This meeting will be conducted pursuant to the provisions of Paragraph 11 of the Governor’s Executive Order N-25-20 which suspends certain requirements of the Ralph M. Brown Act, and as a response to mitigating the spread of COVID-19, the meeting will not be open to the public. The telephone number listed below will provide access to the City Council meeting via teleconference.

Please note: when joining the meeting you will be asked your name which will be used to identify you during any public comment period.

Telephone Number: 978-990-5175
Meeting ID: 494026#

It is requested that any member of the public attending while on the teleconference to have his/her/their phone set on “mute” to eliminate background noise or other interference from telephonic participation.

1. Meeting Called to Order
2. Roll Call
3. Reorganization
5. Public Presentation – (This portion of the meeting reserved for persons desiring to address the Commission on any matter not on this agenda. Presentations are limited to five minutes per person and no more than 15 minutes per topic).
6. Public Hearing to Consider an Appeal of the Approval of Site Plan Review Application No. 19-03, an application filed by Jagvinder Singh to construct a 5,280 square foot truck repair building on the south side of West Adams Avenue between South Stearns Avenue and North 8th Street (APN: 343-060-06) Consider Adoption of Resolution No. 651 denying the appeal of approved Site Plan Review Application No. 19-03, before the Planning Commission of the City of Fowler, County of Fresno, State of California.
7. Public Hearing to Consider Zoning Text Amendment No. 20-01 to Amend Accessory Structure Standards and Allowed Use Listings in the Fowler Zoning Ordinance.

Consider Adoption of Resolution No. 652 recommending approval of zoning text amendment No. 20-01 Clarifications to the Zoning Ordinance, before the Planning Commission of the City of Fowler, County of Fresno, State of California.
8. Communication
   A. Fowler Walking and Biking Safety Review by State Physical Activity and Nutrition Program

8. Adjournment

Next Resolution No.: 653

CERTIFICATION: I, Sennaida Zavala, Planning Secretary for the City of Fowler, California, hereby certify that the foregoing agenda was posted for public review on, Monday, August 31, 2020.

Sennaida Zavala
Planning Secretary
MINUTES OF THE FOWLER CITY PLANNING COMMISSION MEETING
January 9, 2020

Vice Chair Mejia called the meeting to order at 6:36 p.m. Roll call was taken.

Commissioners Present: Mejia, Mukai, Kandarian, Fernandez
Commissioners Absent: Mellon
City Staff Present: City Manager Davis, City Attorney Cross, Planning Consultants Marple, Public Works Director Dominguez, City Engineer Peters, Planning Secretary Zavala

AGENDA ITEM NO. 3
APPROVAL OF MINUTES FOR OCTOBER 3, 2019, General Plan Update Workshop
Commissioner Kandarian made a motion to approve the minutes for October 3, 2019, seconded by Commissioner Mukai. Motion carried by unanimous voice vote.

AGENDA ITEM NO. 4
APPROVAL OF MINUTES FOR OCTOBER 3, 2019, Planning Commission Meeting
Commissioner Mukai made a motion to approve the minutes for October 3, 2019, seconded by Commissioner Kandarian. Motion carried by unanimous voice vote.

AGENDA ITEM NO. 5
PUBLIC PRESENTATION
Mr. Gonzales, Fowler Resident, expressed concern for the upcoming developments of Fowler. He also brought the need for road improvements of Fresno Street between 8th and 10th street to the Commissions attention.

AGENDA ITEM NO. 6
Public hearing to consider Conditional Use Permit No. 17-03, filed by Buford Oil Co., Inc., to construct a 7.96-acre travel center, 10,000 square foot truck tire repair, lube, and wash building, a 4,627 square foot dine-in restaurant, two (2) restaurants with drive throughs, 4,378 and 3,116 square feet in size, and a 120-room, four-story hotel, at 2747 East Manning Avenue (APN: 345-180-03)
Ms. Marple Presented the proposed project. The project zoned General Commercial. The project is proposing different phases of constructions. Phase One is the travel center redo; Phase Two is a 10,000 square foot Lupe and Wash for trucks, Phase Three is a dine in restaurant which would be about 4600 square feet; Phase Four and Five are proposing drive-through restaurants; and Phase Six is a four story, 120-room hotel.

The City required an EIR, which an initial study was focused on certain impact sections. A public scoping meeting was held on June 20, 2019, which concerns brought up by citizens are addressed in the EIR document. On July 19, 2019 the draft EIR was made public for comments, and one comment was returned and addressed in the final EIR. In the EIR there were 17 impact areas reviewed. A Traffic impact study is included in the EIR. A recommendation, for an interim 10 year signal light for the on ramp/off ramp for Manning and 99. The north bound off ramp at manning and 99 is already in F stage, which means it is failing, without this proposed project. The City will work with Cal-Trans and Fresno County to find a long term solution. The short term solution, which will be included in this project, is for a traffic signal to be put in at the off-ramps. Staff recommends the approval of the proposed project.
Commission had some concern for street lights and traffic back up with the lights. Staff advised them that the lights will be synchronizes and they will be working with Cal-Trans to get the lights working in sync with one another. Commission also expressed the design of traffic and how it will compare to the requirements of 2040, which staff advised them that this project, along with other projects within Fowler, are required to pay a fair-share portion for future developments/requirements. Commission shared their concerns for Golden State and Valley Drive and needing a stop light at that entrance and exit. Staff advised commission that a stop light is in the works for the year 2040, but the traffic study done did not require a stop light at the moment.

**Public Presentation**

Ms. Woods, Sunny Truck Wash Representative, shared her concerns of traffic back up with the off ramp on Manning. Ms. Woods also expressed her concern about the need for a traffic stop in the area with the additional traffic the project will bring.

Mr. Gonzales, Fowler Resident, asked for clarification for Cal-Trans approval of a traffic stop in the area.

Commissioner Mukai made a motion to approve Resolution 649 and Resolution 650, motion died due to lack of a second.

Commission discussed with staff their concerns with traffic that the project would bring and asked that a condition be put in place in between phases two and three.

Commissioner Mukai made a motion to adopt Resolution No. 649 certifying an environmental impact report prepared for conditional use permit 17-03 pursuant to the California Environmental Quality Act with the condition that a traffic study be done 6 months after the completion of Phase Two seconded by Vice Chair Mejia. Motion carried by a unanimous vote. Ayes: Mejia, Kandarian, Fernandez, Mukai. Noes: None.

Commissioner Mukai made a motion to adopt Resolution No. 650, approving of CUP 17-03, seconded by Commissioner Fernandez. Motion carried by a unanimous vote. Ayes: Mejia, Kandarian, Fernandez, Mukai. Noes: None.

**AGENDA ITEM NO. 7**

**Communication**

Chief Alcaraz, Chief of Police, announced the Public Safety Forum that will be held on Thursday, January 30, 2020, at 6 PM.

Ms. Marple, City Planner, gave an update on what is going on within the Planning Department. The General Plan Update is still being worked on, next joint workshop will be in March which is going over policies and what would still be relevant to Fowler, and new legislation, applied for SB2 Grant for needed upgrades for Computer Programs Planning/Building Departments as well as a City Server.

