



**REPORT TO THE PLANNING COMMISSION**

AGENDA ITEM NO. VIII-B  
COMMISSION MEETING 12-15-10

December 15, 2010

FROM: KEITH BERGTHOLD, Assistant Director  
Development and Resource Management Dept.

APPROVED BY  
*John M. Dwyer*  
DEPARTMENT DIRECTOR

THROUGH: KEVIN FABINO, Planning Manager  
MIKE SANCHEZ, Planning Manager  
Development Services Division

BY: SOPHIA PAGOULATOS, Planner  
Development Services Division

*[Handwritten signatures: Keith Bergthold and Sophia Pagoulatos]*

SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT NO. C-10-155 AND RELATED ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO. C-10-155

**RECOMMENDATION**

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan and the Edison Area Community Plan, the Fresno-Chandler Downtown Airport Master and Environs Specific Plan; and the Southwest Fresno General Neighborhood Renewal Area Redevelopment Project Area Plan; its compatibility with surrounding existing or proposed uses, and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment.

Upon consideration of staff evaluation, it can be concluded that proposed Conditional Use Permit No. C-10-155 is appropriate for the project site. Therefore, staff recommends that the Planning Commission take the following actions:

- 1. APPROVE the environmental finding of Environmental Assessment C-10-155, which finds the proposed project to be categorically exempt from further review under the California Environmental Quality Act Guidelines Section 15332 as infill development;
- 2. DENY the appeal and UPHOLD the action of the Development and Resource Management Department Director approving Conditional Use Permit Application No. C-10-155 subject to the following:
  - a) Development shall take plan in accordance with Exhibits A, E, and O dated October 14, 2010.
  - b) Development shall be in accordance with the conditions of approval dated November 19, 2010.

**EXECUTIVE SUMMARY**

Bret Giannetta, on behalf of the Roman Catholic Diocese of Fresno and Big Picture Charter School filed Conditional Use Permit No. C-10-155 pertaining to 2.48 acres of property located on the northeast corner of South Trinity Street and East Oleander Avenue, north of East Kearney Boulevard. The applicant proposes the installation of one 4,320 square-foot and two 1,440 square foot standard portable modular buildings (trailer-type) for classroom use, office and space, and possibly a small library and/or computer room. Hours of operation of the school are Monday through Friday, 7:30 am – 4:30 p.m. Student enrollment increase from the currently authorized 124 to a maximum of **238** total persons on site is authorized pursuant to this conditional use permit. The property is zoned R-1 (*Single Family Residential*).

REPORT TO THE PLANNING COMMISSION

Conditional Use Permit No. C-10-155  
 December 15, 2010  
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The decision of the Planning Commission is final unless the application is appealed to the City Council by the Council Member or Mayor, or unless the environmental determination is appealed to the City Council.

**PROJECT INFORMATION**

PROJECT	Bret Giannetta, on behalf of the Roman Catholic Diocese of Fresno and Big Picture Charter School filed Conditional Use Permit No. C-10-155 pertaining to 2.48 acres of property located on the northeast corner of South Trinity Street and East Oleander Avenue, north of East Kearney Boulevard. The applicant proposes the installation of one 4,320 square-foot and two 1,440 square foot standard portable modular buildings (trailer-type) for classroom use, office and space, and possibly a small library and/or computer room. Hours of operation of the school are Monday through Friday, 7:30 am – 4:30 p.m. Student enrollment increase from the currently authorized 124 to a maximum of <b>238</b> total persons on site is authorized pursuant to this conditional use permit. The property is zoned R-1 ( <i>Single Family Residential</i> ).
APPLICANT	Bishop John T. Steinbock Roman Catholic Diocese 1550 North First Street Fresno, CA 93703
LOCATION	1207 South Trinity Street, on the northeast corner of South Trinity Street and East Oleander Avenue, north of East Kearney Boulevard.  Assessor's Parcel Number: <b>465-241-01</b>  <b>Council District 3, Councilmember Sterling</b>
SITE SIZE	2.48 acres
LAND USE	Existing – Residential medium density Proposed- Residential medium density
ZONING	Existing- R-1 ( <i>Single Family Residential</i> ). Proposed- R-1 ( <i>Single Family Residential</i> ).
PLAN DESIGNATION AND CONSISTENCY	The existing R-1 zone district is consistent with the medium density residential planned land use designation, as shown in Table 2 of the 2025 Fresno General Plan. No changes are proposed to land use or zoning.
ENVIRONMENTAL FINDING	Finding of Exemption from the California Environmental Quality Act pursuant to Section 15332 of the CEQA Guidelines as infill development. No further environmental analysis required.
PLAN COMMITTEE RECOMMENDATION	No District 3 Plan Implementation Committee exists at this time.

STAFF RECOMMENDATION	Recommend that the Planning Commission deny the appeal and uphold the Director's determination to approve Conditional Use Permit C-10-155.
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**BORDERING PROPERTY INFORMATION**

	Planned Land Use	Existing Zoning	Existing Land Use
North	Medium Density Residential	R-1 <i>Single Family Residential</i>	Single family residential
South	Medium Density Residential	R-1 <i>Single Family Residential</i>	Church
East	Medium Density Residential	R-1 <i>Single Family Residential</i>	Single family residential
West	Medium Density Residential	R-1 <i>Single Family Residential</i>	Single family residential

**ENVIRONMENTAL FINDING**

This project is exempt under Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines as infill development. Section 15332/Class 32 states that projects the meet the following criteria are exempt from further environmental review under this section:

1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;

*The proposed use is a charter school, which is a conditional use in the R-1 zone district. The R-1 zone district is consistent with the medium density residential planned land use designation of the property (pursuant to Table 2 of the 2025 Fresno General Plan). The use is consistent with the Edison Community Plan, which documents the need for additional middle school and high school facilities; the use is also consistent with the Fresno-Chandler Downtown Airport Master and Environs Specific Plan with the density restriction included in the conditions of approval;*

2. The proposed development occurs within city limits on a site of no more than five (5) acres substantially surrounded by urban uses;

*The project site is 2.48 acres and is surrounded on 3 sides by residential development and on the south by a church.*

3. The project site has no value as habitat for rare, endangered or threatened species;

*The site has no such value; it has been a developed site for at least 40 years.*

4. Approval of the project would not result in any significant impacts related to traffic, noise, air quality or water quality; and

*The project does not meet any of the thresholds established in CEQA for traffic, noise, air quality or water quality.*

5. The site can be served by all required utilities and public services.

*The existing streets will accommodate the additional students and staff on the site (most live in the area), the existing sewer and water infrastructure is adequate to serve the site, the project is located within approximately ½ mile of Fire Station 3, and solid waste service would be provided by the City of Fresno.*

6. None of the exceptions to categorical exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project.

In conclusion, the project meets the requirements of a categorical exemption pursuant to CEQA Section 15332 as infill development and no further environmental analysis is required.

