Exhibit N

FRESNO MUNICIPAL CODE FINDINGS
FOR DEVELOPMENT PERMIT APPLICATION NO. P23-03784
AND PLANNED DEVELOPMENT PERMIT NO. P23-03785

PLANNED DEVELOPMENT PERMIT
LIST OF MODIFICATIONS

Per Fresno Municipal Code Section 15-5903

Planned Development Permit Component

Pursuant to FMC Section 15-5901, Planned Development approval is required for projects on infill sites that desire greater flexibility than already provided for in the development code. Therefore, the related Planned Development Permit component was filed concurrently for the purpose of modifying development standards in accordance with FMC Sections 15-1103, 15-1104, 15-1105, and 15-2305. The requested development standard modifications pertain to setbacks, façade design requirements, site design development standards, and the required landscape buffer.

Fresno Municipal Code

Given the conditions of approval dated August 30, 2024, Development Permit/Planned Development Permit Application Nos. P23-03784 and P23-03785 will meet all the provisions of the FMC and will comply with all applicable design guidelines of the NMX (Neighborhood Mixed-Use) zone district, except for the specific development code modifications requested under the related Planned Development Permit component.

The requested development standard modifications are as follows:

Table 15-1103: Density, Intensity, and Massing Standards—Mixed-Use Districts		
Development Code Section	**Standard**	**Requested Modification**
§15-1103 Front Setback, Minimum/Maximum	-/10	10' to 30'
§15-1103 Frontage Coverage, Minimum	60%	56%

Section 15-1104 Site Design Development Standards		
Development Code Section	**Standard**	**Requested Modification**
§15-1104-B-2-b RS Transition Setbacks	**Interior Side and Rear.** The interior side and rear setback abutting an RS District boundary shall be 20 feet.	3' to 11'
§15-1104-C Corner Frontage	**Corner Frontage.** Buildings on corner lots must be located within five feet of the street property line for the minimum length specified in Table 15-1103 (15 feet). Plazas maybe located at the street corner provided the plaza meets the requirements of	Buildings on the corner lot will be more than five feet from the street property line for the minimum 15-foot length.

	Section 15-1104-E.1.c and buildings are built to the edge of the plaza. Buildings within 5 feet to back of sidewalk, 15 feet minimums along the building frontage on the corner.	Buildings with greater than 5 feet to back of sidewalk for the entire 15-foot minimums along the building frontage on the corner.
§15-1104-D-1 Parking Setback, Minimum	**Parking Setback.** Parking shall be setback as shown on Table 15-1103 except as provided below: 1. **Surface Parking.** a. Surface parking which is located behind a building shall not be subject to the parking setback requirement. b. On lots less than 150 feet in width or depth or at the discretion of the Review Authority, surface parking may be set back less than the distance shown on Table 15-1103, if the following conditions are met: i. Such parking shall not be set back from the street less than adjacent buildings on the site. ii. The parking setback area shall be landscaped. iii. There shall be no more than four adjacent parking spaces in surface parking areas located less than 30 feet from a street-facing lot line. The space between groups of four adjacent parking spaces shall be equal in width to the adjacent parking spaces and shall be landscaped. iv. Parking spaces shall be screened from the adjacent street with a minimum three-foot berm, wall, or hedge, or combination thereof. c. If a sound wall is required along a certain frontage, or if other circumstances exist that render the Parking Setback impractical or unnecessary, the Review Authority may waive the Parking Setback requirement.	5’

§15-1104-F-2 Sidewalks,	**Width.** Sidewalks shall be no less than 12 feet in width. If the current distance between the right-of-way boundary and the face of the adjacent curb is less than 12 feet, the method by which this requirement shall be satisfied shall be determined by Review Authority. The available methods shall be as follows: a. **Set Back.** The building may be set back from the right-of-way boundary the distance that is necessary to achieve the required sidewalk width. The portion of the sidewalk which lies within the private parcel shall be guaranteed for public access by the enactment of a public access easement. b. **Reconstruction.** The applicant may demolish and reconstruct the sidewalk for the entirety of the block frontage(s) which the project occupies to the extent necessary to satisfy the requirements of this section. c. **Parklet.** The sidewalk may be expanded into the roadway by a metal or wood deck which does not interfere with the drainage of the street. In such instances the applicant shall enter into an encroachment agreement with the City in which the applicant accepts full responsibility for the maintenance and repair of the parklet, as well as providing the indemnification and insurance as required by the City's Risk Manager. d. **Width Exemption.** For unusually challenging site conditions, or in instances in which the existing building and sidewalk pattern warrants it, the Director may exempt the applicant providing the full sidewalk width required above. In such instances all other requirements in this section, such as for trees and lighting, shall be met. **Treatment.** Required sidewalks shall be paved and landscaped as follows:	Proposed Sidewalks: Belmont Ave: 12 feet Delno Ave: 12 feet Franklin Ave: 10 feet Pacific Ave: 9.5 to 10.5 feet

	a. **Adjacent to Mixed-Use or Non-Residential Projects.** The full width of the sidewalk shall be fully paved in uncolored concrete with a simple 30-inch scoring pattern. b. **Adjacent to Residential-Only Projects**. A seven-foot walkway adjacent to the private parcel shall be paved in uncolored concrete with a simple 30-inch scoring pattern. The five feet adjacent to the curb shall be a parkway strip which shall be landscaped in a manner to be determined by the Director.	
§15-1104-F-4 Street Trees,	**Trees.** Street trees shall be provided with sidewalk improvements. Exact tree type and location shall be determined by the Director. Preferred street tree type and location shall be as follows: a. **Alignment.** Street trees should be located no more than three feet from the back of curb, and whenever possible should be aligned with other trees on the block. b. **Spacing.** Street trees should generally be evenly spaced, no less than 20 feet apart, and not more than 40 feet apart. Whenever possible, trees should not be located directly in front of building entrances. c. **Wells.** When a parkway strip is not provided, trees should be placed in tree wells measuring five feet by five feet. To maximize usable sidewalk area, tree wells shall be covered by grates of a design which is approved by the Director. Larger tree wells may be required by the Public Works Director for species requiring more space. The property owner shall assume maintenance responsibilities for the tree grates. d. **Species.** Street trees should be deciduous, fast growing, drought tolerant, and should eventually form a tall canopy. Not more than one species should be planted per block. Whenever nearby pre-existing trees are in good condition and meet the intent of this section, new trees should be of the same species.	Belmont Ave, Delno Ave, and Franklin Ave: Provide street trees every 20 to 40 feet along the curbline. Pacific Ave: Provide street trees every 20 to 40 feet in the front setback near the back of the sidewalk.

