the Director's consideration. Upon receiving the DRC's recommendations for the application and that the application is in compliance with all applicable requirements of the Downtown Code, the Director shall make a recommendation on the application for the Planning Commission's final action.
  - Tract Map. Applications that involve the subdivision of land into five or more parcels or airspace parcels shall be reviewed by the DRC for compliance with all applicable requirements of the zoning district in which the site is located and Section 9.0. The DRC shall make a recommendation that may include modifications to the application for the Director's consideration. Upon receiving the DRC's recommendations for the application and that the application is in compliance with all applicable requirements of the Downtown Code, the Director shall make a recommendation for the Planning Commission to consider in a public hearing. The Planning Commission shall make a recommendation on the application for the City Council's final action.
- m. Applications for a Variance.** In the event that special circumstances, as found by the Director to apply to a property, including size, shape, location, or surroundings, deprives such property of privileges enjoyed by other property in the identical zoning district, the Director may approve a variance in accordance with provisions the applicable requirements of the Downtown Code, including the findings set forth in FMC Chapter 12-405.A.1.

## 1.0 PURPOSE AND APPLICATION

### 1.4 ADMINISTRATION OF DOWNTOWN CODE

**1.4C. Appeals and Procedures.** Property subject to the Downtown Code is required to comply with clear and detailed standards that were developed in a public planning process. As such, applications approved pursuant to the Downtown Code standards and in compliance with the applicable findings represent the community's expectations. Therefore, appeals of certain decisions may be made per the requirements in Section 1.4C.1.

**1.4C1. Requirements.** Actions of the Review Authority may be appealed in accordance with the following requirements:

**a. Appeal Subjects and Jurisdiction.** The following may not be appealed:

- i. Application of the Downtown Code standards or definitions, including the standards and definitions
- ii. Zone Clearances
- iii. Facade Modification/Renovation Permit (non-historic resource)
- iv. Sign Permits
- v. Temporary Use Permits
- vi. Sidewalk Dining Permits
- vii. Lot Line Adjustments/Voluntary Parcel Mergers
- viii. Administrative Deviations
- ix. Building Permits

**b. Eligibility for Appeal.** An appeal in compliance with this Section may be filed by any aggrieved person or group, the 'appellant', that meets the following requirements:

- i. The person or group filing the appeal must reside or own property within 500 feet of the subject property for which the action is being appealed;
- ii. If a person or group is represented by an attorney, that attorney shall be admitted to practice law in the State of California;
- iii. If a group such as a LLC or Corporation is filing the appeal, documentation must be provided with the appeal that the group is active;
- iv. The appeal must be filed by a living person, who has standing to appeal, and such person shall be the person to act on behalf of a group if a group is involved in the appeal;
- v. The appeal may only be filed by a person who, in person or through a representative, appeared at the public hearing in connection with the decision being appealed, or who otherwise informed the City in writing of the nature of their concerns before the hearing or decision.
- vi. Any action of the Planning Commission, Historic Preservation Commission, or decisions by the Director on Conditional Use Permits and Variances, in compliance with the Downtown Code may be appealed by a Councilmember acting as an individual.
- vii. Appeals filed by the Mayor or a Councilmember are exempt from filing fee requirements.

**c. Timing of Appeal.** Appeals shall be submitted in writing and specifically state the pertinent facts and the basis for the appeal.

- i. Appeals shall be filed with the DARM within 15 days following the actual date the decision was rendered.
- ii. Appeals shall be submitted on the form required by the DARM and contain the required information.
- iii. The appeal shall be accompanied by the filing fee identified in the Planning Fee Schedule on file with the DARM. The filing fee shall be reimbursed to the appellant if the appeal is upheld by the Review Authority.
- iv. Once an appeal is filed, any action on the associated project is suspended until the appeal is processed and a final decision is rendered by the applicable review authority.

**d. Scope of Appeals.** An appeal of a decision that is subject to appeal as identified in Section 1.4C1.a shall be limited to issues raised in writing before the decision, or in the case of a public hearing, to the issues raised in writing prior to or at the public hearing, or information that was not known at the time of the decision that is being appealed. It is the appellant's responsibility to identify the following, as applicable, in writing for the appeal to be accepted and filed for processing:

- i. The appeal shall include, at a minimum, the specific grounds for the appeal, where there was an error or alleged abuse of discretion by the previous review authority (e.g., Commission, Historic Preservation Commission, Director, or other City official) in the consideration and action on the matter being appealed, and/or where the decision was not supported by the evidence on the record.
- ii. the specific error(s) made that nullifies the decision such as the lack of compliance with applicable standards; or
- iii. the specific alleged abuse of discretion by the previous review authority.