## **PUBLIC NOTICE**

In accordance with Government Code Section 65091 (Planning and Zoning Law) and Fresno Municipal Code Section 12-406-D-2, all property owners within 350 feet of the subject property were mailed a Notice of Granting of the Director's decision to approve Conditional Use Permit Application No. C-10-155. The notice included a brief project description, the environmental finding, and a description of the appeal process, including a 15-day appeal period. The same property owners also received a notice of the public hearing for this appeal (see Exhibit D for Noticing Map).

## **APPEAL**

An appeal of the Director's decision was received by the Development and Resource Management Department on November 29, 2010 (see Exhibit H). The appeal was filed by The H.E.A.T for SouthWest Fresno Community based on the reasons outlined below, which have been excerpted from the appeal letter, and are addressed individually below:

1. There was no community meeting or input in regards to this project.

*Pursuant to Fresno Municipal Code Section 12-406-C, the Development and Resource Management Department Director has granting authority over Special Permits (i.e. Site Plan Review and Conditional Use Permit applications) unless the Director elects to refer the permit to the Planning Commission, or unless appealed pursuant to FMC Section 12-406-F. Therefore, most Site Plan Review and Conditional Use Permit applications are not considered by the Planning Commission, however in council districts in which a plan implementation committee exists, the application is considered by the committee prior to Director action. In addition, all conditional use permits, with the exception of minor revisions to special permits, are noticed pursuant to FMC Section 12-406-D.*

*Currently no plan implementation committee exists in Council District 3, so the project was not considered by such a committee. However the conditional use permit, which is an amendment to the original conditional use permit for the existing school on the site, was noticed to all property owners within 350 feet of the subject property pursuant to FMC Section 12-406-D-2.*

2. As indicated in the application, the area is zoned for single family residential and should not be rezoned to accommodate this project.

*Pursuant to Fresno Municipal Code Section 12-211-3-k, both public and private schools of all levels are allowed with a conditional use permit in the R-1 (Single Family Residential) zone district. No rezone is proposed with the application.*

3. This project will be in close proximity Chandler Airport [sic], possibly in the flight pattern.

*Two airport safety zones overlay the site: the Inner Turning Zone and the Traffic Pattern Zone. The appropriate density restrictions have been applied to the project and made conditions of approval. Maximum persons allowed on site are 238. With conditions imposed, the project is consistent with the Fresno-Chandler Downtown Airport Master and Environs Specific Plan.*

4. It appears that this project will be in conflict with the Downtown Neighborhoods Revitalization plans.

*Although a Downtown Neighborhoods Community Plan is in the draft stages, no new plan has been adopted. The project is consistent with current plans.*

## **LAND USE PLANS AND POLICIES**

The most relevant objectives and policies of the various plans that pertain to the project are discussed below:

### **2025 Fresno General Plan**

Objective E-28: Cooperate with and encourage all school districts within the metropolitan area to provide the educational facilities and programs necessary to meet the needs of the area's student population.

*The Edison Community Plan discusses the need for additional middle school and high school facilities in the plan area; in addition the recently adopted Fresno Unified School District Master Plan describes the need for a new middle school in southwest Fresno. Therefore, although the proposed project is an expansion of an existing small-scale charter school serving middle and high school students, it does meet a documented educational need in the community it serves.*

Objective E-29: Plan for the location and design of schools to ensure their physical and functional compatibility with surrounding urban development and improvements, and to promote their role as the focal point of neighborhood and community activity.

E-29-a Policy: Schools should be located and designed to facilitate safe and convenient access to circulation systems including pedestrian and bicycle routes whenever possible; maintain compatibility with surrounding land uses; contribute to a positive neighborhood identity; and support the overall community design objectives of the general plan, community plan or applicable specific plan.

*The site of the charter school is served by local streets and sidewalks on all adjacent streets, and is one block away from Kearney Boulevard, a scenic collector. Therefore the immediate environs of the school are pedestrian and bicycle-friendly. Since the density of the site is limited by the Chandler Airport land use restrictions, the site will not be allowed to accommodate a student population that would put undue hardship on the neighborhood or its infrastructure. In addition, the school's location*

*adjacent to the St. Alphonsus Catholic Church expands a focal point of the neighborhood, enhancing community identity.*

**CONDITIONAL USE PERMIT FINDINGS**

<b>FINDINGS PER FRESNO MUNICIPAL CODE SECTION 12-405-A-2.</b>	
<i>a. All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,</i>	
<i>Finding a:</i>	The project consists of adding 7,190 square feet of modular classroom space to an existing 9,061 square foot existing school facility on a 2.48 acre site. The proposed lot coverage is 15% of the site. With conditions imposed, all requirements related to yards, spaces, walls and fences, parking, loading, recycling areas, and landscaping will be met.
<i>b. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,</i>	
<i>Finding b:</i>	The existing street network can accommodate the traffic to be generated by the project. A traffic study was not required for the request because projected traffic generation was below thresholds identified in the general plan
<i>c. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The third finding shall not apply to uses which are subject to the provision of Section 12-306-N-30 of this Code.</i>	
<i>Finding c:</i>	Approval of Conditional Use Permit Application No. C-10-155 authorizing three modular buildings totaling 7,190 square feet and a maximum total persons on site of <b>238</b> would not be detrimental to those properties in the vicinity or detrimental to public welfare, with Conditions of Approval imposed. All plan policies and standards required by the Fresno Municipal Code and the 2025 Fresno General Plan, the Edison Area Community Plan; the Fresno-Chandler Downtown Airport Master and Environs Specific Plan; and the Southwest Fresno General Neighborhood Renewal Area Redevelopment Project Area Plan have been applied to the proposed project as applicable to ensure compatibility with those surrounding land uses and to prevent any detriment to public welfare. The proposed use meets a documented need for additional middle and high schools in the area, at a scale that is appropriate to the neighborhood. The school will be in operation Monday through Friday from 7:55 am – 4:00 p.m. which is also compatible with the residential environment.