Vice Chair Mejia made a motion to adjourn motion carried and meeting was adjourned at 7:53 PM.
TO: City of Fowler Planning Commission

FROM: Dawn E. Maple, City Planner

DATE: September 3, 2020

SUBJECT: Public Hearing to Consider an Appeal of the Approval of Site Plan Review Application No. 19-03, an application filed by Jagvinder Singh to construct a 5,280 square foot truck repair building on the south side of West Adams Avenue between South Stearns Avenue and North 8th Street (APN: 343-060-06)

I. Recommendation
Staff recommends that the Commission deny the appeal of approved Site Plan Review (SPR) Application No. 19-03. The decision of the Planning Commission is final unless appealed to the City Council.

II. Background & Project Description
The Planning & Community Development Department approved the Project on July 22, 2020, commencing a 10-day appeal period. The requisite notice of approval was deposited in the US Mail on July 23 but was not postmarked until July 27. A timely appeal was filed by a neighbor raising various issues as described below in Section IV, and thus this Project must be heard by Planning Commission.

Site Plan Review Application No. 19-03 was filed by Jagvinder Singh, requesting to develop the following:
- One (1) 5,280-square-foot metal building for truck repair, with five (5) truck parking spaces
- Accessibility improvements for the existing office
- Convert the existing commercial building into an accessory storage use

The Project site currently consists of the following:
- One (1) legal non-conforming duplex
- One (1) office, previously used as a residence
- One (1) commercial building

The subject parcel is zoned C-3 (General Commercial) and planned for General Commercial land uses by the City of Fowler General Plan. The site is located on the south side of West Adams Avenue between Stearns Avenue and North 8th Street on approximately 3.2 acres (APN: 343-060-06).

Figure 1 (Site Plan) depicts the proposed development. Figure 2 depicts the aerial photo of the site; Figure 3 is the zoning map and Figure 4 is the general plan map. The site is located in Fowler’s C-3 (General Commercial) Zone District, surrounded by M-1 (Light Industrial) to the east, and C-3 in the other directions. In the C-3 zone district truck repair is an allowed use in accordance with Section 9-5.1205 of the Fowler Zoning Ordinance.
This Project is similar to the Conditional Use Permit heard, but continued to an indefinite time, at the same location. Since then, the Applicant submitted an application for Site Plan Review with a more thorough description of the proposed use of the property which qualified the applicant's proposed use as a permitted use as opposed to one subject to a Conditional Use Permit.

III. Findings
The zoning ordinance requires the following findings for approval of a Site Plan. Below are staff's findings when the Site Plan was approved:

<table>
<thead>
<tr>
<th>Required Finding</th>
<th>Staff's Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>All applicable provisions of this ordinance are complied with.</td>
<td>All applicable provisions of the Fowler Zoning Ordinance have been complied with.</td>
</tr>
<tr>
<td>The following are so arranged that traffic congestion is avoided and that pedestrian and vehicular safety and welfare are protected and there will not be adverse effect on surrounding property:</td>
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<tr>
<td>Facilities and improvements.</td>
<td>The project will provide water and sewer connections as needed.</td>
</tr>
<tr>
<td>Vehicular ingress, egress, internal circulation and off-street parking and loading.</td>
<td>The project is located on Adams Avenue with two vehicular access points from Stearns Avenue and an additional drive approach on 8th Street. There is adequate internal circulation. Parking and loading standards will be met as stated in Exhibit B, Conditions of Approval (as found in Exhibit A).</td>
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<tr>
<td>Setbacks.</td>
<td>The Project meets the required 15-foot front yard setback for the C-3 Zoning District.</td>
</tr>
<tr>
<td>Height of buildings.</td>
<td>The Project meets the required 50-foot maximum height standard for the C-3 Zoning District.</td>
</tr>
<tr>
<td>Walls and fences.</td>
<td>The Project proposes six-foot chain-link fencing along the perimeter of the property. The existing non-conforming duplex includes an approximately 6-foot wooden fence around its rear and side yards. This meets the requirements set forth by the Fowler Municipal Code Section 9-5.1206.</td>
</tr>
<tr>
<td>Landscaping, including screen planting and street trees.</td>
<td>All landscaping will comply with Section 9-5.1206 of the Zoning Ordinance.</td>
</tr>
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<td>Drainage.</td>
<td>A grading and site improvement plan shall be submitted to the Building Official and approved by the City Engineer prior to construction.</td>
</tr>
<tr>
<td>Proposed lighting is so arranged as to deflect the light away from adjoining properties.</td>
<td>All proposed lighting is required to be hooded in order to deflect light away from adjoining properties. All proposed and existing lighting shall be depicted on the Site Plan.</td>
</tr>
<tr>
<td>Required Finding</td>
<td>Staff’s Findings</td>
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<tr>
<td>Proposed signs will comply with all of the applicable provisions of Article 22 of this ordinance.</td>
<td>No signs were proposed with the submittal of the site plan. Any signs proposed for construction will be required to comply with Article 22 of the Fowler Zoning Ordinance.</td>
</tr>
<tr>
<td>That adequate provision is made to reduce adverse or potentially adverse environmental impacts to acceptable levels.</td>
<td>Pursuant to the Guidelines for California Environmental Quality Act Section 15332, infill projects are exempt from the requirements of CEQA. No further environmental review is necessary.</td>
</tr>
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**IV. Appeal**

The appellant, Mr. Robert K. Hatch of the Valley Mobile Home Park, submitted an appeal on August 3, 2020 making several claims regarding the project and its approval, which are laid out below:

<table>
<thead>
<tr>
<th>Appellant’s Stated Reasons for Appeal</th>
<th>Staff’s Response</th>
</tr>
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<tbody>
<tr>
<td>&quot;This Project appears to be a re-hash of Fowler Planning Commission 3 January 2019 Agenda Item number 6, Consideration of Conditional Use Permit NO 17-4, which the Commission voted to put in a Continuation Status. If so, I believe it requires a return/consideration and vote by the Commission. The Notice of Approval, dated effective 22 July 2020 appears to be nothing more than an attempt to end-run the Commission, and thus the Citizens of the City of Fowler to accomplish the Applicant’s desired end.&quot;</td>
<td>The activities originally considered under CUP No. 17-04 were deemed consistent with the conditionally-permitted use “Truck Terminal,” which is not defined in the Fowler Municipal Code (FMC). However, according to the Institute of Traffic Engineers, it is a “facility” where goods are transferred between trucks, between trucks and railroads, or between trucks and ports.” Even as proposed at the time, it does not appear in retrospect that the use met that definition. Since that time, as mentioned above, the applicant has provided further details about the description of the proposed activities. This Project does not propose a Truck Terminal, but a repair facility, which is a Permitted use for this site: thus a Conditional Use Permit is not required. Note that the FMC does define “auto” and “automobile” to include “trucks, unless otherwise specifically provided” (FMC Section 9-5.202) There is no requirement that a continued item be rescheduled unless the applicant or the City wishes to do so. The appellant’s statements do not represent a valid reason to overturn approval of the Site Plan.</td>
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“The Applicant is unchanged although the end-user seems to have changed, no doubt because