Appeals that fail to identify either of the above shall not be accepted as an official appeal and shall be returned to the appellant without further processing.

**e. Submittal of Information in a Timely Manner.** All information that the appellant or any person, entity or group interested in the appeal, wants considered during the appeal process shall be submitted no later than 48 hours prior to the hearing. Information submitted less than 48 hours prior to the hearing shall not be accepted and shall not be considerable at the hearing unless a majority of the quorum votes to accept the late documents.

## 1.0 PURPOSE AND APPLICATION

### 1.4 ADMINISTRATION OF DOWNTOWN CODE

**1.4C2. Appeal Hearing.** Appeal hearings for appeals that have been accepted for processing shall be conducted in accordance with the following requirements:

**a. Report and Scheduling of Appeal Hearing.** When an appeal has been accepted and filed for processing, the Director shall prepare a report on the matter, including all of the application materials in question, and schedule the matter for a public hearing by the appropriate review authority, identified in Section 1.4C.1a.

Whenever a public hearing is required to be set pursuant to this subsection, the Director shall set the time and place of the public hearing, which shall be within forty days after the initiation of the proceeding, order or other action which gives rise to the requirement.

**b. Notice of Appeal Hearing.** The Director shall give notice of the time, place, and subject matter of a public hearing for the appeal, at least ten days prior to the date set for the hearing. Errors in the giving of notice or the failure of any person to receive notice shall not invalidate any proceeding requiring notice. The Director shall ensure that notices comply with the following:

- i. Publication. By publication at least once in a newspaper of general circulation in the city.
- ii. Mailing. By mailing, through the United States mail:
  - a. To every person whose name and address appears on the last equalized County Assessment Roll as the owner of any property within the territory covered by the proceedings and within 1,000 feet of the exterior boundaries of such territory.
  - b. To every person filing with the Director a written request for notice with respect to an identified proceeding specified in such request.
  - c. To any person designated in the appeal to receive such notice.
- iii. Posting. By posting with a single notice all property which is the subject of the matter.

**c Appeal Hearing Procedure.**

- i. Hearing. The public hearing shall be heard at the place for which set and noticed, commencing at the time indicated, or as soon thereafter as the matter can be heard.
- ii. Continuance. Any hearing may be continued by a majority of the members present, or in the absence of a quorum shall be continued by the clerk or secretary of the hearing body, to a time and place certain, which shall be publicly announced, and no further notice shall be required.
- iii. Quorum. Four members shall constitute a quorum.
- iv. Rules of Procedure. The hearing body may establish any reasonable rules of procedure for the conduct of such hearings as are consistent with this chapter and may require any person who is to testify before it to be placed under oath or affirmation.

**d. Decisions.** Except as provided by any specific procedure, upon the close of an appeal hearing, or at such other time as a matter is presented to it for action, the failure of the Council or Commission to enact, grant, approve, or recommend the same shall constitute a denial of the appeal unless action on the matter is continued for presentment to a later date.

**e. Notice of Decisions.** Following the final decision on an appeal of an application for a permit or other approval required by the Downtown Code, the City shall provide notice of its final decision to the appellant, and to any person who specifically requested notice of the City's final action.

- i. The notice of the final decision shall contain applicable findings, conditions of approval, and any necessary reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the City.
- ii. All notices of decisions on appeals shall be published or mailed within seven days after the decision is made.
- iii. All notices of decisions on appeals shall be published and mailed pursuant to Section 1.4C.2b.

## 1.0 PURPOSE AND APPLICATION

### 1.4 ADMINISTRATION OF DOWNTOWN CODE

**1.4D. Administrative Deviation** Property subject to the Downtown Code is eligible for requests to deviate from certain standards provided that the Director is provided with sufficient information with which to support the request and make the required findings.

**1.4D1. Administrative Deviation.** Table 1B identifies two categories of deviation available from certain development standards for which the Director may grant a deviation up to the amount identified. Each of the identified development standards is unique in its role on a site or building and therefore, has been allocated the appropriate maximum amount of administrative deviation. Administrative deviations are not subject to appeal. For property within the Downtown Code boundaries, these administrative deviation provisions replace FMC 12-407 'Minor Deviations'.