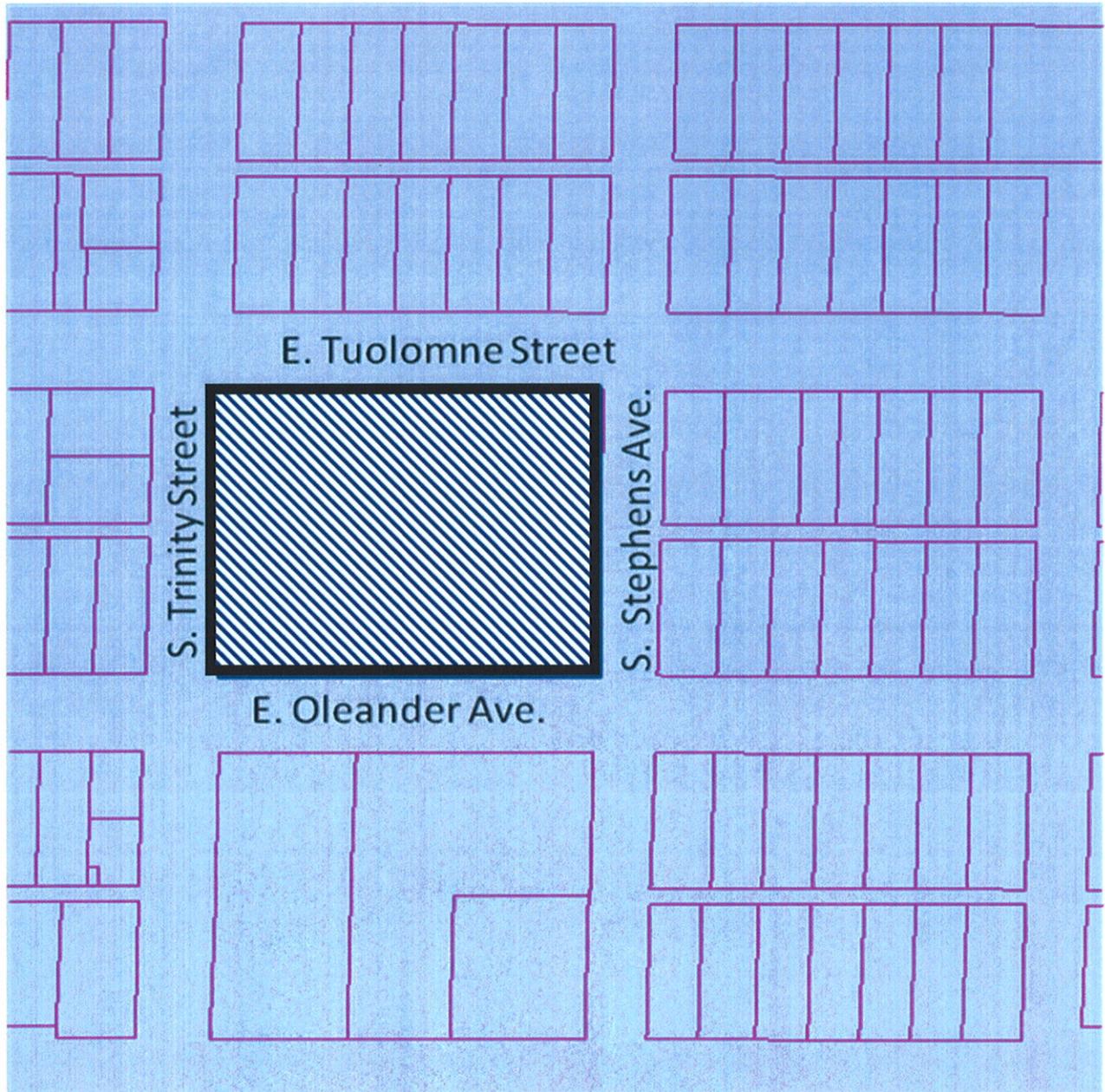
## CONCLUSION

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan and the Edison Area Community Plan; the Fresno-Chandler Downtown Airport Master and Environs Specific Plan; and the Southwest Fresno General Neighborhood Renewal Area Redevelopment Project Area Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Conditional Use Permit No. C-10-155 is appropriate for the project site.

### Exhibits:

- A. Vicinity Map
- B. 2008 Aerial Photograph of site
- C. Planned Land Use Map
- D. Noticing Map (350-foot radius)
- E. Site Plan and Elevations
- F. Conditions of Approval dated November 19, 2010
- G. Finding of Categorical Exemption dated November 19, 2010
- H. Appeal Letter dated November 29, 2010

**Exhibit A**  
Vicinity Map



Subject Property

## VICINITY MAP

## DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

CONDITINAL USE PERMIT  
APPLICATION NO. C-10-155

PROPERTY ADDRESS

1207 S. Trinity Street



Not To Scale

**APN:** 465-241-01  
**Zone District:** R-1 (*Single Family Residential*) zone district  
**By:** S. Pagoulatos  
**Date:** December 15, 2010