| The appellant refers to statements from his previous comment letter for CUP No. 17-04
<table>
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<tr>
<td>of the unfortunate circumstances discussed in my letter re NO 17-4 of 3 January 2019. JAG Transportation Inc. has become JAG Trucking, Inc., or is it JAG Transport (a New Jersey Company) as shown on Staff e-mail subject lines.&quot;</td>
<td>regarding the applicant's corporate name, his insurance status, his registration with the US Department of Transportation, driver accident history, and related issues. However, none of those issues bear on the application at hand. Business entities change names as needed for any number of reasons, none of which the City has control over. Fundamentally, the person (i.e., Jagvinder Singh) is the same, regardless of the name under which he does business. Additionally, the specific name of the operator (i.e., the name of the business) at the site of an approved use is not relevant when considering approval of a site plan, conditional use permit, or similar entitlement; those approvals run with the land and are not tied to any person or entity. The appellant's statements do not represent a valid reason to overturn the approval of the Site Plan.</td>
</tr>
</tbody>
</table>

"Please note that the Notice of Approval (NO 19-3), although dated 22 July, was mailed (Post Marked) 27 July 2020, thereby effectively shortening the allowed response time considerably." | Staff was made aware via Mr. Hatch's letter that there was a delay in the depositing and/or postmarking of the notice of approval. For reference, the Zoning Ordinance states "[w]henever notice is required to be given by mail, notice shall be deemed given when deposited in the United States mail, postage prepaid and addressed to the intended recipient at the address shown on the latest equalized assessment roll." As the City of Fowler does not control the Post Office, it cannot retroactively delay approvals when a notice was not postmarked the day it was deposited. That notwithstanding, staff agrees that the delay in notification is concerning and is a reasonable rationale for appeal to the Planning Commission. However, the delay was not the fault of the City and was not intentional. Had there been additional concern about the timing, staff would have accepted late comments. No comments or other concerns were voiced. In any event, the appeal letter has been accepted as timely, and the appeal has been scheduled before the Planning |
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<tr>
<td>&quot;This Project does conform to the apparent intent and common understanding of the Permitted uses as enumerated, of the City of Fowler C-3 Zoning. Although the CEQA asserts the Project is an auto repair facility (a permitted use) for a small fleet of trucks; the apparent reality is the facility will be working on/repairing a fleet of at least 50 Class 8 (total declared of Federal Government website) diesel trucks (and trailers?). These trucks have a permitted weight of 80,000 pounds and will certainly be confused by few with a normal passenger vehicle of perhaps 4,000 to 5,000 pounds; except perhaps by the author of the CEQA who asserts the facility will be “replacing” spark plugs on the trucks. Additionally, the planned maintenance facility will not offer its services to the Public. It is an adjunct to the owner’s actual business of Trucking. It thus is not in conformity with the stated purpose of C-3 Zoning. And the general understanding of Commercial, i.e. Goods and Services available to the public.&quot;</td>
<td>While the City desires that all its businesses be successful, staff reviewed the Project as was submitted, not as what it is purported to be by the appellant or what it could be in the future. Following approval, modifications to operational parameters are subject to further review and approval by the City. As stated in Exhibit B, the Project will not exceed localized air quality standards as proposed. Further, even in the unlikely scenario that all 50 Class 8 trucks would be worked on in one day, as the Appellant purports, localized air quality standards would not be impacted. Regardless of the “general understanding of Commercial,” the proposed use is consistent with the C-3 zone district as determined by the City Council when it adopted the Zoning Ordinance. There is no requirement that a use offer a direct service to the public. The appellant’s statements do not represent a valid reason to overturn the approval of the Site Plan.</td>
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<td>&quot;The Project is inconsistent with the current Concepts for the &quot;Golden State Corridor – Central Fowler&quot; Plan. The realignment of Golden State Boulevard, the reconfiguration of the Adams Avenue intersection, and the addition of Class 1 bike lanes is clearly incompatible with heavy truck's ingress/egress on Eighth Street.&quot;</td>
<td>The Golden State Corridor Plan (GSCP) identifies that Golden State Boulevard will be shifted to the 8th Street alignment beginning near Mariposa Street, more than a quarter-mile away from the Project frontage, and extending southeast from there. Accordingly, the Project would not affect or be affected by the realignment. The GSCP does not propose to reconfigure the Adams Avenue intersection, nor would it install bike lanes at the Project site. Both Golden State Boulevard and 8th Street are designated as Truck Routes in Figure 5-2 of the Fowler General Plan and as codified in Chapter 4, Article 6 (Truck Routes) of the FMC. Accordingly, both streets are indeed intended for use by heavy trucks. The appellant's statements do not represent a valid reason to overturn the approval of the Site Plan.</td>
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<p>| &quot;The CEQA minimizes the effects of diesel exhaust by postulating on 3 passenger vehicles would visit the site daily. This simply ignores the projected activity, and potential future growth of activity, at the site. The repair of heavy diesel vehicles and their necessary operation as well as entry and exit from the site of an (in reality) unknown number of such trucks was avoided in the CEQA calculations. It should be noted that Valley Mobile Home Park is located approximately 225 feet from the project boundary and has a number of both elderly and children, qualifying as a &quot;Sensitive Receptor&quot;. | Diesel vehicles entering, exiting, and idling on the site were analyzed. All diesel-powered trucks in California are required to comply with anti-idling laws, which require heavy duty trucks shut off their engines when idling for five minutes or longer, thus all contaminants are kept to a minimum. The California Air Resources Board determined that the 2010+ average heavy-duty fleet vehicle emits diesel particulate matter, a known carcinogen, at a rate of approximately 23.6 mg per hour. The facility would need to have a sustained annual repair throughput of 426 trucks per hour (7.1 trucks per minute) in order to have a significant impact on nearby residents. Given that the project would have two repair bays, the likelihood of this scenario occurring is extremely remote. As previously mentioned, the City's consideration of the project cannot take into account future hypothetical increases to the level of activity on the site as the appellant suggests but is limited to what is proposed in the operational statement. Additionally, while the southeastern corner of the subject property is approximately 225 |</p>
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<td>feet from the boundary of the mobile home park, the repair operations at the proposed facility would occur predominantly or entirely within an enclosed space (i.e. the shop) located nearly an additional 200 feet away. The appellant’s comment further ignores that there is an existing diesel repair facility immediately abutting the mobile home park to the north, an existing general auto repair business north of that (both between the park and the subject parcel), agricultural uses and State Route 99 to the west, and the 8th Street, Golden State, and railroad corridors to the east. None of those abutting or nearby facilities or uses has been the subject of any complaints related to air quality.</td>
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</table>

Staff agrees with the appellant that the notice should have been mailed earlier, however disagrees with the notion that the Project was inadequately reviewed under CEQA. This Planning Commission hearing was properly noticed and meets the requirement of the 10-day notice requirement. Staff recommends the Commission deny the appeal.