**a. Basic (up to 15 percent).** When the Director determines that a request for administrative deviation is for a development standard identified in Table 1B, the Director shall first determine if the request involves qualifying 'green' features as identified in Section 10.4H. If the request contains no qualifying green or public art features, the request shall be processed as a 'basic' administrative deviation. The Director may grant the requested deviation from the applicable standard(s), up to the amount specified for 'basic' deviations in Table 1B provided that the request is consistent with the applicable required findings;

**b. Green Building (up to 20 percent).** When the Director determines that a request for administrative deviation is directly related to a proposed feature of the site or building that involves green features per Section 10.4H, the Director may grant a deviation from the applicable development standard(s) by up to the amount specified in Table 1B provided that the request is consistent with the applicable required findings;

**TABLE 1B ADMINISTRATIVE DEVIATION**

DEVELOPMENT STANDARD	MAX DEVIATION	
	Basic	Green
<b>A. Lot Width / Depth (f - findings 5.3)</b>	15%	20%
<b>B. Building Placement (f - findings 4.3)</b>		
Front Setback	15%	20%
Side Street Setback	15%	20%
Interior Side Setback	10%	20%
Rear Setback	15%	20%
Alley Setback	15%	20%
<b>C. Building Size (f - findings 5.3)</b>		
Building Height (total feet [a])	10%	20%
Volume / Massing (total for bldg)	10%	20%
Building Length	15%	20%
<b>D. Parking Placement (f - findings 4.3)</b>		
Front Setback	15%	20%
Side Street Setback	10%	15%
Interior Side Setback	10%	15%
Rear Setback	15%	20%
<b>E. Open Space Acreage (f - findings Section 8.3)</b>	15%	20%
<b>F. Height of Fences, Walls (f - findings Section 10.1.D)</b>		
Within Front Setback	10%	15%
Not within Front Setback	15%	20%
<b>G. Street Section (f - findings Section 9.3)</b>	10%	15%

**Key to Table 1B**

- 15%** Maximum amount of deviation from the standard that may granted
  - X** Deviation not applicable for the particular standard
  - f** Subject to compliance with the identified 'Required Findings' of the Downtown Code;
- No deviation from a standard shall exceed the amount identified in Table 1B.
- Upon determination by the Director, or designee, that the request for an administrative modification exceeds the limit(s) authorized by Table 1B, such request shall be deemed ineligible for a modification. The application shall be terminated.
- a** Excluding allowed architectural features that may project above the maximum height for the building, as specified in the development standards for the applicable zoning district.

## 1.0 PURPOSE AND APPLICATION

### 1.5 REQUIRED FINDINGS

**1.5A. Required Findings to Approve Applications.** Applications and requests for administrative deviation subject to the Downtown Code shall comply with the following general findings:

1. The application complies with all applicable provisions of the Downtown Code;
2. The application satisfies the required findings in each applicable Section of the Downtown Code as identified in Table 1B;
3. Administrative Deviation has not been previously granted to the subject property for any of the current requests.

# TABLE 1C

Table 1C illustrates the ministerial applications to be submitted per the Downtown Code and the required action(s) by an applicant. This is a summary and subject to the actual processing and review by the City of Fresno.