**Exhibit B**  
2008 Aerial Photograph of Site



Project Site

E. Tuolumne Street

S. Trinity Street

S. Stephens Avenue

E. Oleander Avenue

St. Alphonsus Church

E. Kearney Blvd.

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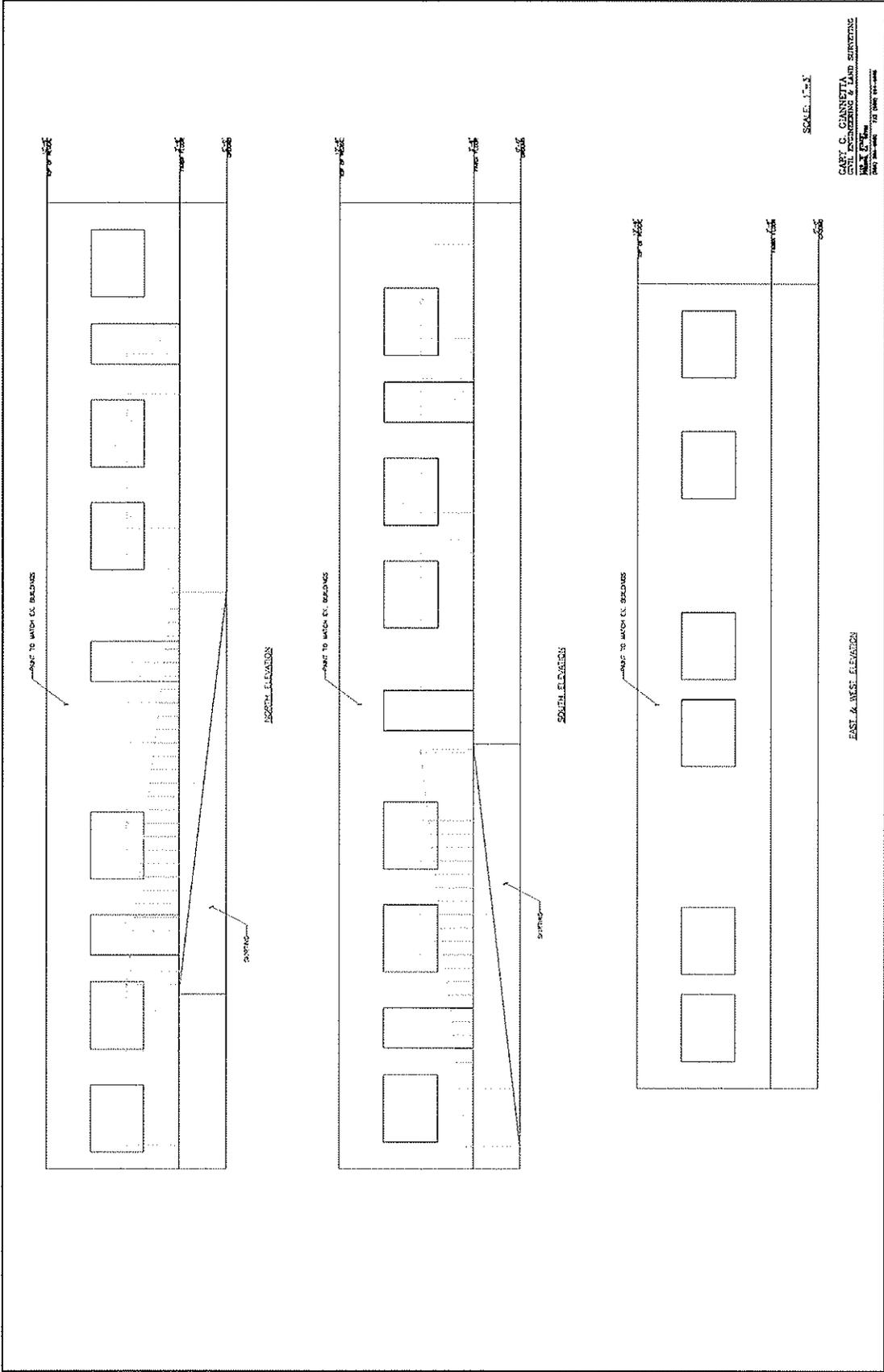
**Exhibit C**  
Planned Land Use Map



**Exhibit D**

Site Plan and Elevations submitted for Conditional Use  
Permit Application No. C-10-155  
(These exhibits are subject to conditions of approval)





SCALE: 1/8" = 1'-0"

GARY C. GIANETTA  
 ARCHITECT  
 12/19/78

EAST & WEST ELEVATIONS

12/19/78

**Exhibit E**  
Noticing Map (350-foot radius)

46520108T

AST

46521315	46521311	46521310	46521309	46521319	46521320	46521307
46521316						

46522109T

Request ID: C-10-155 350

E STANISLAUS ST

46521601	46521602	46521617	46521616	46521604	46521615	46521614
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46522301	46522302	46522303	46522304	46522305	46522306	46522307
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46522401	46522402	46522403	46522404	46522405	46522406
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46521611	46521610	46521613	46521612	46521608	46521606	46521607
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46522314	46522313	46522312	46522311	46522310	46522309	46522308
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46522414	46522413	46522412	46522411	46522410	46522409
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E TUOLUMNE ST

46523302	46523303	46523304	46523305	46523306	46523307
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46524101

46524201	46524216	46524204	46524205	46524206	46524207
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S TRINITY ST

46523314	46523312	46523311	46523310	46523309	46523308
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46524215	46524214	46524213	46524212	46524211	46524210
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E OLEANDER AVE

46523602	46523603	46523604	46523605	46523606	46523607	46523609	46523609
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46524301

46524305

46524303

46524401	46524402	46524403	46524404	46524405	46524406	46524407
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46523615	46523614	46523617	46523611	46523610
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46524414	46524413	46524412	46524411	46524410	46524409	46524408
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FRONTAGE RD

E KEARNEY BLVD

FRONTAGE RD

S STEPHENS AVE

46526302	46526303	46526304	46526305	46526306	46526307
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46527101	46527102	46527103	46527104	46527105	46527106	46527107
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46527201	46527202	46527203	46527204	46527205	46527206
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**Exhibit F**  
Conditions of Approval for  
Conditional Use Permit Application  
No. C-10-155

**CITY OF FRESNO  
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT**

**CONDITIONS OF APPROVAL**

NOVEMBER 19, 2010

**CONDITIONAL USE PERMIT APPLICATION No. C-10-155**

**NOTICE TO PROJECT APPLICANT**

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project.

This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

**PART A - PROJECT INFORMATION**

1. Assessor's Parcel No: 465-241-01 (2.48 acres)
2. Job Address: 1207 S. Trinity Street
3. Street Location: Located on the northeast corner of South Trinity Street and East Oleander Avenue, north of East Kearney Boulevard.
4. Existing Zoning: R-1 (*Single Family Residential*) zone district
5. Planned Land Use: Residential Medium Density
6. Plan Areas: Edison Community Plan  
Southwest Fresno G.N.R.A.  
Fresno Chandler Downtown Airport Master and Environs Specific Plan
7. Project Description: The applicant proposes the installation of one 4,320 square-foot and two 1,440 square foot standard portable modular buildings (trailer-type) for classroom use, office and space, and possibly a small library and/or computer room. Hours of operation of the school are Monday through Friday, 7:30 am

– 4:30 p.m. Student enrollment increase from the currently authorized 124 (C-09-165) to 325 students is also proposed. Maximum of **238** total persons on site is authorized pursuant to this conditional use permit.

## **PART B – GENERAL CONDITIONS AND REQUIREMENTS**

The Development and Resource Management Department, on November 19, 2010, approved the special permit application subject to the enclosed list of conditions and Exhibits A, E, and O dated October 14, 2010.

The project proposed for Conditional Use Permit Application No. C-10-155 was determined to be exempt from environmental review pursuant to California Environmental Quality Act Guidelines Section 15332 as infill development. No further environmental review is required.

### **IMPORTANT: PLEASE READ CAREFULLY**

Please note that this project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval are listed in the last section of this list of conditions under the heading "Part F - Miscellaneous" and may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings pursuant to Fresno Municipal Code (FMC) Section 12-405.A can be made.