§15-1104-F-5 Pedestrian Lighting	**Lighting.** Pedestrian-scaled streetlights shall be provided with sidewalk improvements. Exact design and location shall be determined by the Director. Preferred designs and locations shall be as follows: a. **Alignment.** Streetlights should be located no more than three feet from the curb, and whenever possible should be aligned with street trees, as well as other lights on the block. b. **Spacing.** Streetlights should be generally evenly spaced, no less than 30 feet apart, and not more than 80 feet apart. Whenever possible, streetlights should be no less than 15 feet from nearby street trees. c. **Design.** Streetlights should not be of the type commonly known as Cobra Heads or other types which are intended primarily for the illumination of the vehicular roadway. Lights should be ornamental and designed primarily for the illumination of the sidewalk. Whenever nearby pre-existing lights are in good condition and meet the intent of this section, new lights should be of the same type. Intersection safety lights shall be typical cobra-head design, while mid-block lighting should be ornamental and scaled for the pedestrian environment. Lighting shall meet Public Works standards.	Proposing combination of pole lighting, bollard lighting, and uplighting, all of which are located on site.
§15-1104-H Pedestrian Access	Pedestrian Access. Pedestrian access to public streets shall be provided at the preference of the applicant by either the Flexibility Option or the Certainty Option as follows: 1. Flexibility Option. The applicant must demonstrate to the satisfaction of the Review Authority that the project meets the following goals: A. Provide sufficient opportunities to walk to nearby amenities, services, and transit facilities.	Belmont = No entrances along frontage. Pacific = More than 100’ of frontage between each entrance.

	B. Create an interface between the building and the public sidewalk which results in a high level of activity on the sidewalk 1 entrance per 100' of frontage.	

Section 15-1105 Façade Design Development Standards		
Development Code Section	**Standard**	**Requested Modification**
§15-1105-C-2 Colors	At least three exterior colors (each cladding material shall count as a color, and trim/accent colors shall each count as a color, and visually significant colors for doors, balconies, and similar elements may count as a color).	2 Colors.
§15-1105-D-1 Windows, Glazing Ratio	**Window Design.** 1. **Glazing Ratio.** Street-facing façades of each floor of the building shall have an overall wall composition of at least 25 percent glazing, but not more than 70 percent glazing, with the exception that commercial portions of the ground floor shall be subject to subsection D-2.	The Belmont façades have 60% glazing and the façades along Pacific Avenue has 25% glazing. However, glazing on both facades is obscured by brushed stainless steel louvers.
§15-1105-D-3 Windows, Vertical Proportion	**Vertical Proportion.** On upper stories, at least 50 percent of all window openings, windowpanes, or distinct window units shall have a vertical proportion, in which their height exceeds their width by 25 percent or more.	0% proposed.
§15-1105-E-1 Façade Alignment, Vertical	**Façade Alignment.** 1. **Vertical Alignment.** With the exception of mansard roofs, cornices, and other such features, façades shall be oriented vertically and shall have no slope.	Walls will have a slight slope.
§15-1105-E-2 Façade Alignment, Horizontal	2. **Horizontal Alignment.** With the exception of bay windows and similar features, façades shall run parallel or perpendicular to the adjacent street.	Walls are angled at 12% relative to the street.

§15-1105-G Façade Elements	**Façade Elements.** Development shall incorporate a minimum of one of the following Façade Elements into street-facing building façades. 1.Forecourts; 2. Bay Windows; 3. Balconies; 4. Porches; 5. Stoops; 6. Arcades.	Facades do not feature listed elements.

Article 23 Landscape		
Development Code Section	**Standard**	**Requested Modification**
§15-2305-C-1 Landscape Buffer	C. **Lot Perimeters.** Landscape buffers shall be installed and maintained alongside and rear lot lines between differing land uses, in accordance with the sections of this article and the following standards: 1. **Required Landscape Buffers.** Table 15-2305-C-1, Required Landscape Buffers, shows when a buffer treatment is required, and of what type, based on the proposed use and the adjoining district. Only the proposed use is required to provide the buffer yard. The type of buffer yard required refers to buffer yard-type designations (Type 1 or Type 2) as shown in Table 15-2305-C-2, Buffer Yard Requirements. A dashed line, "-", means that a buffer yard is not necessary unless required by another section of this Code. For this project, Standard Type 2, 15-foot landscape buffer required.	Average landscape buffer width of 9 feet with the buffer ranging between 4 foot 5 inches and 21 foot 6 inches. 2 small to medium trees, 16 large shrubs, 1 small to medium shrubs every 100 linear feet. Proposing a 6 foot on center solid hedge wall which will reach approximately 10 feet in height along the 6-foot CMU screening wall abutting the residential properties.

City of FRESNO

Planning & Development Department
Development Services Division
2600 Fresno Street, Third Floor, Room 3043
Fresno, CA 93721-3604

Planned Development Application Supplemental Information

The following items must be submitted in order to process your application. Please submit this on a separate document if additional space is needed. Indicate what standards are being requested to be modified and the findings to support the modification.

Code Section or Plan Policy #	Description of standard of requirement	Requested Modification	Describe how proposed modification is demonstratively superior and will achieve superior community design, environmental preservation, and/or substantial public benefit

SEE THE NEXT PAGE OF THIS PDF FOR JUSTIFICATIONS FOR EXCEPTIONS TO ZONING STANDARDS AND FOR INFORMATION REGARDING THE FINDINGS

On a separate piece of paper please provide sufficient information to support the following findings:

- ☐ The proposed development is consistent with the General Plan, any applicable operative plan, and adopted policies, including the density and intensity limitations that apply;
- ☐ The subject site is physically suitable for the type and intensity of the land use being proposed;
- ☐ The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation, and/or substantial public benefit.
- ☐ The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation, and/or substantial public benefit. In making this determination, the following factors should be considered:

  (1) Appropriateness of the use(s) at the proposed location; (2) The mix of uses, housing types, and housing price levels; (3) Provision of infrastructure improvements; (4) Provision of open space. For example, a greater amount of open space than would otherwise be provided under the strict application of this code; (5) Connectivity to public trails, schools, etc.; (6) Compatibility of uses within the development area; (7) Creativity in design and use of land; (8) Quality of design, and adequacy of light and air to the interior spaces of the buildings; and, (9) Overall contribution to the enhancement of neighborhood character and to the built and natural environment of Fresno in the long term.