Ministerial Applications		
Zone Clearance for:	Site Plan for:	Facade Modification/Renovation
<p><b>M1</b> • for a Business License to open a business  <b>M2</b> • for a Building Permit to construct a tenant improvement. If historic resource see process D3.</p> <p>IDENTIFY applicable zoning district in Figure 2</p> <p>IDENTIFY if proposed land use is allowed in Table 3</p> <p>If allowed in zoning district, apply all identified requirements of Table 3</p> <p>APPROVED by DARM</p> <p>Applicant can now obtain Business License</p>	<p><b>M4</b> • to expand an existing building(s). If historic resource see process D3  <b>M5</b> • to construct a new building(s)</p> <p>IDENTIFY applicable zoning district in Figure 2</p> <p>IDENTIFY development standards in applicable zoning district</p> <p>SELECT from allowed building type(s) in Section A.2 of applicable zoning district development standards</p> <p>SELECT from allowed frontage type(s) in Section A.3 of the applicable zoning district development standards</p> <p>DESIGN project per applicable standards</p> <p>Option: Submit Preliminary Design to DARM for initial compliance review</p> <p>SUBMIT APPLICATION AND PLANS to DARM for processing</p> <p>APPROVED by DARM if in compliance with applicable development standards, Section 5.0 and Section 6.0</p> <p>Applicant can now apply for a zone clearance to submit CD's</p>	<p><b>M6</b> (max 1 building per application)</p> <ul style="list-style-type: none"> <li>• to modify or renovate an existing façade. If historic resource see process D3</li> </ul> <p>IDENTIFY applicable zoning district in Figure 2</p> <p>IDENTIFY development standards in applicable zoning district</p> <p>SELECT from allowed frontage type(s) in Section A.3 of the zoning district development standards</p> <p>DESIGN façade modification/renovation per applicable standards of zoning district and Section 6.0</p> <p>Option: Submit Preliminary Design to DARM for initial compliance review</p> <p>SUBMIT APPLICATION AND PLANS to DARM for processing</p> <p>APPROVED by DARM if in compliance with applicable development standards and Section 6.0</p> <p>Applicant can now file CD's with Building Department to obtain a building permit.</p>
<p><b>M3</b> • for a Building Permit to construct a new building          • for a Building Permit to expand an existing building. If historic resource not within Historic Resource Overlay, see process D2.</p> <p>DARM staff to provide applicant with copy of Site Plan Approval</p> <p>SUBMIT Construction Documents (CD's) to DARM for compliance review with Site Plan Approval</p> <p>APPROVED by DARM if in compliance with Site Plan Approval</p> <p>Applicant can now file CD's with Building Department</p>		

# APPLICATION AND APPROVAL PROCESS TABLE 1C

## Ministerial Applications

### Sign Permit (Types A-H)

**M7** (max 1 building per application)

- to construct a new sign (Types A-H)
- to modify or renovate an existing sign. If historic resource see process D3

IDENTIFY applicable zoning district in Figure 2

SELECT from allowed signage type(s) in Table 7

DESIGN sign or modification/renovation per applicable standards of Table 7

Option: Submit Preliminary Design to DARM for initial compliance review

SUBMIT APPLICATION AND PLANS to DARM for processing

APPROVED by DARM if in compliance with Section 7.0

Applicant can now file CD's with Building Department if a building/electrical permit is required.

### Temporary Use Permit

**M8** • to operate a seasonal or temporary land use

IDENTIFY applicable zoning district in Figure 2

IDENTIFY if proposed land use is allowed in Table 3  
If allowed in zoning district, apply all identified requirements of Table 3

APPROVED by DARM

Applicant can now setup and operate the temporary land use as specified.

### LLA / Voluntary Lot Merger

**M10** • to adjust an existing lot line  
• to voluntarily merge two or more parcels

IDENTIFY applicable zoning district in Figure 2

SELECT from allowed building type(s) per Section A.2 of the applicable zoning district

IDENTIFY lot width, depth requirements in Table 5

PREPARE Plan per requirements of Table 5

SUBMIT Plan to DARM for review and processing

APPROVED by DARM if in compliance with applicable development standards and Section 5.0

Applicant can now file the approval with the County Recorder

### Sidewalk Dining Permit

**M9** • to establish and operate outdoor dining within a public sidewalk or open space

IDENTIFY applicable zoning district in Figure 2

IDENTIFY if proposed land use is allowed in Table 3  
If allowed in zoning district, apply all applicable requirements of Section 10.3B

APPROVED by DARM

Applicant can now setup and operate the sidewalk dining as specified.

# TABLE 1C, CONT'D

Table 1C illustrates the discretionary applications to be submitted per the Downtown Code and the required action(s) by an applicant. This is a summary and subject to the actual processing and review by the City of Fresno.