**All discretionary conditions of approval will ultimately be deemed mandatory unless appealed in writing to the Development and Resource Management Director within 15 days.**

In the event you wish to appeal the Director's decision or discretionary conditions of approval, you may do so by filing a written appeal with the Director. The appeal shall include a statement of your interest in or relationship to the subject property, the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld. Your appeal must be filed by **December 6, 2010.**

Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:

1. All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Development and Resource Management Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions. **(Include this note on the site plan.)**

No uses of land, buildings, or structures other than those specifically approved pursuant to this site plan shall be permitted. **(Include this note on the site plan.)**

Transfer all red line notes, etc., shown on Exhibits A, E and O dated October 14, 2010, to the final site plan. CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

The exercise of rights granted by this special permit shall commence by **November 19, 2014** (four years from the date of Director approval). There is no exception.

**To complete the back-check process for building permits relative to planning and zoning issues, submit four copies of this corrected, final site plan, together with three copies of the elevations, landscape, and irrigation plans, and any fees and title reports for required covenants and any required studies or analyses to Sophia Pagoulatos in the Development Services Division for final review and approval, fifteen days before applying for building permits. It may be necessary to resubmit these "corrected exhibits" a second time if not all the conditions have been met or are not properly depicted. Upon approval of the "corrected exhibits" by the Development Services Division, you must place these exhibits in the plan check set and the Development Services Division, along with Traffic Planning, will sign and stamp these exhibits. Please bring two additional copies of the site plan exhibit(s) to this appointment so that both the Development Services Division and Traffic Planning have a final signed-off copy of the site plan.**

Copies of the final approved site plan, elevations, landscape, and irrigation plans stamped by the Development Services Division **must be substituted** for unstamped copies of same in each

of the sets of construction plans submitted for plan check prior to issuance of building permits. The final approved site plan must also include all corrections identified in the plan check process.

Be advised that on-site inspections will not be authorized unless the final stamped approved site plan, elevations, landscape, and irrigation plans are included in the plan check file copy.

**Please contact Sophia Pagoulatos at (559) 621-8062 or via e-mail at [Sophia.Pagoulatos@fresno.gov](mailto:Sophia.Pagoulatos@fresno.gov) for an appointment for final sign-off for building permits following your receipt and substitution of the copies of the stamped, corrected, approved exhibits in the plan check sets.**

### **PART C – PUBLIC IMPROVEMENT REQUIREMENTS**

The following requirements are based on city records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted. Requirements not addressed due to omission or misrepresentation of information, for which this review process is dependent, will be imposed whenever such conditions are disclosed.

Questions relative to dedications, street improvements or off-street parking geometrics may be directed to **Ann Lillie at (559) 621-8690 / [ann.lillie@fresno.gov](mailto:ann.lillie@fresno.gov)**, Engineering Division, Traffic Planning Section.

#### 1) STREET ENCROACHMENT PERMITS, DEDICATIONS AND VACATIONS

- a) Exhibit A is required to include all street furniture, e.g.: public utility poles and boxes, guy wires, signs, fire hydrants, bus stop benches, mail boxes, news stands, trash receptacles, tree wells, etc., within the existing and proposed public rights-of-way.
  - (i) A minimum 4-foot wide path of travel along the public sidewalk on all frontages of the property as required by Title 24 of the California Administration Code is required. An on-site pedestrian easement may be required if Title 24 requirements can not be met within the existing public rights-of-way.
- b) ENCROACHMENT PERMITS. The construction of any overhead, surface or sub-surface structures and appurtenances in the public rights-of-way is prohibited unless an encroachment permit is approved by the City Engineer. For encroachment permit information, contact the Public Works Department, Engineering Services Division at (559) 621-8693. Encroachment permits must be approved **prior** to issuance of building permits.

#### 2) STREET IMPROVEMENTS

- a) All improvements shall be constructed in accordance with the Standard Specifications

and Standard Drawings of the City of Fresno, Public Works Department. The performance of any work within the public street rights-of-way (including pedestrian, water and sewer utility easements) requires a STREET WORK PERMIT **prior** to commencement of work. Contact the City of Fresno Public Works Department, Engineering Services Section at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the city **prior** to occupancy.

- b) Repair all damaged and/or off grade off-site concrete improvements as determined by the Public Works Department, Construction Management Division. For additional information call (559) 621-5500.
- c) Comply with the required street improvements listed in the Public Works-Engineering Division memorandum dated October 15, 2010.

### 3) WATER AND SEWER SERVICE REQUIREMENTS AND CONNECTION CHARGES

- a) Connection to the City of Fresno water system is required.
- b) Connection to the City of Fresno sewer system is required.
- c) City of Fresno water and sewer connection charge obligations applicable to this project will be computed during the building construction plan check process and shall be payable at time of issuance of building permit unless other arrangements have been approved to defer such payments to a later date. For information relating to water and sewer service requirements and connection charges, contact Frank Saburit at (559) 621-8277.
- d) Open street cuts are not permitted; all utility connections must be bored.
- e) CROSS-CONNECTION CONTROL. A backflow prevention device may be required on the water service. Contact the Department of Public Utilities, Water Division (559) 621-5300 for requirements relating to approved devices, locations, testing and acceptance. This requirement must be satisfied prior to final occupancy.
- f) SEWER CONNECTION CHARGES (FMC Section 9-503-a). The following sewer connection charges may be required and will be payable at the fee rate listed in the Master Fee Schedule at the time payment is due. New sewer connection charges adopted by the Council prior to the issuance of building permits may also be applied.
  - (i) Lateral Sewer Charge (based on property frontage to a depth of 100')
  - (ii) Oversize Sewer Charge (based on property frontage to a depth of 100')

*Effective January 9, 1999, Ordinance No. 98-97 also amended certain sewer connection charges. Fresno Municipal Code Article 15, Section 12 provides property owners the incentives and deletes certain sewer connection charges pursuant to the*

*Simple Tiered Equity Program (STEP) and the Employment Development Program (EDP).*

*For additional information on the STEP and EDP, contact the Department of Public Utilities, Administration Division at (559) 621-8600.*