Golden Charter Academy

Request for Modification of Certain Development Standards

Subject	Code Section	Standard	Proposed	Justification
Front Setback, Min / Max	15-1103	0' / 10'	10' to 30'	In a corridor that is intended to evolve into a multi-modal, mixed-use configuration, excessive front setbacks and low frontage coverage are problematic, and this standard addresses that in an appropriate way. Bringing most of the buildings up to the back of the sidewalk enhances walkability. However, it is quite common in such settings for civic buildings, such as schools, to be set back slightly more than offices, shops, and apartments. This creates variety in the urban environment and helps to celebrate the special functions of these buildings. The proposed design comes close to meeting the minimum standard, but by slightly deviating from the normal approach, the civic nature of this building can be emphasized.
Frontage Coverage, Min	15-1103	60%	56%	
RS Transition Setbacks	15-1104-B-2-b	20'	3' to 11'	Placing a multistory multifamily building directly adjacent to existing single-family houses is considered disruptive by some homeowners, and this standard honors that opinion. However, this school structure will only be 1 story tall, and the interface between the houses and the school will be quiet and visually unobtrusive, with activity generated by the school being directed away from the house into the interior of the site. Additionally, the school will be unoccupied over night, when the residential uses are most sensitive to noise and need the most privacy.
Corner Frontage	15-1104-C	15'	0'	While the proposed design does not meet the letter of this design, it certainly meets the spirit by placing an attractive and unique sculpture and fountain feature at the corner of Belmont and Pacific avenues. We believe it is an appropriate approach for a civic building of this nature to anchor and celebrate the corner.
Parking Setback, Min	15-1104-D-1	30'	5'	Parking lots that are adjacent to the sidewalk are not complimentary to walkability, and this standard rightfully seeks to minimize their impact. The proposed site plan creates frontages that are primarily occupied by buildings, which is the best outcome for walkability. The primary frontage along Belmont Ave has no parking, and the parking lot only occupies about 31% of the secondary frontage on Pacific Ave. Increasing the parking setback to 30' would reduce the parking supply without significant benefit.
Pedestrian Access	15-1104-H	1 entrance per 100' of frontage	Belmont = 0 Pacific = .25	This standard is perfect for multifamily and mixed-use buildings and will create a lively and active streetscape. However, it would be unusual, unwieldy, and potentially unsafe for a school to have so many public entrances.
Colors	15-1105-C-2	3 or more	2	Variety in colors and materials are an excellent way to create visual interest in the urban landscape. Many Fresno developers default to beige stucco; by forcing them to add more colors and materials, a typical strip mall or tract house can be dressed up a bit. However, this proposal is not a beige strip mall. This design is unconventional, dramatic, highly articulated, and exciting. While this standard can push a typical building to be more attractive, the proposed design will be far more attractive and interesting than anything that could be created by a more conventional approach.

Subject	Code Section	Standard	Proposed	Justification
Windows, Glazing Ratio	15-1105-D-1	25% to 70%	Uncertain-- May or may not comply depending on how measured	Glazing Ratio: The design may or not comply, depending on how it is measured. The actual facades comply: The Belmont façade is 60% glazing (glazing 940 SF / wall 1581 SF) and the Pacific façade is 25% (glazing 1319 SF / wall 5275 SF). However, the glazing on both facades is obscured by brushed stainless steel louvers. From some angles the glazing will be visible to passing motorists and pedestrians, from other angles it will not. However, the design will not be flat and dull and the building will feel occupied and interactive with the public realm, albeit in an unusual way. Facade Alignment: The facades generally follow the trajectory of Belmont and Pacific avenues, but at slight angles which makes them come to a point on each side. The facades also have a slight slope. These standards makes perfect sense for office, multifamily, or mixed-use buildings. As the street builds out over time, these standards will result in a dignified and attractive urban streetwall with many "eyes on the street." Admittedly, this design is very unconventional, but it is appropriate and traditional for buildings of a civic nature (such as courthouses, libraries, and schools) to stand apart from the rest of the urban fabric, and we think that the proposed design serves that purpose very well. When blended with the calmer and more conventional mixed-use buildings which will hopefully emerge along Belmont in the future, this structure will serve as a delightful explanation point in the landscape.
Windows, Vertical Proportion	15-1105-D-3	>50% of windows	0%	
Façade Alignment, Vertical	15-1105-E-1	Walls shall have no slope	Walls have sight slope	
Façade Alignment, Horizontal	15-1105-E-2	Walls shall be parallel to street	Walls are angled at ~12% relative to the street	
Façade Elements	15-1105-G	Facades shall feature listed elements	Facades do not feature listed elements	The listed façade elements make for an interesting and lively streetwall, however, they are inappropriate for a school, particularly one of this style. The proposed design will contribute to a varied and engaging streetscape and its deviation from the standards will set it apart as a civic landmark in a neighborhood that has been deprived of buildings of such high caliber.
Parking Requirement	15-2408	NMX: 57 Other Zones: 33	33	The MX zones are intended to create a walkable, transit-oriented environment that is different than the typical car-oriented landscape of suburban Fresno. Development standards are designed to shape development in a way that matches that vision, including significant reductions in the amount of parking that is required. However, in an apparent oversight, schools in the MX districts actually require MORE parking than in non-mixed-use zoning districts. This is because all non-residential uses are blended into a single parking requirement. This doesn't account for the lower parking generation rates, on a per square foot basis, for schools. This certainly wasn't intentional, and works at cross-purposes to the rest of the standards and the goals of the district. The amount of parking proposed for this project complies with Fresno's standard parking requirement for a school, and we firmly believe that is more sufficient. Furthermore, this block of Pacific Avenue can accommodate approximately 50 parked cars and there are no other uses on this block to compete for those spots.

Golden Charter Academy

PD Permit Findings

☑ **The proposed development is consistent with the General Plan, any applicable operative plan, and adopted policies, including the density and intensity limitations that apply.**

A school is consistent with the Neighborhood Mixed-Use General Plan Land Use designation. This designation promotes districts with a mix of housing, retail, offices, and services in a pedestrian-oriented built form. Schools are a Permitted use in the implementing zoning district (NMX) and the proposed project's FAR of 0.3 is well below the maximum FAR of 1.5.

This project is very supportive of the goals of the General Plan, particularly goals 6 through 8.

