



AMENDING PREVIOUSLY APPROVED ENTITLEMENTS Amendments and Revised Exhibits

Planning and Development Department
2600 Fresno Street, 3rd Floor, Room 3043
Call (559) 621-8277 for an appointment or visit www.fresno.gov for information

Policy and Procedure No.

G-003

Date:

Updated August 2022

Target Audience:

Planning staff and the general public

Purpose:

The Department has established this procedural outline to assist Planners and the Public in determining the level of review, materials to be submitted, and the appropriate fee to be paid for modifications to Development Permits (DP), Conditional Use Permits (CUP) and Planned Development Permits (PD).

This policy is an amendment to a policy of the same name that went into effect on February 29, 1996, and later revised in 2012, 2015, and 2018. The purpose of these changes is to modify the definitions of the levels of review.

Procedures:

When an applicant is proposing to amend, alter, or revise a specific project, staff will be required to determine the type of application (DP, CUP, or PD), level of review, what forms and exhibits are to be filed, and what fees are to be paid.

I. Type of Application

- ❖ Determine if the proposed use is permitted by-right or conditionally permitted by CUP in the zone district of the subject site.

II. Level of Review

- ❖ Level of Review and respective review timelines for all application types may be subject to change and/or may be subject to additional fees (per Master Fee Schedule) contingent upon applicable California Environmental Quality Act (CEQA) requirements at the discretion of the Development Director. Revised Exhibit level applications include changes which would not result in additional environmental impacts not previously assessed; or which would be eligible for CEQA Exemption.
- ❖ Level of Review and respective review timelines for all application types may be subject to change and/or may be subject to additional fees (per Master Fee Schedule) contingent upon whether multiple applications may be required at the discretion of the Development Director.

A. Minor Revised Exhibit (Level 1 Review Timeline)

1. Minor structural additions to non-residential projects not requiring the review of other departments or agencies.
2. Updates to an operational statement, including changes in hours or days of operation, not expanding the sale of alcohol (see separate policy (C-003) pertaining to ABC CUPs for the

sale of alcohol).

3. Any change to a telecommunications tower that qualifies as an Eligible Facilities Request (EFR), which does not cause a substantial change to the tower or base station (as defined by the FCC Wireless Infrastructure Report and Order); e.g., new equipment in the fenced lease area and which does not require the review of other departments or agencies (see separate policies (Issue No. 33 and C-010/Feb 2022) pertaining to Wireless Telecommunication Facilities for further information). Also includes conversion of an existing radome and or mono-pole without radome to a mono-tree. Equipment additions/modifications within an existing radome do not require review.

4. Architectural or exterior material, treatments or color changes which **do not** change the basic form and theme of an existing building or conflict with the original architectural form and theme of an existing building; and which **do not** require the review of other departments (excepting Building & Safety) or agencies.

- NOTE: Excludes projects located within the Tower District Specific Plan or other operative plan with adopted design guidelines and/or with an adopted/appointed design review committee, or which are located within any MX, CMS, or DT zone district, or within a Neighborhood Revitalization Overlay.

5. On-site changes to a previously approved site plan which **do not** change the basic form and/or function of an existing site; and, not requiring the review of other departments or agencies.

- NOTE: Projects which alter existing adjacent public street rights-of-way, driveway approach widths, or lengths (with potential to affect vehicle queues respective to adjacent public street rights-of-way), alter vehicular or emergency service pedestrian access gates, alter heavy-duty commercial truck circulation, or alter drive-through geometrics or queue lengths, or other off-site improvements require Department of Public Works – Traffic Engineering Section, and/or Fire Department, and/or Department of Public Utilities - Solid Waste Section, review.

6. Landscape modifications which **do not** alter the general concept or reduce the effective amount of landscaping not requiring the review of other departments or agencies.

7. Structural additions or alterations to existing residential projects not requiring the review of other departments or agencies, and/or which **do not** propose additional units exceeding density requirements for respective districts and **do not** require a change to entitlement type.

8. Construction of fences, walls, and screens on non-residential property and which **do not** include vehicular or emergency service pedestrian gates.

9. Any addition of solar covered parking structures less than or equal to 1,000 square feet not requiring the review of other departments or agencies.

B. Moderate Revised Exhibit (Level 2 Review Timeline)

1. Structural additions to non-residential projects requiring the review of a limited/abridged number (generally, no more than two) of other departments or agencies.

2. Any change to a telecommunications tower that qualifies as an Eligible Facilities Request (EFR), which does not cause a substantial change to the tower or base station (as defined by the FCC Wireless Infrastructure Report and Order); e.g., new equipment in the fenced lease area and which requires the review of a limited/abridged number (generally, no more than two) of other departments or agencies (see separate policies pertaining to Wireless Telecommunication Facilities for further information).

3. Architectural or exterior material, treatments, or color changes which change the basic form and theme of an existing building or conflict with the original architectural form and theme of an existing building; and, which require the review of other departments or agencies.

- NOTE: Qualifying projects located within the Tower District Specific Plan or other operative plan with adopted design guidelines and/or with an adopted/appointed design review committee, or which are located within any MX, CMS, or DT zone district, or within a Neighborhood Revitalization Overlay may be permitted to be processed as a Moderate Revised Exhibit at the discretion of the Development Director.