Should the Planning Commission modify or reverse the Director’s decision, actions and conditions that the Commission can take and impose are limited as the Project does not require a Conditional Use Permit. Pursuant to Section 9-5.26.04-B of the Fowler Municipal Code, the Commission may affirm, reverse, or modify a decision of the Director, provided that if a decision is modified or reversed, the Commission shall make the applicable findings prerequisite to the approval of a site plan as prescribed in Section 9-5.26.03.C, which are found above in Section III.

V. **Environmental Review**

The City, as the Lead Agency under the California Environmental Quality Act (CEQA), reviewed the project for compliance with CEQA. The Project is categorically exempt from CEQA under a Class 32 Categorical Exemption – Infill Development projects. A Class 32 exemption consists of projects characterized as in-fill development meeting certain criteria. Additional detail on the CEQA determination can be found in Attachment B.

VI. **Attachments**

A. Resolution No. 651

B. Categorical Exemption Finding

C. Appeal Letter, dated August 3, 2020
Figure 4 - General Plan Land Uses
RESOLUTION NO. 651
RESOLUTION BEFORE THE PLANNING COMMISSION
OF THE CITY OF FOWLER
COUNTY OF FRESNO, STATE OF CALIFORNIA

RESOLUTION DENYING THE APPEAL OF APPROVED SITE PLAN REVIEW
APPLICATION NO. 19-03

WHEREAS, Site Plan Review Application No. 19-03 proposes the establishment of a Truck Repair Facility on an approximately 3.21-acre parcel (APN: 343-060-06) on the south side of West Adams Avenue between South Stearns Ave and North 8th Street in the C-3 zone district (Project); and

WHEREAS, a portion of the subject 3.21-acre parcel is currently occupied by a legal non-conforming duplex, a commercial building, and an office building; and

WHEREAS, the subject application was deemed complete by the Fowler Planning Department and was subsequently reviewed for compliance with the Fowler Zoning Ordinance; and

WHEREAS, the Project requires approval of a Site Plan Review in accordance with Article 26 of the Fowler Zoning Ordinance; and

WHEREAS, the City has determined that the Project is categorically exempt under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15332, In-fill Development Projects, and that no additional environmental analysis is required; and

WHEREAS, on July 22, 2020 the Director issued a letter approving the site plan with conditions and caused a corresponding notice to be mailed to proximal landowners pursuant to Fowler Municipal Code Section 9-5.26.03(J); and

WHEREAS, on August 3, 2020 the City received a comment letter alleging several discrepancies in the approval process and requesting an appeal of the project to the Planning Commission; and

WHEREAS, a public hearing notice was duly published informing the public that an appeal of the site plan approval would be considered at a regular Planning Commission meeting held on September 3, 2020 at 6:30 p.m.; and

WHEREAS, the Planning Commission has reviewed and considered the reasons for appeal along with staff’s responses to the points raised in the appeal, and duly conducted the noticed public hearing at a Regular Meeting on September 3, 2020; and

WHEREAS, the Planning Commission, has reviewed and considered the appeal, the staff report presented, and all evidence presented to it during the public hearing, including oral and written public testimony on the Project and the categorical exemption, all of which is herein incorporated by this reference.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Fowler as follows:
1. The appeal of the Director's approval of Site Plan Review Application No. 19-03 is denied, and the Director's approval of Site Plan Review Application No. 19-03 issued effective on July 22, 2020, subject to all conditions contained therein is hereby affirmed and upheld.

Attest:

______________________________
Secretary of the Planning Commission

I, Sennaida Zavala, Secretary of the Planning Commission, do hereby certify that the foregoing resolution was adopted at a meeting of the Planning Commission of the City of Fowler, on the motion of Commissioner ________________ and seconded by Commissioner ________________ on the 3rd day of September 2020, by the following vote to wit:

AYES: Commissioners: ________________________________

NAYS: Commissioners: ________________________________

ABSTAIN: Commissioners: ________________________________

ABSENT: Commissioners: ________________________________

______________________________
Chairman of the Planning Commission
Attachment “A”
CONDITIONS OF APPROVAL
Site Plan Review Application No. 19-03
(East Manning Avenue between SR 99 and Golden State Boulevard)

I. GENERAL CONDITIONS

1. Approval of this Site Plan Review shall be valid for a period not to exceed one year from the date of approval unless a building permit for the facility described herein has been issued by the Building Department and construction is being diligently pursued. The owner may request an extension of up to one additional year via written request to the Planning Department submitted not less than thirty days prior to expiration of the site plan approval. Once in operation, the permit shall become void if the facility ceases operation for one (1) year following the date of any closure.

2. The Project is in the C-3 zone district and all provisions of that district shall apply.

3. All conditions shall be satisfied prior to building permit approval for any portion of the project. Failure to comply with all conditions of approval shall be grounds for the imposition of penalties, suspension of the permit, modification of the permit, or revocation of the permit.

4. The applicant shall keep the exterior premises free from trash and debris. Graffiti shall be removed or covered within 48 hours of its discovery by the applicant, manager, or any employee.

5. All contractors or sub-contractors working in the City must obtain a business license from the Finance Department at Fowler City Hall. The applicant shall report applicable sales tax revenue to the State.

6. All lighting shall be hooded and directed as to not shine towards adjacent properties and public streets.

7. Drive aisles shall be kept unobstructed at all times to allow clear access by the Fire Department. Vehicles shall not block driveways.

8. The applicant shall pay all fees as required by existing ordinances and schedules. The fees to be paid shall be those in effect at the time of payment.

9. Development of the site shall be in substantial conformance with the site plan contained in Exhibit “A” except as noted by the Planning Director on Exhibit “A” and as may be modified by these conditions.
II. PROPERTY DEVELOPMENT STANDARDS

Required Conditions

10. In accordance with Section 9-5.1207:
   a. All businesses and processes shall be conducted within a completely enclosed structure, except for off-street parking and loading areas (truck terminals), service stations, outdoor dining areas, nurseries, garden shops, signs, Christmas tree sales lots, bus depots, and transit stations, public utility stations, and car sales.
   b. No use shall be permitted and no process, equipment or materials shall be used that are found by the City to be objectionable to persons living or working in the vicinity be reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibration, illumination, glare, or unsightliness or to involve any hazard of fire or explosion.

Off Street Parking Facilities

11. Provide the required number of parking spaces, in accordance with Section 9-5.2002:
   a. Service commercial establishments, repair shops, and wholesale establishments shall provide one space for each 600 square feet of floor space plus 1 space for each 2 employees.
      i. A total of 10 parking spaces are required:
         1. 5.280 sq. ft./600 sq. ft. = 9 parking spaces
         2. Operational statement states two employees = 1 additional parking space
         3. No additional parking spaces are required for the office conversion.
   b. Handicap parking stalls shall be provided as shown on Exhibit A.
   c. All commercial, government, and office areas shall provide adequate facilities for bicycle parking at a convenient location at a ratio of one (1) bicycle facility for each ten (10) required parking spaces.
      i. Please provide one bicycle parking space.