> Goal 6 is to "Provide for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the city." By placing a high-quality educational facility within an existing disadvantaged neighborhood which lacks such amenities, this project helps Parkside become the type of neighborhood described in Goal 6.
>
> Goal 7 is to "Develop Complete Neighborhoods and districts with an efficient and diverse mix of residential densities, building types, and affordability which are designed to be healthy, attractive, and centered by schools, parks, and public and commercial services to provide a sense of place and that provide as many services as possible within walking distance." The neighborhood currently lacks a school, and the addition of the Golden Charter Academy will help to center the Parkside neighborhood. The addition of this facility will make Parkside more of a complete neighborhood.
>
> Goal 8 seeks to "Promote a city of healthy communities and improve quality of life in established neighborhoods. Emphasize supporting established neighborhoods in Fresno with safe, well maintained, and accessible streets, public utilities, education and job training, proximity to jobs, retail services, health care, affordable housing, youth development opportunities, open space and parks, transportation options, and opportunities for home grown

> businesses." Parkside is an established neighborhood which presently lacks educational opportunities and other amenities. Its presence will promote a healthier community and an improved quality of life for nearby residents.

Placing a school along a planned mixed-use corridor adjacent to existing residential uses implements the Complete Neighborhoods goals of the GP. Creating Complete Neighborhoods with a mix of housing, retail, services, and schools is a clear goal of the General Plan, and it is mentioned in several instances, including:

> Page 11-3: "Develop Complete Neighborhoods and districts with an efficient and diverse mix of residential densities, building types, and affordability which are designed to be healthy, attractive, and centered by schools, parks, and public and commercial services to provide a sense of place and that provide as many services as possible within walking distance."
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> Objective HC-2: "Create complete, well-structured, and healthy neighborhoods and transportation systems."
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> Policy HC-2-a: Healthy Neighborhoods. "Promote the design of Complete Neighborhoods whose physical layout and land use mix allow for walking to local stores and services, biking, and transit use; foster community pride; enhance neighborhood identity; encourage public safety; are family-friendly; and address the needs of residents of all ages and abilities."

This proposal helps to curb suburban sprawl by driving investment away from the metropolitan edge and into the existing city. Curbing sprawl is a dominant theme of the General Plan and is mentioned throughout the document. Examples include:

> Page 3-5: "Fresno has generally grown out over the years from its first origins, Downtown. For decades that growth has been mostly of a low density suburban style development that relies heavily on the auto as the single means of mobility. This has created a condition of sprawl, sometimes leaving neglected neighborhoods and developed land uses adjacent to a number of major streets either vacant or underutilized. This can be seen in Downtown today, as well as other areas surrounding Downtown."
> Page 4-3: "Emphasize the City as a role model for good growth management planning, efficient processing and permit streamlining, effective urban development policies, environmental quality, and a strong economy. Work collaboratively with other jurisdictions and institutions to further these values

throughout the region. Positively influence the same attributes in other jurisdictions of the San Joaquin Valley –and thus the potential for regional sustainability -and improve the standing and credibility of the City to pursue appropriate State, LAFCO, and other regional policies that would curb sprawl and prevent new unincorporated community development which compete with and threaten the success of sustainable policies and development practices in Fresno."

On Page 3-46 the General Plan notes that "Fresno is part of an eight-county region, each with its own Metropolitan Planning Organization. Collectively, they have approved the San Joaquin Valley Blueprint along with… Smart Growth principles… which have been integrated into the General Plan." On Page G-26 Smart Growth is defined as "An urban planning and transportation theory that concentrates growth in compact walkable urban centers to avoid sprawl. It also advocates compact, transit-oriented, walkable, bicycle-friendly land use, including neighborhood schools, complete streets, and mixed-use development with a range of housing choices. Smart growth values long-range, regional considerations of sustainability over a short-term focus. Its sustainable development goals are to achieve a unique sense of community and place; expand the range of transportation, employment, and housing choices; equitably distribute the costs and benefits of development; preserve and enhance natural and cultural resources; and promote public health." The location of this proposed project within the existing boundaries of Fresno, in a neighborhood that began being urbanized over 100 years ago, by adding a pedestrian-oriented school to a residential neighborhood is clearly in line with adopted Smart Growth principles.

☑ **The subject site is physically suitable for the type and intensity of the land use being proposed.**

The project fits comfortably within the project site, resulting in an FAR of only 0.3, which is far lower than what is allowed. There is generous open space on site, and the school will present an attractive and accessible interface with the neighborhood with attractive facades and abundant landscaping. Furthermore, there is historical precedence for a school in this location. From 1917 to 1969 the southwest corner of Belmont and Pacific avenues was the Fresno Union Academy, a private school which was run by the Seventh Day Adventist Church. In 1953 this site was developed as the gymnasium for that school.

☑ The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation, and/or substantial public benefit. In making this determination, the following factors should be considered:

(1) Appropriateness of the use(s) at the proposed location.

This use is permitted by-right, is the original historic urban use of the site, and is presently lacking in the neighborhood.

(2) The mix of uses, housing types, and housing price levels.

This is not a housing project, but the General Plan envisions complete neighborhoods for Fresno, but Parkside is primarily residential. The non-residential uses along Belmont Avenue primarily consist of nightclubs, restaurants, and a gas station. To the southeast of the site are several industrial uses. A school is lacking in this area and the proposed project would add the this mix of uses in the vicinity.

(3) Provision of infrastructure improvements.

All required infrastructure will be provided per City standards and the Conditions of Approval.

(4) Provision of open space. For example, a greater amount of open space than would otherwise be provided under the strict application of this code.

Open space is abundant on the proposed site plan. There will be a playground, open green spaces, and the corridors have been designed to be generous and open to facilitate play. Furthermore, Golden Charter Academy has a strong relationship with the Chaffee Zoo and the children spend part of every day in its beautiful open spaces a part of their curriculum.

(5) Connectivity to public trails, schools, etc.

There are no nearby public trails.

(6) Compatibility of uses within the development area.

The surrounding area is predominantly residential, and schools are a vital and complimentary to residential uses when planning for complete neighborhoods, as outlined in the General Plan.

(7) Creativity in design and use of land.

The design is extremely innovative and creative. It will create a unique learning environment for the students and a memorable landmark along Belmont Avenue. The facades look like nothing else in the area, and yet they address the street in an attractive and dignified manner that will enhance walkability. The corner feature and the grand entry on Pacific Avenue will add to the unique nature of the facility.