4. On-site changes to a previously approved site plan which **do not** change the basic form and/or function of an existing site requiring the review of a limited/abridged number (generally, no more than two) of other departments or agencies.

- This **excludes** off-site changes to existing adjacent public street rights-of-way but may include consideration of street trees or widening of sidewalks onto private property subject to discretion of Development Director.

5. Landscape modifications which alter the general concept or reduce the effective amount of landscaping requiring the review of a limited/abridge number (generally, no more than two) of other departments or agencies.

6. Structural additions or alterations to existing residential project requiring the review of a limited/abridged number (generally, no more than two) of other departments or agencies, and which **do not** propose additional units exceeding density requirements for respective districts or require a change to entitlement type.

7. Construction of fences, walls, and screens on non-residential property and which include vehicular or emergency service pedestrian gates.

8. Any addition of solar covered parking structures greater than 1,000 square feet requiring the review of other departments or agencies.

9. Permanent outdoor display and sales.

C. Major Revised Exhibit (Level 2 Review Timeline)

1. Structural additions to non-residential projects requiring the review of a limited/abridged number (generally, more than two) of other departments or agencies.
2. Changes to a previously approved site plan (including but not limited to changes to building configurations or layouts) which change the basic form and/or function of an existing site requiring the review of a limited/abridged number (generally, more than two) of other departments or agencies.
3. Any change to adjacent public street rights-of-way (with the potential exception of street trees or widening of sidewalks onto private property) subject to discretion of Development Director.
4. Landscape modifications which alter the general concept or reduce the effective amount of landscaping requiring the review of a limited/abridge number (generally, more than two) of other departments or agencies.
5. Structural additions or alterations to existing residential project requiring the review of a limited/abridged number (generally, more than two) of other departments or agencies, and which **do not** propose additional units exceeding density requirements for respective districts or require a change to entitlement type.
6. New construction or expansion of existing parking lots into areas not previously utilized for parking or on-site vehicular circulation that add 10 or more and less than 50 parking spaces on an existing site.
7. Any project that requires routing to generally more than two other departments or agencies for review, regardless of the size and scope of the project; but, which will not result in additional environmental impacts not previously assessed or are eligible for a CEQA Exemption.

D. Amendment (Level 3 Review Timeline)

1. Structural additions to non-residential projects or the construction of a new building(s) or structure(s) on developed and previously entitled land or parcel.
2. Any substantial change to the physical dimensions of an existing wireless tower or base station as defined by the FCC Wireless Infrastructure Report and Order (that requires noticing).
3. Changes resulting in additional environmental impacts not previously assessed; or, which are not eligible for a CEQA Exemption.
4. Addition of a drive-through facility to an existing or previously approved building.

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| 5. New construction or expansion of existing parking lots into areas not previously utilized for parking or on-site vehicular circulation that add more than 50 parking spaces on an existing site. |
| 6. Construction of a new residential building(s) within existing residential projects exceeding either 50 percent of the existing number of units or 50 additional units, whichever is less and, which do not propose additional units exceeding density requirements for respective districts and do not require a change to entitlement type. |
| 7. Any change or modification to an existing Conditional Use Permit (or other application type requiring noticing), which requires or warrants re-noticing. |

E. Projects that do not fit the criteria above will be considered full DPs or CUPs. Examples include the following:

Full Review (Level 3 or 4 Review Timeline)
1. New use on vacant/undeveloped land.
2. Construction of a new building on undeveloped land or parcel.
3. Expansion of a building or use encompassing a land area not included in the previously approved entitlement.
4. Establishment of a new conditional use.
5. Establishment of a by-right use identified as a special use in Article 27, occurring primarily outdoors (standalone Commercial Truck Storage, Outdoor Storage, Construction and Material Storage Yards).
6. Expansion of a conditional use with no previously approved Conditional Use Permit on record.
7. Structural additions to non-residential projects equal to or greater than 10,000 square feet. Square footage shall be the aggregate of all proposed structures.
8. Structural additions to existing residential projects that add more than either 50 percent of the existing number of units or 50 additional units, whichever is less. The number of units shall be the aggregate of all additional units proposed.

References:

Fresno Municipal Code

SEC. 15-5015. - MODIFICATION OF APPROVED PLANS

No change in the use or structure for which a permit or other approval has been issued is permitted unless the permit is modified as provided for in this Code. For the purpose of this section, the modification of a discretionary permit may include modification of a Development Permit approval.

- a) Minor Modifications. The Director may approve minor changes to approved plans that are consistent with the original findings and conditions approved by the Review Authority and would not intensify any potentially detrimental effects of the project or create a new unanticipated impact that may or may not be significant. (*minor, moderate and major revised exhibits*).
- b) Major Modifications. A request for changes in conditions of approval of a Discretionary Permit or a change in an approved site plan or building plan that would affect a condition of approval or increase the project's density or intensity or create a potentially significant environmental impact shall be treated as a new application, except that the Director may approve changes that they determine to be minor. (*Amendments and Full Applications*).

Review and Responsibility:

Planning and Development Department

Signature: McKencie Perez
McKencie Perez, Interim Planning Manager

Dated: 8/12/22

Signature: Jennifer K. Clark
Jennifer K. Clark, Director

Dated: 8/12/2022