12. Parking spaces shall be designed in accordance with Section 9-5.2003:
   a. Each parking space shall be not less than twenty (20) feet in length and nine (9) feet in width, exclusive of aisles and access drives, except that up to thirty (30) percent of all spaces may be provided for compact cars with such spaces not less than nine (9) feet in width and sixteen (16) feet in length, and marked for compact cars. Spaces for the handicapped shall meet State standards.
   b. Parking lot lighting shall be deflected away from abutting sites and rights-of-way so as not to cause glare to such locations.
   c. No commercial repair work or servicing of vehicles shall be conducted on a parking site.
   d. The parking area, aisles and access drives shall be paved and shall be so graded and drained as to dispose of surface water, subject to City standards and the approval of the City Engineer.
Fences, Barriers, and Lighting

13. In accordance with Section 9-5.2007, at all points along streets or sidewalks (excepting points of access to the parking lot or area), a concrete curb or timber barrier not less than six (6) inches high shall be installed and maintained.

Building Height

14. In accordance with Section 9-5.1213, the maximum height shall be fifty (50) feet, except as may be allowed in under provisions of Article 27.

Design Review

15. In accordance with Section 9-5.1217, commercial projects within the C-3 zone district shall be subject to the design review provision of Article 16.

Irrigation/Landscaping

16. As referenced in Section 9-5.1211, within the required 15-foot front yard setback (Adams Avenue frontage), 10 feet shall be landscaped. A minimum 10 foot wide side yard abutting residential (Stearns Avenue) shall be landscaped.

17. A landscaping and irrigation plan be prepared and submitted for review by the City Engineer for proposed on-site and off-site (within the City right-of-way) landscaping. Landscape and irrigation shall be low water consumption designs consistent with AB 1881 and City of Fowler ordinances.

18. In accordance with Section 9-5.21.12, the following standards of design, installation and maintenance shall be observed.

a. When property is undeveloped at the time landscaping requirements are imposed, all required landscaping shall be provided and maintained prior to the time a main building is occupied or when any open use, other than agricultural, occurs on the property.

b. All vegetation shall be provided with a permanent source of water by means of on-site water sprinklers or a flood irrigation system. The irrigation plan shall indicate the type of heads, pipe size, valve size, backflow valve and water supply size and source.

c. Landscaping provided in shall be generally designated on the site plan. Prior to the issuance of any building permit, a detailed landscape planting, irrigation, and grading plan (as appropriate) shall be submitted that shall show the location, size, and variety of all plantings, water supply, contours and similar designations as the Director may require.

d. All vegetation shall be maintained free of physical damage from lack of water, excess chemical fertilizer or other toxic chemical, or disease, and vegetation that shows signs of such damage shall be replaced by the same or similar vegetation of a size and character that will be comparable at full growth.

e. Landscaping shall be kept free from weeds and litter.
f. Every property owner or occupant shall be responsible for the maintenance and care of all trees, shrubs, plants, and vegetation in the street right-of-way abutting such property.

g. Except as otherwise provided by this ordinance, all required yards shall be landscaped. Each residential parcel of land or lot shall have a minimum of one (1) medium-sized tree for each residential unit. Each commercial and industrial parcel of land or lot shall have a minimum of one (1) medium-sized tree for every four (4) parking spaces. Two (2) small trees (fifteen (15) to thirty (30) feet at maturity) shall be counted as one (1) medium-sized tree.

19. Provide Parking lot landscaping in accordance with Sections 9-5.2008 and 9-5.21.12:

a. Not less than five (5) percent of a parking lot comprising up to twenty parking spaces shall be landscaped and continuously maintained.

   i. Not less than ten (10) percent of a parking lot comprising more than twenty parking spaces shall be landscaped and continuously maintained.

b. Not more than ten (10) consecutive parking stalls shall be allowed without an approved landscaped tree well of twenty (20) square feet or more.

c. A planting list shall be shown on the required plot plan to obtain a grading permit, or building permit, for the buildings for which the parking lot is provided, which planting list shall give the botanical and common names of the plants to be used, the sizes to be planted, the quantity of each, and the spacing to insure balance and design.

d. The Director shall approve all landscaping plans within a parking area and shall have the right to require additional landscaping if he deems it necessary to improve the aesthetic character of the project.

e. Parking lot shading shall be provided in accordance with the following provisions required in all P and C district:

   i. For new uses, fifty (50) percent of paved parking lot surfaces shall be shaded by tree canopies within fifteen (15) years of planting. This requirement may be reduced for existing development if it is demonstrated that the constraints of an existing site would make it impossible to meet the normal standard. The requirement for parking lot shading for existing development shall apply if new construction or remodeling results in an addition of two thousand five hundred (2,500) square feet or more. The amount of shading required for existing development shall be determined during the Site Plan Review process but shall be in keeping with the intent of the section.

   ii. A “paved parking lot” shall include parking stalls, driveways, and maneuvering areas.

   iii. A landscaping plan that details compliance with the Parking Lot Shading standard is required. The plan shall show:

       1. All landscaped areas.

       2. The total area in square feet of the paved parking lot, driveways, and maneuver areas; and the area shaded by tree canopies. A schedule listing total parking area, shaded area, and the percentage of parking area shaded should be included.
3. A schedule of the specific names of proposed trees and their sizes.
   iv. Shaded areas shall be assumed to be only those portions of a paved parking lot directly beneath the shading canopy or drip line.
   v. Any portion of a paved parking lot shaded by a man-made structure shall be subtracted from the area of the parking lot to be shaded.
   vi. Trees planted along the perimeter of a lot may be counted as providing shade for the full area of their canopy.
   vii. A ten (10) percent minor deviation of the shading standard may be approved by the Director if it is found that the normal standards would impose an undue hardship.

20. Whenever any person neglects to conform to this ordinance concerning any landscaping or landscaped area, the Director may require upon thirty (30) days' written notice, such compliance. In the event noncompliance continues, the Director may cause work to be done to bring the landscaping or area into compliance. The work and plantings and a lien therefore shall be accomplished as provided for in the Fowler Municipal Code.

*Submit a landscape plan.

Water:

21. Separate domestic, fire, and landscape services (if applicable) shall be developed into the site. Each service shall include a City-approved water meter and reduced pressure backflow preventer and be approved by Public Works prior to occupancy. If utilizing existing services, verify and upgrade with Public Works as necessary.

Sewer:

22. Sewer connection permit fees are due prior to issuance of any building permits.
23. Applicant shall install sewer service(s) per direction of Selma-Kingsburg-Fowler Sanitation District (SKF). Improvement plans for this work are to be prepared by a registered civil engineer and approved by SKF and the City Engineer.
24. Any septic systems that served the property shall be abandoned pursuant to SKF, City, County, and State standards.

Paving, Grading and Drainage:

25. A Grading and Site Improvement Plan for proposed on-site improvements shall be submitted for review and approval by the City Engineer. Applicant shall obtain a Grading and Site Improvement Permit once plans are approved.
26. Drainage shall be directed to the City's storm drainage basin at Adams / Golden State or to an on-site facility, if deemed necessary by the City Engineer. Applicant shall submit engineering drainage calculations to verify pipe sizes, curb capacities, and basin capacity. Any improvements to the existing storm drainage system will be the responsibility of the applicant.
27. Proposed parking lot shall conform to the Parking Manual of the City of Fowler and shall be paved with a concrete or asphalt surface and include lighting and appropriate landscaping features.
28. The applicant shall obtain an NPDES permit from the Regional Water Quality Control Board for construction sites of one acre or larger. The plan shall provide for the mitigation of soil erosion from the project site during the construction and warranty periods.