- g) WATER CONNECTION CHARGES: (FMC Sections 14-107 to 14-110). The following water connection charges may be required and will be payable at the fee rate listed in the Master Fee Schedule at the time payment is due. New water connection charges adopted by the Council **prior** to issuance of building permits may also be applied.
- (i) Frontage Charge (based on property frontage)
  - (ii) Transmission Grid Main Charge (based on acreage)
  - (iii) Transmission Grid Main Bond Debt Services Charge (based on acreage)
  - (iv) Fire Hydrant Charge (based on square footage to a depth of 250')
  - (v) UGM Water Supply Fee (based on living units, living unit equivalents or acreage)
  - (vi) Wellhead Treatment Fee (based on living units or living unit equivalents)
  - (vii) Recharge Fee (based on living units or living unit equivalents)
  - (viii) 1994 Bond Debt Service Charge (based on living units or living unit equivalents)
  - (ix) Service Charges (based on service size required by applicant)
  - (x) Meter Charges (based on service need)
- 4) OFF-STREET PARKING FACILITIES AND GEOMETRICS
- a) Off-Street (on-site) parking facilities and geometrics shall conform to the City of Fresno, Public Works Department, Parking Manual, and Standard Drawing(s) P-41, P-42, P-43, and requirements as noted on Exhibit A.
  - b) Applicant shall provide access and directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as determined by the City Traffic Engineer.
  - c) Submit an operational statement for the proposed gate(s) to Traffic Engineering for review and approval prior to permits.
  - d) Provide ADA details; wheel stops may be required.
- 5) SURVEY MONUMENTS AND PARCEL CONFIGURATION

- a) All survey monuments within the area of construction shall be preserved and if disturbed, shall be reset by a licensed land surveyor of the State of California.

6) IRRIGATION DITCH/CANAL REQUIREMENTS

- a) There are no irrigation requirements at this time.

7) CITY WIDE DEVELOPMENT IMPACT FEES

- a) Traffic Signal Fee. This project shall pay its Traffic Signal Mitigation Impact Fee at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual. Refer to the adopted Master Fee Schedule for fee rate. This fee shall be paid at time of building permit.
- b) Fire Station Fee (based on building square footage)
- c) Police Fee (based on building square footage)
- d) Parks Fee (based on the number of residential units)

8) FRESNO COUNTY FACILITY IMPACT FEE

- a) Pay Fresno County Facility Impact Fee. Provide proof of payment or exemption prior to issuance of permits.

**PART D – PLANNING/ZONING REQUIREMENTS**

1) PLANNING

- a) Development is subject to the following:
  - i) R-1 (*Single Family Residential*) Zone District (*Section 12-211 of the FMC*)
  - ii) Edison Community Plan
  - iii) Southwest Fresno G.N.R.A.
  - iv) Fresno Chandler Downtown Airport Master and Environs Specific Plan
  - v) 2025 Fresno General Plan and Design Guidelines
  - vi) Development Department, Performance Standards for Parking Lot Shading

2) ZONING

Development is proposed in accordance with the existing R-1 (Single Family Residential) zone district. Public schools are allowed in the R-1 zone district with a conditional use permit. Density restrictions within the Fresno Chandler Downtown Airport Master and Environs Specific Plan limit the density on site to **238**.

- a)

1) BUILDING HEIGHT

- a) The maximum allowable building height shall not exceed 35 feet. Exhibit E depicts the highest design element of the grouping of buildings as 13.5 feet, which is approved as part of this application.
- b) All final elevations are subject to review and approval by the Development and Resource Management Department. Elevations of modular structures must be enhanced as much as possible to blend with the existing buildings on the site. Match color and materials where possible; screen mechanical equipment.

2) LOT COVERAGE

- a) Maximum allowable lot coverage is 50%, proposed lot coverage is the sum of 9,061 square feet of existing buildings plus 7,200 square feet of proposed modular structures which equals 16,261 or 16% thus complying with the requirement.

3) BUILDING SETBACK, OPEN SPACES AND LANDSCAPING

- a) Provide the following minimum building setbacks:
  - (i) Front: 20 feet along all frontage streets (as depicted on Exhibit A dated October 14, 2010); since the site occupies an entire block which fronts entirely onto residentially zoned single family housing, twenty-foot setbacks are required around the perimeter of the property.
- b) Provide the following minimum landscaped areas:
  - a. 20 feet along all frontage streets (as depicted on Exhibit A dated October 14, 2010);
- c) Clearly identify all condensing units, air conditioning and heating units on the site and elevation plans.
- d) No structures of any kind (*including signs and/or fences*) may be installed or maintained within the above-landscaped areas. No exposed utility boxes, transformers, meters, piping (excepting the backflow prevention device), etc., are allowed to be located in the landscape areas or setbacks or on the street frontages of the buildings. All transformers, etc., shall be shown on the site plan. The backflow device shall be screened by landscaping or such other means as may be approved. (**Include this note on the site plan.**)
- e) The number of trees will be determined by the following formula:
  - (i) Provide one medium size tree (30 to 60 feet at maturity) for every two required

parking spaces (*Section 12-306-N-24-g-3 of the FMC*).

- 41 parking spaces required/ 2= **20** medium sized trees required on-site for the proposed project
  - Provide a total of **20** medium sized trees on-site and **22** street trees on street frontages pursuant to the attached memorandum from H. Kimber, Dept. of Public Works, dated October 14, 2010. Some existing trees will be counted to meet the street tree requirement as indicated in comments. **10** New street trees required.
- (ii) NOTE: Two small trees (15-30 feet at maturity) shall be counted as one medium-sized tree.
- f) Provide shade calculations on the landscape plan for parking lot shading in accordance with the attached *Development Department, Performance Standards for Parking Lot Shading*, including tree species and tree counts.
- g) Disperse trees over the parking lot area to provide 50 percent shading of the parking area surface within 15 years. (This requirement may be reduced to 40 percent for existing development if it is demonstrated that the constraints of an existing site would make it impossible to meet the normal standards.) Trees shall also be planted in the required landscaped area along the periphery of the development in order to shade and enhance adjacent property and public rights-of-way. Refer to the attached "Performance Standards for Parking Lot Shading," for the tree list and further details.
- h) Trees shall be maintained in good health. However, trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety; or as may otherwise be approved by the Development and Resource Management Department. **(Include this note on the site and landscape plans.)**
- i) Submit three copies of landscaping and irrigation plans prepared by a landscape professional, showing the number and types of trees, to the Development Services Division. These plans must be reviewed and approved prior to obtaining building permits.
- j) Landscaping must be in place before issuance of the certificate of occupancy. A Hold on Occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Development Services Division. **(Include this note on the site and landscape plans.)**
- k) Prior to final inspection, a written certification, signed by a landscape professional approved by the Director, shall be submitted stating that the required landscaping and irrigation system was installed in accordance with the landscaping and irrigation plans approved by the Development Services Division, Development Department. **(Include this note on the site and landscape plans.)**

4) SPACE BETWEEN BUILDINGS

- a) There is no space requirement.