<b>Discretionary Applications</b>		
<b>Sign Permit (Types I and J)</b>	<b>Administrative Deviation</b>	<b>Historic Resource [1]</b>
<p><b>D1.</b> (max 1 building per application)</p> <ul style="list-style-type: none"> <li>• to construct a new sign (Types I and J)</li> <li>• to modify or renovate an existing sign type I or J.</li> </ul> <p>If historic resource see process D2</p> <p>IDENTIFY applicable zoning district in Figure 2</p> <p>SELECT from allowed signage type(s) in Table 7</p> <p>VERIFY minimum building stories required for Type I and minimum site frontage for Type J</p> <p>If eligible per applicable requirements, PREPARE request for Administrative Deviation stating the following:</p> <p>DESIGN sign or modification/renovation per applicable standards of Table 7</p> <p>Option: Submit Preliminary Design to DARM for initial compliance review</p> <p>SUBMIT APPLICATION AND PLANS to DARM for processing</p> <p>REVIEW by DRC for compliance with applicable standards and to recommend modifications to application</p> <p>REVIEW by Director per applicable findings required in Section 7.3</p> <p>DECISION by Director</p> <p>Applicant informed of decision.</p> <p>If approved, applicant can now file CD's with Building Department if a building/electrical permit is required.</p>	<p><b>D2.</b> • to request deviation from a development standard per Table 1B. If historic resource see process D3. Deviations not allowed by Table 1B shall be subject to the process for Variances.</p> <p>IDENTIFY applicable zoning district in Figure 2</p> <p>IDENTIFY standard(s) for which the deviation(s) is being requested</p> <p>IDENTIFY if Table 1B allows the particular standard(s) as eligible for administrative deviation</p> <p>If eligible per Table 1B, PREPARE request for Administrative Deviation stating the following:</p> <ul style="list-style-type: none"> <li>a) why the request is necessary and what results from applying the standard without the requested deviation, and</li> <li>b) how the request is consistent with the intent of the sections of the Downtown Code involved in the request.</li> </ul> <p>SUBMIT application to DARM for review and decision.</p> <p>REVIEW by Director per applicable findings required in Table 1B</p> <p>DECISION by Director</p> <p>Applicant informed of decision.</p>	<p><b>D3</b> • to construct a tenant improvement in an existing historic resource</p> <ul style="list-style-type: none"> <li>• to construct or modify a sign on a historic resource</li> <li>• to expand an existing historic resource(s)</li> <li>• to construct a new building on a site that contains a historic resource</li> </ul> <p>IDENTIFY applicable zoning district in Figure 2</p> <p>IDENTIFY development standards in the applicable zoning district</p> <p>As applicable, IDENTIFY (for existing), SELECT (for new) from:</p> <ul style="list-style-type: none"> <li>a) allowed building type(s) in Section A.2 of the applicable zoning district development standards</li> <li>b) allowed frontage type(s) in Section A.3 of the applicable zoning district development standards</li> <li>c) allowed signage type(s) in Table 7 for the applicable zoning district</li> </ul> <p>DESIGN project per applicable standards</p> <p>Option: Submit Preliminary Design to DARM for initial compliance review</p> <p>SUBMIT APPLICATION AND PLANS to DARM for processing</p> <p>REVIEW by DRC for compliance with applicable standards and to recommend modifications to application</p> <p>CEQA DOCUMENTATION (as applicable) prepared by DARM</p> <p>HPC REPORT prepared by Director for presentation at HPC public hearing</p> <p>REVIEW by HPC</p> <p>DECISION by HPC</p> <p>If approved, applicant can now prepare and submit CD's for Zone Clearance</p> <p>[1] As defined by FMC 12-1601</p>