29. Proposed perimeter fencing shall meet City standards. Locks on gates at the driveways shall be coordinated with the Police Department to ensure access.

Utilities:

30. Applicant shall work with PG&E and other utilities for the preparation of a utility plan, subject to the review and approval by the City Engineer. All new services into the site shall be underground and be completed such that no street surface need be disturbed.

31. Any existing septic tanks or water wells on site shall be abandoned and systems shall be connected to City services.

Circulation:

32. Frontage improvements shall be made to West Adams, North 8th Street, and Stearns Avenue per the City Engineer including the addition of curb, gutter, sidewalk, street lighting, and landscaping.

33. Applicant shall pay to the Fresno Council of Governments the Regional Traffic Mitigation Fee.

Miscellaneous:

34. The applicant shall provide a City standard trash enclosure capable of housing bins for general trash and recyclables with concrete slab and masonry wall.

35. The applicant shall submit a revised site plan addressing the conditions above.

36. Any modifications to the existing single-family residence to convert it to an office is subject to building permits.

37. Approval of this Project is for the benefit of the Applicant. The submittal of applications by Applicant for this Project was a voluntary act on the part of the Applicant not required by the City. Therefore, as a condition of approval of this Project, the Applicant agrees to defend, indemnify and hold harmless the City of Fowler and its agents, officers, consultants, independent contractors and employees ("City") from any and all claims, actions or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the Project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "Claim").

The City shall promptly notify the Applicant of any Claim and the City shall cooperate fully in the defense. If the City fails to promptly notify the Applicant of any Claim or if the City fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

Nothing in this condition shall obligate the City to defend any Claim and the City shall not be required to pay or perform any settlement arising from any such Claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any Claim, and if the City does decide to independently defend a Claim, the Applicant shall be responsible for City's attorneys'
fees, expenses of litigation and costs for that independent defense, including the costs of preparing any required administrative record. Should the City decide to independently defend any Claim, the Applicant shall not be required to pay or perform any settlement arising from any such Claim unless the Applicant approves the settlement.

Signature of Applicant:__________________________

Name of Applicant:______________________________

Dated:______________________________
ATTACHMENT B

The project meets the conditions listed in Section 15332 to qualify for CEQA exemption as a Class 32 In-Fill Development Project:

a) 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 subject parcel is zoned C-3 (General Commercial) and planned for General Commercial land uses by the City of Fowler General Plan. The approximately 3.21-acre site is located on the southwest corner of North 8th Street and West Adams Avenue at 105 West Adams Avenue [APN: 343-060-06]. The project, as approved with Site Plan Review No. 19-03, is consistent with the City of Fowler’s general plan designation, applicable general plan policies, as well as zoning designation and regulations.

b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
The project site is 3.21 acres within the City of Fowler. The subject property is surrounded by properties that are zoned C-3 (General Commercial). Though there are single-family homes west of the property which are non-conforming, conforming structures, the project will have no adverse effect on the abutting properties.

c) The project site has no value as habitat for endangered, rare, or threatened species.
The project area is an unpaved area composed of weeds and no trees. According to the Information for Planning and Consultation (IPaC) website maintained by the U.S. Fish & Wildlife Service, there are no critical habitats at the project site.

d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Traffic
The project is anticipated to generate a daily maximum of five truck visits to the site. A daily maximum of three passenger vehicles for onsite staff are expected. The project would not significantly increase area traffic.

Noise
Project implementation will not significantly increase noise in the area beyond existing conditions. On October 17, 2019 from 7am to 8am, a sound level meter was used to establish existing noise conditions for the area. Readings were taken at the following locations:

- Approximately 1,163 feet southeast of Adams Avenue on 8th Street in front of Valley Mobile Home Park
- Approximately 555 feet south of Adams Ave on Stearns Avenue between the project site and single-family homes

Unseen vehicles traveling on State Route (SR) 99, approximately 1,000 feet from the project vicinity, generated constant noise ranging from 55 to 60 decibels (dB). A train passed the area on the Union Pacific line at 7:30am. The railcars alone generated 78 dB of noise while the horn peaked at 108 dB. Vehicles, both commercial and passenger, traveling on 8th Street and Golden State Boulevard generated noise ranging from 56 to 87 dB dependent
on speed, with vehicles traveling faster or accelerating producing sound at a higher reading. Two school buses picking up children from Valley Mobile Home Park generated a peak of 84 dB when accelerating from a dead stop. Train horns from the BNSF line approximately 3.5 miles west of the area were clearly discernible and generated a maximum 58 dB.

The readings from the sound level meter demonstrate that the vicinity of the project site is inherently noisy due to its proximity to SR 99, Golden State Boulevard, and the Union Pacific railroad tracks. Though construction of the proposed 5,280 square foot shop will generate noise possibly louder than existing conditions, construction activities will be temporary in duration and take place during daylight hours. The applicant anticipates that a maximum of three trucks will be onsite at one time. Movement of the trucks on the project site will be minimal, consisting mainly of ingress and egress. Therefore, project operations would not contribute substantially to the area’s existing noise conditions.

**Air Quality**

Diesel-fueled vehicles are required to comply with 13 CCR § 2485, California’s Anti-Idling Law, which requires diesel-powered vehicles to idle for no more than five (5) minutes. The Project is required to comply with the San Joaquin Valley Air Pollution Control District’s Rule 9510, which requires construction and operational emissions to reduce a development project’s construction NOx and PM10 emissions by 20% and 45%, respectively, as well as reducing a development project’s operational NOx and PM10 emissions by 33.3% and 50%, respectively, when compared to unmitigated project baseline emissions. Those who are sensitive to air pollution include children, the elderly, and persons with pre-existing respiratory or cardiovascular illness. For purposes of CEQA, the SJVAPCD considers a sensitive receptor a location that houses or attracts children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Examples of sensitive receptors include hospitals, residences, convalescent facilities, and schools. The nearest sensitive receptor to the project site are residences located approximately 150 feet to the west of the Project. The District’s recommended method for screening risks is by using its prioritization calculator based on the California Air Pollution Control Officers Facility Prioritization Guidelines (August 2016). The prioritization calculator will provide a score based on the emission potency method. The prioritization score is an indicator of a facility’s potential risk. Scores of 10 or greater indicate that a refined HRA should be prepared because there is the potential for a significant health risk. Scores less than 10 indicate that the project’s TAC emissions are not a high risk. The TACs that would be emitted from the project include diesel engine exhaust from delivery vehicles to and from the project site. The maximum prioritization score total is 0.832 to the nearest receptor. This is less than the District recommended screening threshold of 10 for conducting a refined HRA. Based on this score, the proposed project would not result in a significant health risk. A daily maximum of three passenger vehicles for onsite staff are expected. Any impacts to air quality during construction would be temporary and therefore minimal. The project would not significantly impact air quality in the area.