(8) Quality of design, and adequacy of light and air to the interior spaces of the buildings.

The quality of the design is extremely high. The building facades along both Belmont and Pacific are glass but separated from the street with brushed stainless-steel louvers. Providing for a balance of light and shade. The louvers on Pacific are adjustable and clad with photo voltaic panels, adding further to visual interest. The entry fascia on Pacific is polished stainless steel. Regarding light and air, each classroom has a wall of glass which opens along a track (in the manner of an accordion door), extending the classroom into an adjacent outdoor patio that sits between the building and the louvers. This will provide an unrivaled amount of access to natural light and air for the students.

(9) Overall contribution to the enhancement of neighborhood character and to the built and natural environment of Fresno in the long term.

By placing a building of exemplary design by an acclaimed architect within one of the most disadvantaged neighborhoods in Fresno, instead of on the suburban fringe, this project simultaneously enhances its neighborhood's character while preserving the natural environment outside of the city.

Golden Charter Academy

Planned Development (P23-03785)

Request for Modification of Certain Development Standards

Amended May 29, 2024

Subject: Required Landscape Buffer
Code Section: 15-2305-C-1

	Width	Trees per 100'		Shrubs per 100'	
		Large	Small to Medium	Large	Small to Medium
Standard (Type 2)	15'	2	3	8	10
Proposed	Ave: 9' Min: 4'-5" Max: 21'-6"	0	2	16	1

Justification

The project site very small; the acreage is limited and it has a particularly shallow depth. The designers have made efficient use of the space by artfully accommodating a fairly large facility on a tight infill lot. Because of this approach, this school will slow suburban sprawl and promote walking, driving, and shorter driving trips.

While it bestows many benefits to the proposed school, the surrounding neighborhood, and Fresno as a whole, such an efficient design does not leave much extra space for landscaping. On average, the landscaped buffer will be 9' in width, but it will be narrower along the parking lot. The parking lot is as compact as possible and cannot be made smaller without violating the required number of spaces or the dimension requirements for aisles and spaces. Therefore, to acquire extra space, the wall will be moved to the property line in order to re-capture two feet and the front of the parking spaces on the east end of the parking lot will utilize a landscaped overhang in order to widen the landscape buffer further. A continuous 6-inch curb will be provided between the landscaping and the paved part of the parking space, which will serve as a wheel stop. The landscaping and irrigation in the overhang will be of a type which will be unharmed by the parked cars sitting above it. In addition, landscaped islands are provided at the south end of the and near the north end of the parking lot. The average width of the landscape buffer adjacent to the parking lot is about 7'-10". Widths at specific points are as follows:

- Transformer: 9'-4"
- Perpendicular Spaces: 5'-7"

- Diagonal Spaces, Max: 6’-9”
- Diagonal Spaces, Min: 4’-5”
- Islands: 21’-6”
- Average: 7’-10”

Planting within the buffer area will provide an effective visual and acoustic screen to the adjacent residences. The primary plant in the area will be Carolina Cherry Laurel, which is a compact, broadleaf evergreen shrub which has low water use. Its shiny, deep green foliage has a tidy, clean appearance, and it has clusters of white flowers in the spring. They will be planted 6’ on-center, forming a solid hedge wall which will reach approximately 10 feet in height. The hedge buffer will also include Iced Blue Yellow Wood and espaliered Creeping Fig. Where space permits, the hedges will be punctuated with Willow, Crape Myrtle, Sweet Bay, and Chinese Pistache trees. While it may have been ideal to include more trees, we intentionally avoided planting them near the building to prevent root intrusion or canopy spread, which could eventually cause issues for the building. Due to our compact and efficient site plan, it was not possible to create more space in the buffer area. However, we are very confident that the tall and robust wall of hedges will provide an excellent buffer.

The project is consistent with the General Plan. Specifically, this alternative approach contributes to the development of Complete Neighborhoods and districts with as many services as possible within walking distance, as called for in General Plan Goal 7. This design also emphasizes supporting established neighborhoods in Fresno with proximity to jobs and services as called for in General Plan Goal 8. This efficient site design also provides a dense and attractive landscape buffer between the school and neighboring residential uses which is done in a way that is no less effective than the standard approach and is superior by allowing for such a compact and efficient site design, making good use of previously urbanized land, thereby slowing suburban sprawl and preserving farmland and wildlife habitat.

The project site is suitable for the proposed use, and the proposed design only adds to its suitability. The property was originally part of a school campus, and it is appropriate that it is returning to that use. The previous building on the site also sat very near to the adjacent residential properties, and the new structure is lower in height than the previous building, so this project will reduce visual impacts. The previous structure’s parking lot was built up to the property line with no setback, nor did it have a landscape buffer.

This site is well-served by public transit, with a Fresno Area Express (FAX) bus stop being located about 400 feet to the east.

Finally, the project is demonstratively superior to a project that would occur under the development standards. The project introduces a land use that is permitted by-right in the NMX zone, and which adds a valuable amenity to the neighborhoods land use mix. Adjacent sidewalks will be improved, and the site will have lush and attractive landscaping, adding to the aesthetic appeal of the neighborhood. The building is architecturally dramatic and will serve as a landmark for the entire neighborhood, adding to civic pride and quality-of-life. The innovative design features a unique indoor/outdoor classroom concept which will allow classrooms to open up to the outside for natural light and fresh air.

Golden Charter Academy

Planned Development (P23-03785)

Request for Modification of Certain Development Standards

Amended July 29, 2024

Subject	Code Section	Standard	Proposed
Sidewalk	15-1104-F-2	12′	Belmont Ave: 12′ Delno Ave: 12′ Franklin Ave: 10′ Pacific Ave: 9 to 10.5′
Street Trees	15-1104-F-4	Provide street trees every 20 to 40 feet along the curbline	Belmont Ave, Delno Ave, and Franklin Ave: Provide street trees every 20 to 40 feet along the curbline Pacific Ave: Provide street trees every 20 to 40 feet in the front setback near the back of the sidewalk

Justification

While the Golden Charter School team believes that these are good and sensible requirements, modifying the site plan to strictly comply with them would cause several issues. First, the spot at which the building comes to a point facing Pacific Avenue will encroach into this widened sidewalk. To fully comply with sidewalk width requirements, the building would need to move east by approximately two feet which would have far-reaching ramifications for all aspects of the site plan. A full 12-foot sidewalk would also cut into the parking lot. The parking lot meets the minimum number of spaces and removing spaces to widen the sidewalk would cause it to fall out of compliance.