5) FENCES, HEDGES, AND WALLS

- a) Temporary fences to secure projects under construction are allowed. Any temporary fence shall be adequately secured and constructed to prevent overturning due to wind, vandalism, and/or casual contact by the general public. The construction shall be performed in such a manner as to minimize any potential safety hazard, which may occur as a result of improper fence installation or damage to the fence.
- b) Only those fences as shown on the site plan shall be reviewed for approval. Fences must be black wrought iron, pursuant to condition no. 6 of the Redevelopment Agency requirements memo dated July 30, 2010.
- c) Future fences shall be reviewed and approved by the Development and Resource Management Department prior to installation. **(Include this note on the site plan.)**

6) OFF-STREET PARKING

- a) Pursuant to Section 12-306-I of the FMC, the vehicular and bicycle parking requirement for a middle school/high school combination is as follows:
- (i) *For schools, both public and private, the following standards shall apply; when relative to public schools, the standards shall be advisory only: Calculations below are based on 120 middle school students, 100 high school students and 28 teachers and other non-student employees:*
- *Elementary and junior high; there shall be one parking space for each member of the faculty and each employee and one bicycle parking space for every three students. **120 middle school students / 3 = 40 bicycle parking spaces required***
  - *High schools; there shall be one parking space for each member of the faculty and each employee, plus one space for each eight students regularly enrolled and one bicycle parking space for every four students. **100 high school students / 8 = 13 vehicle parking spaces required; 100 hs students / 4 = 25 bicycle parking spaces required.***
  - *Schools having auditoriums or places of assembly; the provisions of paragraph b above shall apply if such application will provide a greater number of spaces than (1), (2), or (3) above. The required parking spaces shall be within the school property or on a parking lot contiguous thereto.*

**Estimated parking requirements based on the above are the following:**

**65 bicycle parking spaces  
13 vehicle parking spaces for students, plus up to 28 vehicle parking spaces  
for faculty and staff**

- b) Future tenant improvements and/or changes of occupancy shall be reviewed and approved by the Development and Resource Management Department to ensure that adequate off-street parking is provided.
- c) The parking lot design must accommodate the provision of trees in accordance with the attached Parking Lot Shading Policy.
- d) A minimum of 2 automobile parking stalls accessible to individuals with disabilities are required for the proposed school per State of California Building Code, "Development Requirements for Handicapped Accessibility." Exhibit A, dated October 14, 2010, depicts -0- handicap parking stalls to service the new project, which meets the minimum requirement.
- e) All accessible stalls shall be marked with the international symbol of spaces and a warning that vehicles in violation of Section 10-1017 of the Municipal Code shall be towed away. The international symbol and tow-away warning shall be posted conspicuously on seven-foot poles. **(Include this note on the site plan.)**
- f) All accessible parking stalls shall be placed adjacent to facility access ramps or in strategic areas where the handicapped shall not have to wheel or walk behind parked vehicles while traveling to or from handicapped parking stalls and ramps. **(Include this note on the site plan.)**
- g) Lighting where provided to illuminate parking, sales or display areas shall be hooded and so arranged and controlled so as not to cause a nuisance either to highway traffic or to the living environment. The amount of light shall be provided according to the standards of the Department of Public Works. **Depict all proposed lights on the site plan.**
- h) A minimum of 65 bicycle parking spaces shall be provided for the proposed project pursuant to Section 12-306-l-2.1c of the FMC. Bicycle parking spaces shall each consist of one slot in a bike rack. They shall be grouped in racks which allow four feet of clearance on all sides. There shall be adequate space between rack slots to park, lock, and remove bicycles. Bicycle parking spaces and the required four-foot clearance shall be protected from motor vehicle encroachment by means of fixed barriers not less than six inches or more than three in height. Bicycle parking spaces shall not encroach into pedestrian ways, landscaped areas, or other required open spaces, and shall be located proximal to structures. Alternative designs for bicycle parking may be considered. Indicate proposed location and design on revised plans for final review and approval.
  - (i) **Depict the proposed bicycle parking spaces on the site plan prior to issuance of building permits.**

- i) All general provisions of Section 12-306-I of the FMC shall apply to all parking areas.

7) LOADING SPACE REQUIREMENTS

- a) No loading space requirements.

8) ACCESS

- a) There shall be adequate vehicular access from a dedicated and improved street or alley to off-street parking and loading facilities on the property requiring off-street parking and loading. See Fire Department memorandum dated October 19, 2010.
- b) Vehicular and/or pedestrian access shall be provided and shall remain clear at all times.

9) ADDRESSING

- a) The address listed in the conditions of approval is the 'Official Address' given to the building. If you would like separate suite or unit numbers for a building, provide a floor plan and contact the City of Fresno Development and Resource Management Department for 'Official Addresses'. **Only those addresses assigned by the City of Fresno will be recognized as 'Official Addresses'**. The United States Post Office will only recognize addresses assigned by the City of Fresno. If a non-official address is given to a building and or/separate suites, the City of Fresno has the authority to charge a fee and have those addresses corrected. In addition, the United States Post Office will cease mail delivery to those addresses that are not 'Official Addresses'.
- b) The official address of the proposed office is **1207 South Trinity Street**.

10) NOISE

- a) Pursuant to Section 10-102.b of the FMC and the 2025 Fresno General Plan policies, noise levels for residentially zoned properties shall comply with the noise limits contained in the table below, measured at the nearest subject property line. Future uses and/or development shall be required to comply with this provision. **(Include this note on the site plan.)**

DISTRICT	TIME	SOUND LEVEL DECIBELS
Residential	10 pm to 7 am	50
Residential	7 pm to 10 pm	55
Residential	7 am to 7 pm	60

11) OUTDOOR ADVERTISING

- a) Signs, *other than directional signs, if applicable*, are not approved for installation as part of this special permit. **(Include this note on the site plan.)**
- b) All proposed signs shall conform to the current sign ordinance. Applications for a sign permit and requirements for submittal are available at the Development Services Division's Public Front Counter.
- c) All signs shall be architecturally compatible with the proposed buildings.

12) ENVIRONMENTAL COMPLIANCE

- a) The project proposed for Conditional Use Permit Application No. C-10-155 was determined to be exempt from environmental review pursuant to California Environmental Quality Act Guidelines Section 15332 as infill development. No further environmental review is required

**PART E – CITY AND OTHER SERVICES**

1) AIRPORTS

- a) Comply with requirements of the Fresno Yosemite International memo dated October 18, 2010. Maximum daily persons allowed on the site shall not exceed **238**. An aviation easement may be required. Verify with airports staff.

2) BUILDING AND SAFETY SERVICES

- a) Comply with requirements of the City of Fresno Building and Safety Services. Plans and building permits required.