**Water Quality**

It is estimated that daily project operations will use 10 gallons or fewer of water and generate eight gallons or fewer of wastewater. The project will have no impact on water quality.
e) The site can be adequately served by all required utilities and public services.

The project involves the construction and operation of a mechanic shop for approximately 14 commercial trucks belonging to the applicant. Implementation of the project will not impede service by required utilities and public services.

The exceptions to CEQA exemption listed in Section 15300.2 do not apply to this project:

a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. This subsection does not apply to Class 32 exemptions.

b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The project will consist of the construction and operation of a mechanic shop for approximately 14 commercial trucks. Maintenance and simple auto repair will be performed only on the business owner's small fleet of trucks. Maintenance of this type will include oil changes, spark plug replacement, and similar routine actions that quality as automobile repair, a permitted use for C-3 (General Commercial) in the City of Fowler's Zoning Ordinance. Diesel Specialties, located at 506 N 8th Street, and H&H Tire at 530 N 8th Street are similar but more intensive operations abutting a segment of the project site's boundary. Diesel Specialties is a business employing five staff members to service and complete major repairs on vehicles, specializing in commercial trucks. H&H Tire repairs and replaces tires and brakes and performs oil changes. In comparison, the maintenance and minor repair proposed by the applicant would be on a much smaller scale. Unlike the nearby businesses, the proposed project would not service vehicles owned by others. Therefore, the proposed project will not significantly impact the existing conditions of the area created by Diesel Specialties and H&H Tire.

c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

There is not a reasonable possibility that the operation proposed by the applicant will have a significant effect on the environment due to unusual circumstances. The project as proposed is unlikely to create circumstances unusual for the area. Project implementation will not have a significant impact on air or water quality, traffic, or noise, so the overall effect on the area's environment is anticipated to be insubstantial.
d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The project site is not located near a scenic highway. The closest scenic highway is State Route 180 where it crosses Alta Main Canal, approximately 15 miles northeast of the project site. The project will not result in damage to scenic resources.

e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

According to the websites EnviroStor, maintained by the Department of Toxic Substances Control, and GeoTracker, from the State Water Resources Control Board, the project site is not included on any list described in Section 65962.5 of the Government Code.

f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The single-family home located on the project site was built in 1930, according to the Fresno County Assessor's Office. The project seeks to perform interior improvements as well as exterior accessibility improvements. Implementation of the project will not cause a substantial adverse change to the home whether it is deemed a significant historical resource.
3 August 2020

City of Fowler Planning Commission
128 South Fifth Street
Fowler, CA 93625

City of Fowler Planning and Community Development
128 South Fifth Street
Fowler, CA 93625

Re: Notice of Approval, Site Plan Review Application NO 19-03

Commissioners and Staff:

Reversion of the Approval is requested for the following reasons:

1. This Project appears to be a re-hash of Fowler Planning Commission 3 January 2019 Agenda Item number 6, Consideration of Conditional Use Permit NO 17-4, which the Commission voted to put in a Continuation Status. If so, I believe it requires a return/consideration and vote by the Commission. The Notice of Approval, dated effective 22 July 2020 appears to be nothing more than an attempt to end-run the Commission, and thus the Citizens of the City of Fowler to accomplish the Applicant’s desired end.

2. The Applicant is unchanged although the end-user seems to have changed, no doubt because of the unfortunate circumstances discussed in my letter re NO 17-4 of 3 January 2019. JAG Transportation Inc. has become JAG Trucking, Inc., or is it JAG Transport (a New Jersey Company) as shown on Staff e-mail subject lines.

3. Please note that the Notice of Approval (NO 19-3), although dated 22 July, was mailed (Post Marked) 27 July 2020, thereby effectively shortening the allowed response time considerably.
4. This Project does conform to the apparent intent and common understanding of the Permitted uses as enumerated, of the City of Fowler C-3 Zoning. Although the CEQA asserts the Project is an auto repair facility (a permitted use) for a small fleet of trucks; the apparent reality is the facility will be working on/repairing a fleet of at least 50 Class 8 (total declared of Federal Government website) diesel trucks (and trailers?). These Trucks have a permitted weight of 80,000 pounds and will certainly be confused by few with a normal passenger vehicle of perhaps 4,000 to 5,000 pounds; except perhaps by the author of the CEQA who asserts the facility will be “replacing” spark plugs on the trucks. Additionally, the planned maintenance facility will not offer its services to the Public. It is an adjunct to the owner’s actual business of Trucking. It thus is not in conformity with the stated purpose of C-3 Zoning. And the general understanding of Commercial, i.e. Goods and Services available to the public.

5. The Project is inconsistent with the current Concepts for the “Golden State Corridor – Central Fowler” Plan. The realignment of Golden State Boulevard, the reconfiguration of the Adams Avenue intersection, and the addition of Class 1 bike Lanes is clearly incompatible with heavy truck’s ingress/egress on Eighth Street.

6. The CEQA minimizes the effects of diesel exhaust by postulating on 3 passenger vehicles would visit the site daily. This simply ignores the projected activity, and potential future growth of activity, at the site. The repair of heavy diesel vehicles and their necessary operation as well as entry and exit from the site of an (in reality) unknown number of such trucks was avoided in the CEQA calculations. It should be noted that Valley Mobile Home Park is located approximately 225 feet from the project boundary and has a number of both elderly and children, qualifying as a “Sensitive Receptor”.

Thus, in view of the above, and my letter of 3 January 2019 (included as an exhibit) I hereby request the reversion of the Approval dated 22 July 2020 and a hearing before the City of Fowler Planning Commission.

Respectfully,

/s/

Robert K. Hatch
I. Recommendation
Staff recommends that the Commission recommend to the City Council adoption of an amendment to the Fowler Zoning Ordinance as follows. The Council will consider the matter for final decision at a separately noticed public meeting.

- **Section 9-5.21.05 – Accessory Buildings.** Amend to clarify the permitted height of fireplace structures and the required setback of playground structures, fireplaces, and similar structures.
- **Section 9-5.715 – R-1 Yard Requirements.** Amend to clarify that 5-foot side- and rear-yard setback requirements for mechanical equipment do not apply to fireplaces, fixed pool equipment, and similar structures.
- **Sections 9-5.1003 and 9.5.1005 – C-1 Permitted Uses.** Amend to permit grocery stores under 10,000 square feet in area by-right and permitting grocery stores 10,000 square feet in area or greater subject to a conditional use permit.
- **Section 9-5.1203 – C-3 Permitted Uses.** Amend to permit grocery stores by-right.
- **Section 9-5.1402 – M-1 Permitted Uses.** Amend to permit automobile repair by-right.
- **Section 9-5.1503 – M-2 Permitted Uses.** Amend to clarify a grammatical error express that agricultural uses are not permitted in the M-2 zone.
- **Section 9-5.1705 – Form-Based Code Permitted Uses.** Amend to permit grocery stores limited to 1,500 square feet of sales area by-right.