We request that this requirement be reduced on Franklin and Pacific avenues. The existing street ROW and the parking lot design can accommodate a new 10-foot sidewalk on Franklin. On Pacific Ave, we request to leave the existing sidewalk in place, with the exception of the removal of the driveway as called for in the Public Works

Conditions of Approval. The current sidewalk varies in width from 9 feet to 10.5 feet. We are willing and able to comply with the sidewalk requirement for the Belmont and Delno avenues, due to a greater setback on that part of the site. We recognize that Belmont is the most important street for the City's walkability goals due to it mass transit stops, the presence of Roeding Park, and its connectivity to the citywide major street network.

We also request that the project be allowed to move forward with the approval of Planning entitlements and at-risk Building Permits without the recording of the easement, with the condition that a Certificate of Occupancy will not be issued until recordation is complete. This will allow us to proceed to construction without further delay while ultimately complying with the easement requirement.

Street trees will be provided according to City standards and the Public Works Conditions of Approval on Belmont, Delno, and Franklin avenues. On Pacific avenue it will be impractical to add tree wells and irrigation to the existing sidewalk, so we request to place the street trees in the front yard setback near the back of the sidewalk.

While this may not be appropriate for many other projects, this approach is demonstratively superior to the standard approach on this particular case because it maximizes the space on a small infill site for educational uses and open space in a neighborhood desperate for such amenities, while still dramatically enhancing the pedestrian network in an area largely lacking such facilities.

Findings

☑ **The proposed development is consistent with the General Plan, any applicable operative plan, and adopted policies, including the density and intensity limitations that apply.**

A school is consistent with the Neighborhood Mixed-Use General Plan Land Use designation. This designation promotes districts with a mix of housing, retail, offices, and services in a pedestrian-oriented built form. Schools are a Permitted use in the implementing zoning district (NMX) and the proposed project’s FAR of 0.3 is well below the maximum FAR of 1.5.

As identified in the original PD application materials, this project is very supportive of the goals of the General Plan (particularly goals 6 through 8, Objective HC-2, and Policy HC-2-a) by adding diversity to the land use mix in the area, making Parkside a more a complete neighborhood, and placing a new amenity within walking distance of existing residences.

☑ **The subject site is physically suitable for the type and intensity of the land use being proposed.**

The project fits comfortably within the project site, resulting in an FAR of only 0.3, which is far lower than what is allowed. There is generous open space on site, and the school will present an attractive and accessible interface with the neighborhood with attractive facades and abundant landscaping. Furthermore, there is historical precedence for a school in this location. From 1917 to 1969 the southwest corner of Belmont and Pacific avenues was the Fresno Union Academy, a private school which was run by the Seventh Day Adventist Church. In 1953 this site was developed as the gymnasium for that school.

☑ **The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation, and/or substantial public benefit. In making this determination, the following factors should be considered:**

(1) Appropriateness of the use(s) at the proposed location.

This use is permitted by-right, is the original historic urban use of the site, and is presently lacking in the neighborhood.

(2) The mix of uses, housing types, and housing price levels.

This is not a housing project, but the General Plan envisions complete neighborhoods for Fresno, but Parkside is primarily residential. The non-residential uses along Belmont Avenue primarily consist of nightclubs, restaurants, and a gas station. To the southeast of the site are several industrial uses. A school is lacking in this area and the proposed project would add to this mix of uses in the vicinity.

(3) Provision of infrastructure improvements.

All required infrastructure will be provided per City standards and the Conditions of Approval. 12’ sidewalks with street trees along the cub line will be provided per NMX standards, as Belmont is a critically important street for the City's walkability goals due to it mass transit stops, the presence of Roeding Park, and its connectivity to the citywide major street network. On Pacific Avenue the present sidewalk of approximately 10’ will be maintained, and to maximize pedestrian space the street trees will be provided in the front setback, near the back of the walk. This approach will also be utilized on Delno Avenue, which unfortunately will not connect to a broader sidewalk network for the time being due to a lack of sidewalks in front of the adjacent single-family houses. On Franklin Avenue a 4.5’ sidewalk will provided, which will also dead end for the time being due to a lack of a sidewalk on the adjacent property. While this may not be appropriate for other projects, this approach is demonstratively superior to the standard approach on this particular case because it maximizes the space on a small infill site for educational uses and open space, while still enhancing the pedestrian network in an area largely lacking such facilities.

(4) Provision of open space. For example, a greater amount of open space than would otherwise be provided under the strict application of this code.

Open space is abundant on the proposed site plan. There will be a playground, an amphitheater, open green spaces, and the sheltered outdoor corridors have been designed to be generous and open to facilitate play. Furthermore, Golden Charter Academy has a strong relationship with the Chaffee Zoo and the children spend part of every day in its beautiful open spaces a part of their curriculum.

(5) Connectivity to public trails, schools, etc.

There are no nearby public trails.

(6) Compatibility of uses within the development area.

The surrounding area is predominantly residential, and schools are a vital and complimentary to residential uses when planning for complete neighborhoods, as outlined in the General Plan.

(7) Creativity in design and use of land.

The design is extremely innovative and creative. It will create a unique learning environment for the students and a memorable landmark along Belmont Avenue. The

facades look like nothing else in the area, and yet they address the street in an attractive and dignified manner that will enhance walkability. The corner feature and the grand entry on Pacific Avenue will add to the unique nature of the facility.

(8) Quality of design, and adequacy of light and air to the interior spaces of the buildings.

The quality of the design is extremely high. The building facades along both Belmont and Pacific are glass but separated from the street with brushed stainless-steel louvers. Providing for a balance of light and shade. The louvers on Pacific are adjustable and clad with photo voltaic panels, adding further to visual interest. The entry fascia on Pacific is polished stainless steel. Regarding light and air, each classroom has a wall of glass which opens along a track (in the manner of an accordion door), extending the classroom into an adjacent outdoor patio that sits between the building and the louvers. This will provide an unrivaled amount of access to natural light and air for the students.

(9) Overall contribution to the enhancement of neighborhood character and to the built and natural environment of Fresno in the long term.

By placing a building of exemplary design by an acclaimed architect within one of the most disadvantaged neighborhoods in Fresno, instead of on the suburban fringe, this project simultaneously enhances its neighborhood's character while preserving the natural environment outside of the city.