# APPLICATION AND APPROVAL PROCESS TABLE 1C

## Discretionary Applications

CUP	Infill Plan	Amendments to DT Code	
<p><b>D4</b> • to establish a land use identified in Table 3 as requiring a CUP</p> <p>IDENTIFY applicable zoning district in Figure 2</p> <p>Option: Submit Preliminary Design to DARM for initial compliance review</p> <p>SUBMIT CUP application to DARM for review and processing</p> <p>REVIEW by DRC for compliance with applicable standards and to recommend modifications to application</p> <p>CEQA DOCUMENTATION (as applicable) prepared by DARM</p> <p>PUBLIC REVIEW of application set by Director to receive feedback and comments through community workshops per 1.3C2.a.(iv)</p> <p>REVIEW by Director</p> <p>DECISION by Director</p> <p>If approved, applicant can now prepare and submit CD's for Zone Clearance</p>	<p><b>D5</b> • to adjust the zoning district boundaries for a site of at least 10 acres • to introduce a new zoning district to a site of at least 10 acres</p> <p>IDENTIFY applicable zoning district(s) in Figure 2</p> <p>PREPARE application per requirements of applicable zoning district(s) to show blocks, streets, open space(s) and adjusted or new zoning district(s)</p> <p>SUBMIT application to DARM for review and processing</p> <p>REVIEW by DRC for compliance with applicable standards and to recommend modifications to application</p> <p>PUBLIC REVIEW of application set by Director to receive feedback and comments through community workshops (per 1.3C.2a)</p> <p>CEQA DOCUMENTATION (as applicable) prepared by DARM</p> <p>PC REPORT prepared by Director for presentation at PC public hearing per 1.3C1a(iv)</p> <p>REVIEW and RECOMMENDATION by PC</p> <p>REVIEW and DECISION by CC</p> <p>If approved, applicant can now prepare and submit CD's for Zone Clearance</p>	<p><b>D6</b> • to change the text, a table(s) or diagram(s) of the Downtown Code</p> <p>PREPARE application per requirements of Section 1.3C1a</p> <p>SUBMIT application to DARM for review, processing</p> <p>REVIEW by DRC for compliance with applicable standards and to recommend modifications to application</p> <p>CEQA DOCUMENTATION (as applicable) prepared by DARM</p> <p>PC REPORT prepared by Director for presentation at PC public hearing per 1.3C1a(v)</p> <p>REVIEW and RECOMMENDATION by PC</p> <p>REVIEW and DECISION by CC</p> <p>If adopted, applicable portion(s) of Downtown Code are amended to reflect decision.</p> <p><b>D7</b> • to change a zoning district boundary (Figure 2) and/or Figure 9 of the Downtown Code <b>D8</b> • to change a zoning district (Figure 2)</p> <p>PREPARE application per requirements of Section 1.3C1b</p> <p>SUBMIT application to DARM for review, processing</p> <p>REVIEW by DRC for compliance with applicable standards and to recommend modifications to application</p> <p>CEQA DOCUMENTATION (as applicable) prepared by DARM</p> <p>PC REPORT prepared by Director for presentation at PC public hearing per 1.3C1b(viii)</p> <p>REVIEW and RECOMMENDATION by PC</p> <p>REVIEW and DECISION by CC</p> <p>If adopted, applicable portion(s) of Figure 2 and Figure 9 are amended to reflect decision.</p>	
Subdivision			
<p><b>D9</b> • to generate less than 5 parcels from existing parcel</p> <p>IDENTIFY applicable zoning district(s) in Figure 2</p> <p>IDENTIFY block and street standards for zoning district in Tables 9A and 9B</p> <p>PREPARE application per requirements of applicable zoning district(s) to show blocks, streets, open space(s) and adjusted or new zoning district(s), in compliance with requirements for content in FMC 12-1004.</p> <p>Option: Submit Preliminary Design to DARM for initial compliance review</p> <p>SUBMIT application to DARM for review, processing</p> <p>REVIEW by DRC for compliance with applicable standards and to recommend modifications to application</p> <p>CEQA DOCUMENTATION (as applicable) prepared by DARM</p> <p>PC REPORT prepared by Director for presentation at PC public hearing per FMC 12-1005</p> <p>REVIEW and DECISION by PC</p> <p>If approved, applicant can now prepare and submit Final Map for processing</p>	<p><b>D10</b> • to generate 5 or more parcels from existing parcel</p> <p>IDENTIFY applicable zoning district(s) in Figure 2</p> <p>IDENTIFY block and street standards for zoning district in Tables 9A and 9B</p> <p>PREPARE application per requirements of applicable zoning district(s) to show blocks, streets, open space(s) and adjusted or new zoning district(s), in compliance with requirements for content in FMC 12-1004.</p> <p>Option: Submit Preliminary Design to DARM for initial compliance review</p> <p>SUBMIT application to DARM for review, processing</p> <p>REVIEW by DRC for compliance with applicable standards and to recommend modifications to application</p> <p>CEQA DOCUMENTATION (as applicable) prepared by DARM</p> <p>PC REPORT prepared by Director for presentation at PC public hearing per FMC 12-1005</p> <p>REVIEW and RECOMMENDATION by PC</p> <p>REVIEW and DECISION by CC</p> <p>If approved, applicant can now prepare and submit Final Map for processing</p>	<th style="background-color: #333; color: white; text-align: center;">Variance</th> <p><b>D11</b> • to deviate from a Downtown Code standard beyond that allowed by Section 1.4D 'Administrative Deviation' based on site's special circumstances</p> <p>IDENTIFY applicable zoning district(s) in Figure 2</p> <p>IDENTIFY standard(s) for which variance is being requested</p> <p>PREPARE request for Variance stating the following:</p> <p style="margin-left: 20px;">a) why the request is necessary and what results from applying the standard,</p> <p style="margin-left: 20px;">b) how the request is consistent with the intent of the sections of the Downtown Code involved in the request.</p> <p>SUBMIT application to DARM for review, decision.</p> <p>REVIEW by Director per applicable findings required in FMC 12-405A.1</p> <p>DECISION by Director</p> <p>Applicant informed of decision.</p>	Variance