3) FIRE PROTECTION

- a) Comply with the attached City of Fresno Fire Department memorandum dated October 19, 2010;

4) SOLID WASTE MANAGEMENT

- a) Comply with the attached Department of Public Utilities-Solid Waste Division memorandum dated October 26, 2010.

5) STREET TREES

- a) Comply with the attached Department of Public Works-Engineering Division memorandum dated October 14, 2010.

6) DEPARTMENT OF PUBLIC UTILITIES

- a) Comply with the attached Department of Public Utilities memoranda related to sewer and water service dated July 22, 2010.

7) POLICE DEPARTMENT

- a) The City of Fresno Police Department provided no comments at this time.

8) DEPARTMENT OF TRAFFIC ENGINEERING

- a) Comply with the attached Public Works-Traffic Engineering memorandum dated October 15, 2010.

9) FRESNO REDEVELOPMENT AGENCY

- a) Comply with attached memo from the Fresno Redevelopment Agency dated July 30, 2010.

10) CALTRANS

- a) Caltrans provided no comments at this time.

11) FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

- a) Comply with the attached letter dated August 24, 2010 from the FMFCD.
- b) Pay required drainage fee in the amount of \$690.00 (fees are updated annually; check amount prior to building permits).

12) FRESNO COUNTY ENVIRONMENTAL HEALTH

- a) Comply with the attached letter from the Fresno County Environmental Health Department dated July 23, 2010.

13) PG&E

- a) Pacific Gas & Electric provided no comments at this time

**PART F – MISCELLANEOUS**

- 1) Approval of this site plan is contingent upon the submittal of corrected exhibits showing all existing/proposed on-site conditions as reflected on all exhibits (dated October 14, 2010) and the following:

- a) Compliance with Exhibit O, Project Description/Operational Statement;
- b) Provide a color and material schedule on the site plan, as well as on the elevations, for the exterior of all buildings and structures.
- c) Screen all roof-or wall-mounted equipment from the view of public rights-of-way. **Depict all mechanical equipment on site plan and elevations.**
- d) If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately. **(Include this note on the site plan.)**
- e) If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (Phone: (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists. An archeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation. **(Include this note on the site plan.)**
- f) If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist and, if the paleontologist determines the material to be significant, it shall be preserved. **(Include this note on the site plan.)**

**All discretionary condition of approval will ultimately be deemed mandatory unless appealed in writing to the Development and Resource Management Department Director within 15 days.**

K:

**Exhibit G**  
Environmental Assessment No. C-10-155

**CITY OF FRESNO  
CATEGORICAL EXEMPTION  
ENVIRONMENTAL ASSESSMENT NO. C-10-155**

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO BE CATEGORICALLY  
EXEMPT FROM THE PREPARATION OF ENVIRONMENTAL DOCUMENTS  
PURSUANT TO ARTICLE 19 OF THE STATE CEQA GUIDELINES.

**APPLICANT:** Bret Giannetta  
Gary G. Giannetta Civil Engineer  
1119 'S' Street  
Fresno, CA 93721

**PROJECT LOCATION:** 1207 S. Trinity Street  
Fresno, CA 93706  
(APN: 465-241-01)

**PROJECT DESCRIPTION:** Conditional Use Permit No. C-10-155 pertains to 2.48 acres of property located on the northeast corner of South Trinity Street and East Oleander Avenue, north of East Kearney Boulevard. The applicant proposes the installation of one 4,320 square-foot and two 1,440 square foot standard portable modular buildings (trailer-type) for classroom use, office and space, and possibly a small library and/or computer room. Hours of operation of the school are Monday through Friday, 7:30 am – 4:30 p.m. Student enrollment increase is proposed from the currently authorized 124 to a maximum of **238** total persons on site. The property is zoned R-1 (*Single Family Residential*).

**ENVIRONMENTAL FINDING:**

This project is exempt under Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines as infill development. Section 15332/Class 32 states that projects that meet the following criteria are exempt from further environmental review under this section:

1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;

*The proposed use is a charter school, which is a conditional use in the R-1 zone district. The R-1 zone district is consistent with the medium density residential planned land use designation of the property (pursuant to Table 2 of the 2025 Fresno General Plan). The use is consistent with the Edison Community Plan, which documents the need for additional middle school and high school facilities; the use is also consistent with the Fresno-Chandler Downtown Airport Master and Environs Specific Plan with the density restriction included in the conditions of approval;*

2. The proposed development occurs within city limits on a site of no more than five (5) acres substantially surrounded by urban uses;

*The project site is 2.48 acres and is surrounded on 3 sides by residential development and on the south by a church.*

3. The project site has no value as habitat for rare, endangered or threatened species;

*The site has no such value; it has been a developed site for at least 40 years.*

4. Approval of the project would not result in any significant impacts related to traffic, noise, air quality or water quality; and

*The project does not meet any of the thresholds established in CEQA for traffic, noise, air quality or water quality.*

5. The site can be served by all required utilities and public services.

*The existing streets will accommodate the additional students and staff on the site (most live in the area), the existing sewer and water infrastructure is adequate to serve the site, the project is located within approximately ½ mile of Fire Station 3, and solid waste service would be provided by the City of Fresno.*

6. None of the exceptions to categorical exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project.

In conclusion, the project meets the requirements of a categorical exemption pursuant to CEQA Section 15332 as infill development and no further environmental analysis is required.

Date: November 19, 2010

Prepared By: Sophia Pagoulatos, Supervising Planner

Submitted By:



City of Fresno  
Development and Resource Management Department  
(559) 621-8062

K:\Master Files - 2009\CUP\CUP\C-10-155, 1207 S. Trinity Street

**Exhibit H**

Appeal Letter received November 29, 2010

**The H.E.A.T for SouthWest Fresno Community**

*(Hope Effort Appropriately Thriving)*

P O Box 12571

Fresno, CA 93778

e-mail:HEATSWFC@aol.com

RECEIVED

November 28, 2010

City of Fresno  
Development & Resource Management Department  
2600 Fresno St.  
Fresno, CA 93721

NOV 29 2010  
Planning Division  
Planning & Development Dept.  
CITY OF FRESNO

Re: C-10-155

Attn: Sophia Pagoulatos, Planning Department,

Please be advised that the H.E.A.T. for the SW Fresno Community object to the above-mentioned project for the following reasons:

1. There was no community meeting or input in regards to this project.
2. As indicated in the application, the area is zoned for single family residential and should not be rezoned to accommodate this project.
3. This project will be in close proximity Chandler Airport, possibly in the flight pattern.
4. It appears that this project will be in conflict with the Downtown Neighborhoods Revitalization plans.

Sincerely

The Members of H.E.A.T. for SW Fresno Community