Golden Charter Academy

Planned Development (P23-03785)

Request for Modification of Certain Development Standards

Amended August 6, 2024

Subject	Code Section	Standard	Proposed
Pedestrian Lighting	15-1104-F-5	Pedestrian-scaled streetlights shall be provided in public sidewalks, no more than 3 feet from the curb and no more than 80 feet apart	A combination of pole lighting, bollard lighting, and uplighting, all of which are located on-site

Justification

The Belmont corridor was rezoned to NMX—Neighborhood Mixed-Use as part of a broader effort to revitalize the area, bring new housing opportunities to the neighborhood, and to facilitating walking, biking, and riding transit as viable transportation options for area residents. These are excellent goals that are supported by the project proponent and by the project design. Well-lit sidewalks are essential to promoting walking as a safe mode of transportation and the pedestrian lighting standards in the Development Code are a great way to illuminate the pedestrian realm adjacent to housing and commercial projects. The Golden Charter project proposes and alternative method of sidewalk illumination that reflects its unique role as a civic institution, which often stand apart from their residential and commercial neighbors in the traditional mixed-use neighborhoods that the NMX district seeks to emulate (see Page 5).

The Golden Charter Academy proposes to illuminate the sidewalks around its new Belmont Avenue campus with a combination of pole lighting, bollard lighting, and uplighting, all of which are located on-site instead of within the public right-of-way. Combined with the existing streetlights, these light standards will provide a well-lit environment for pedestrians in the area. The sidewalks flanking Golden Charter

Academy will undoubtably be the most brightly lit in the Parkside neighborhood, which will be a significant benefit to area residents walking to Roading Park, Fresno Area Express (FAX) stops, or neighborhood businesses.

Findings

☑ **The proposed development is consistent with the General Plan, any applicable operative plan, and adopted policies, including the density and intensity limitations that apply.**

A school is consistent with the Neighborhood Mixed-Use General Plan Land Use designation. This designation promotes districts with a mix of housing, retail, offices, and services in a pedestrian-oriented built form. Schools are a Permitted use in the implementing zoning district (NMX) and the proposed project's FAR of 0.3 is well below the maximum FAR of 1.5.

As identified in the original PD application materials, this project is very supportive of the goals of the General Plan (particularly goals 6 through 8, Objective HC-2, and Policy HC-2-a) by adding diversity to the land use mix in the area, making Parkside a more a complete neighborhood, and placing a new amenity within walking distance of existing residences.

☑ **The subject site is physically suitable for the type and intensity of the land use being proposed.**

The project fits comfortably within the project site, resulting in an FAR of only 0.3, which is far lower than what is allowed. There is generous open space on site, and the school will present an attractive and accessible interface with the neighborhood with attractive facades and abundant landscaping. Furthermore, there is historical precedence for a school in this location. From 1917 to 1969 the southwest corner of Belmont and Pacific avenues was the Fresno Union Academy, a private school which was run by the Seventh Day Adventist Church. In 1953 this site was developed as the gymnasium for that school.

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public benefit. In making this determination, the following factors should be considered:

(1) Appropriateness of the use(s) at the proposed location.

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(2) The mix of uses, housing types, and housing price levels.

This is not a housing project, but the General Plan envisions complete neighborhoods for Fresno, but Parkside is primarily residential. The non-residential uses along Belmont Avenue primarily consist of nightclubs, restaurants, and a gas station. To the southeast of the site are several industrial uses. A school is lacking in this area and the proposed project would add to this mix of uses in the vicinity.

(3) Provision of infrastructure improvements.

All required infrastructure will be provided per City standards and the Conditions of Approval. The Golden Charter Academy proposes to illuminate the sidewalks around the campus with a combination of pole lighting, bollard lighting, and uplighting, all of which are located on-site instead of within the public right-of-way. Combined with the existing streetlights, these light standards will provide a well-lit environment for pedestrians in the area. This approach is demonstratively superior to the standard approach on this particular case because it reflects the unique civic nature of the project and sets it apart from its commercial and residential neighbors while creating the most brightly lit sidewalks in the Parkside neighborhood, which will be a significant benefit to area residents walking to Roading Park, Fresno Area Express (FAX) stops, or neighborhood businesses.

(4) Provision of open space. For example, a greater amount of open space than would otherwise be provided under the strict application of this code.

Open space is abundant on the proposed site plan. There will be a playground, an amphitheater, open green spaces, and the sheltered outdoor corridors have been designed to be generous and open to facilitate play. Furthermore, Golden Charter Academy has a strong relationship with the Chaffee Zoo and the children spend part of every day in its beautiful open spaces a part of their curriculum.

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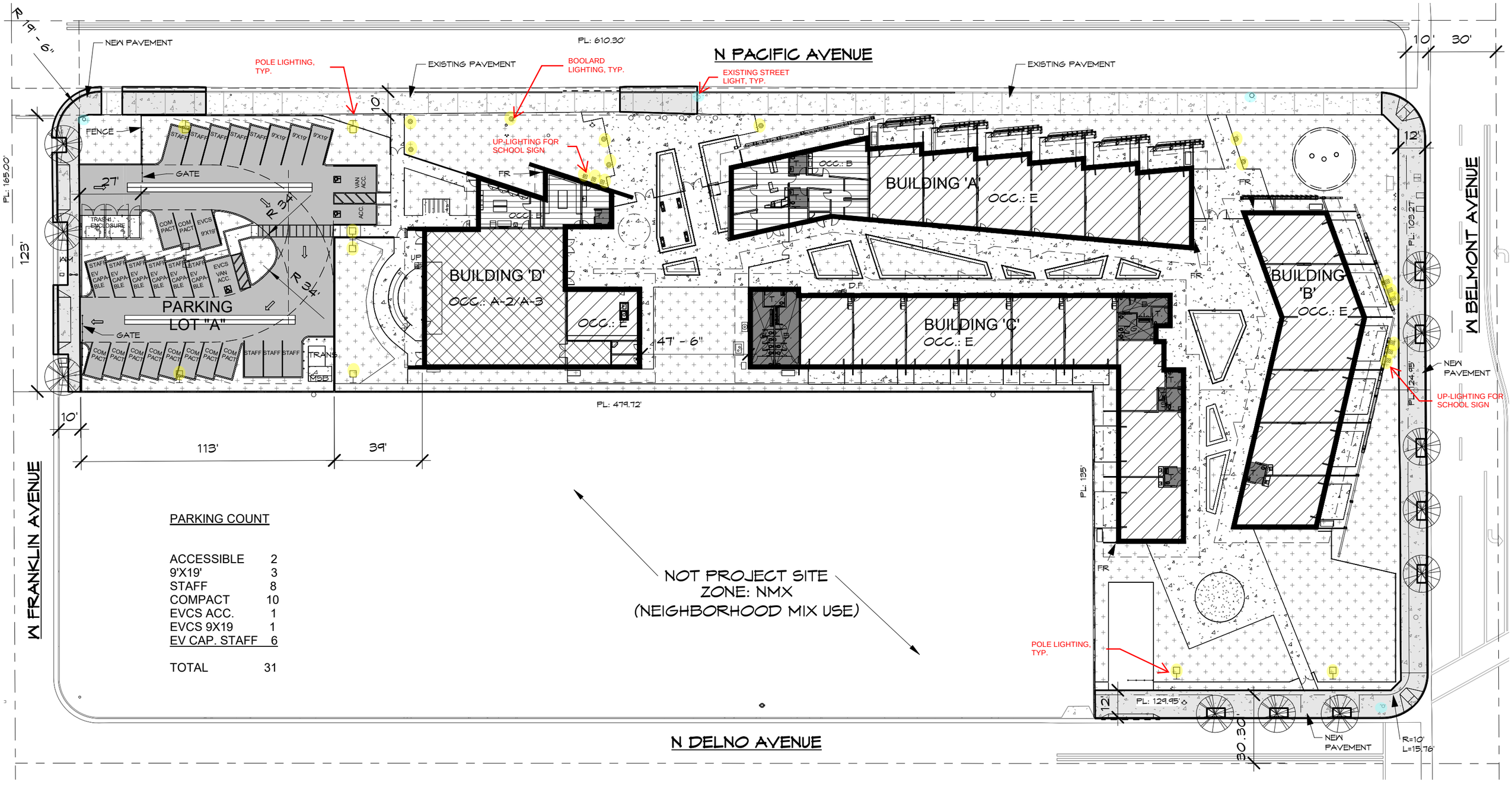
By placing a building of exemplary design by an acclaimed architect within one of the most disadvantaged neighborhoods in Fresno, instead of on the suburban fringe, this project simultaneously enhances its neighborhood's character while preserving the natural environment outside of the city.



PARKING COUNT

ACCESSIBLE	2
9'X19'	3
STAFF	8
COMPACT	10
EVCS ACC.	1
EVCS 9X19	1
EV CAP. STAFF	6
TOTAL	31

N SCALE: 1" = 40' - 0"

GOLDEN CHARTER ACADEMY

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8/5/24

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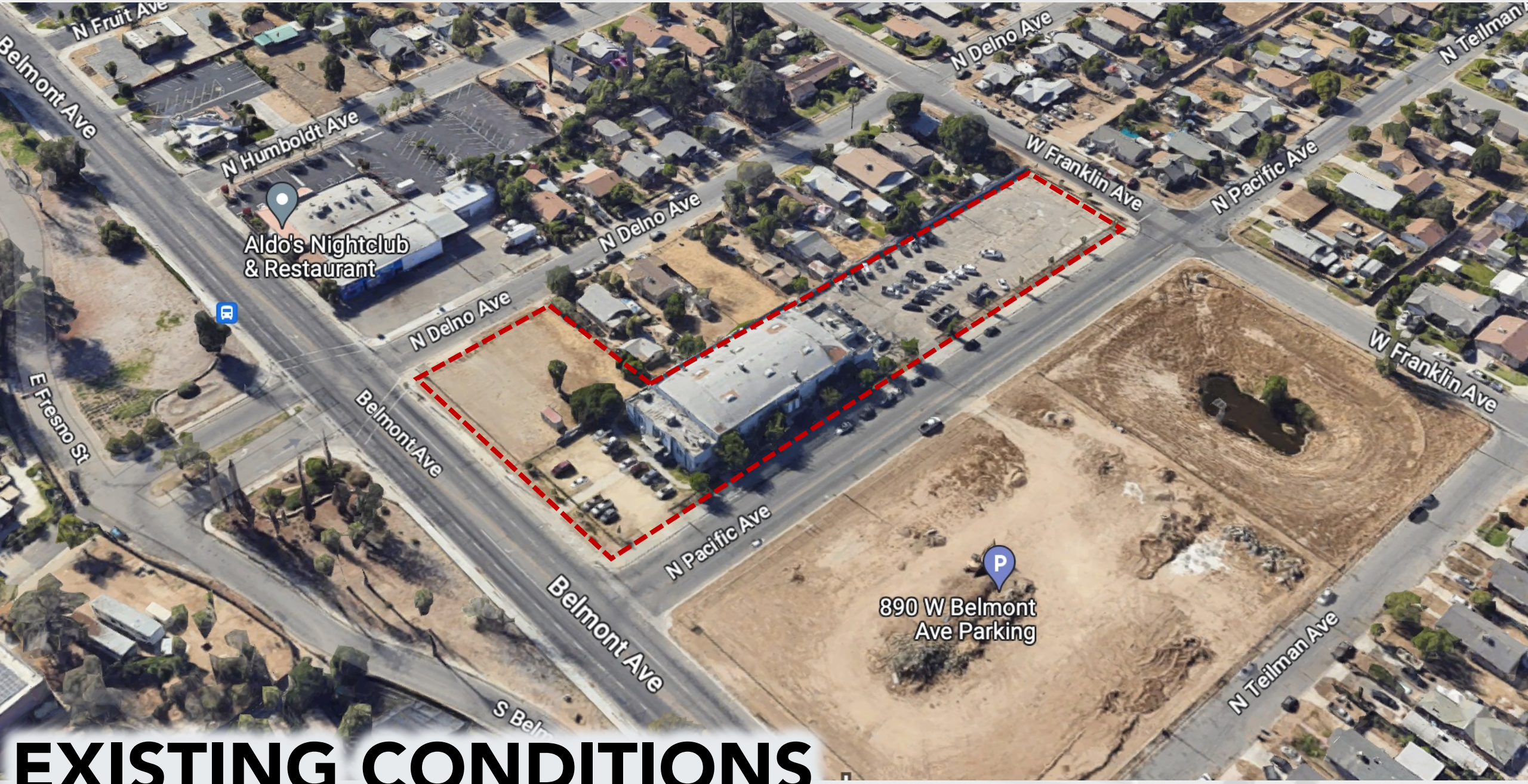
PROJECT LOCATION



EXISTING CONDITIONS

EXISTING CONDITIONS