II. Background & Project Description
The City of Fowler is undergoing a comprehensive Zoning Code Update. Prior to the completion and adoption of the comprehensive update, City Staff identified the benefit of clarifying certain standards and uses. City Staff recommends permitting grocery stores in the C-1, C-3, and Form-Based Code Zones to promote the development of such uses. Staff also recommends clarifying the permitted uses in the M-1 zone to permit automobile repair. A missing Oxford comma has also created confusion about agricultural uses being permitted in the M-2 zone. Adding the comma will clarify that agricultural uses are not permitted.

Staff has identified the benefit of permitting certain accessory structures, such as fireplaces and playground equipment, to within 3 feet of the property line in the side and rear yard. The recommended amendments to Sections 9-5.21.05 and 9-5.715 permit such setback requirements.
III. Environmental Review
The proposed project must be reviewed for compliance with CEQA. Zoning Text Amendment No. 20-01 has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be exempt pursuant to CEQA Guidelines Section 15061(b)(3).

IV. Attachments
A. Planning Commission Resolution No. 652
RESOLUTION NO. 652
RESOLUTION BEFORE THE PLANNING COMMISSION
OF THE CITY OF FOWLER
COUNTY OF FRESNO, STATE OF CALIFORNIA

RESOLUTION RECOMMENDING APPROVAL OF ZONING TEXT
AMENDMENT NO. 20-01 CLARIFICATIONS TO THE ZONING ORDINANCE

WHEREAS, the City of Fowler initiated Zoning Text Amendment No. 20-01 to amend
 certain accessory structure standards and allowed use listings in the Fowler Zoning Ordinance; and

WHEREAS, the Commission conducted a duly noted public hearing at a regular meeting on
 September 3, 2020 at 6:30 pm; and

WHEREAS, the proposed text amendment solely constitutes an amendment to regulations
and does not authorize any physical activity that has the potential to result in a significant effect to the
 environment, and is therefore exempt from the California Environmental Quality Act under CEQA
 Guidelines Section 15061(b)(3); and

WHEREAS, the Commission, after having reviewed the staff report and having considered
 public testimony on the matter, has determined that it is in the best interests of General Plan
 consistency and the public health, safety, and general welfare to approve Zoning Ordinance
 Amendment No. 20-01 as requested.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of
 Fowler hereby recommends to the City Council that Zoning Ordinance Amendment No. 20-01 be
 approved as shown on Exhibit A.

Attest:

Secretary of the Planning Commission

I, Sennaida Zavala, Secretary of the Planning Commission, do hereby certify that the foregoing
resolution was adopted at a meeting of the Planning Commission of the City of Fowler, on the motion of
Commissioner __________________________ and seconded by Commissioner
______________________________ on the 3rd day of September 2020, by the following vote to wit:

AYES: __________________________
Commissioners: __________________________
NAYS: Commissioners: ____________________________

ABSTAIN: Commissioners: ____________________________

ABSENT: Commissioners: ____________________________

__________________________
Chairman of the Planning Commission
Attachment “A”
PROPOSED ORDINANCE
ORDINANCE NO. 2020-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOWLER AMENDING CHAPTER 5 OF TITLE 9 SECTION 05 TO ARTICLE 21, CLARIFYING DEVELOPMENT STANDARDS OF ACCESSORY BUILDINGS, SECTION 715 TO ARTICLE 7, CLARIFYING DEVELOPMENT STANDARDS OF THE R-1 ZONE DISTRICT, SECTION 1003 AND 1005 OF ARTICLE 10, ALLOWING FOR GROCERY STORES, SECTION 1203 OF ARTICLE 12 ALLOWING FOR GROCERY STORES, SECTION 1402 OF ARTICLE 14, AND 1402 ALLOWING AUTOMOBILE REPAIR, SECTION 1503 OF ARTICLE 15 CLARIFYING GRAMMAR OF THE FOWLER MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF FOWLER DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 05 of Title 9, Chapter 5, and Article 21 of the Fowler Municipal Code is hereby added to read as follows:

A. No accessory building shall have a height greater than ten (10) feet, or one (1) story. The space between a dwelling and any accessory building on the same lot, when not joined by a common wall, shall be a minimum of ten (10) feet.

B. Notwithstanding A., above, no playground structure shall have a height greater than twelve (12) feet.

C. Notwithstanding A., above, no fireplace, or similar structure as determined by the Director, shall have a height greater than six (6) feet.

BD. An accessory building may be located in a required side yard area on any part of the rear one-third of a lot subject to the limitations of D., following: a minimum of 3 feet from the side property line if located within the rear one-third of a lot. This applies to playground structures, fireplaces, and structures determined to be similar by the Director.

DE. Accessory buildings may be located no closer to the rear property line in R or RM districts than shown below:

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1-12</td>
<td>12 feet</td>
</tr>
<tr>
<td>R-1-10</td>
<td>10 feet</td>
</tr>
<tr>
<td>R-1-8.5</td>
<td>8.5 feet</td>
</tr>
<tr>
<td>R-1-7</td>
<td>7 feet</td>
</tr>
<tr>
<td>R-1-6</td>
<td>6 feet</td>
</tr>
<tr>
<td>R-1-5</td>
<td>5 feet</td>
</tr>
<tr>
<td>RM districts</td>
<td>5 feet</td>
</tr>
</tbody>
</table>
F. Notwithstanding E. above, no fireplace, or similar structure as determined by the Director, may be located less than 3 feet from the rear property line.

1. Such building may occupy not more than twenty (20) percent of the length of the required rear yard, measured between side lot lines.
2. Roof lines or eaves shall not extend into adjacent property.

EG. On a reverse corner lot, an accessory building shall not be located closer to the rear property line than the required side yard on the adjoining key lot. An accessory structure shall not be closer to a side property line adjoining key lot and not closer to a side property line adjoining the street than the required front yard on the adjoining key lot.

SECTION 2 Section 715 of Title 9, Chapter 5, and Article 7 of the Fowler Municipal Code is hereby added to read as follows:

E. Any mechanical equipment, including fixed pool equipment such as pumps, filters, diving boards, and or pool slides, shall not be located less than five (5) feet from an adjoining side or rear property line. This does not apply to fireplaces, fixed pool equipment such as pumps and filters or structures determined to be similar by the Director.

SECTION 3 Section 1003 of Title 9, Chapter 5, and Article 10 of the Fowler Municipal Code is hereby added to read as follows:

A. Retail and service establishments primarily to serve the immediate neighborhood:

234. Hardware stores;
245. Hobby supply stores;
266. Ice dispensers (coin-operated);
267. Locksmiths;
278. Newsstands and magazine stores;
289. Offices;
2930. Parking lots;
301. Pressing, altering, and repairing of wearing apparel;
342. Radio and television stores and repair shops;
323. Restaurants and cafes, including outdoor cafes, but excluding the sale of alcoholic beverages;
334. Shoe repair shops;
345. Shoe stores;
366. Soda fountains;
367. Stationery stores;
378. Tailors and dressmakers;
389. Video rentals and sales;
3940. Variety stores, less than ten thousand (10,000) square feet in area;
401. Other uses added by the Commission according to the procedure set forth in this article;
Incidental and accessory structures and uses on the same site as a permitted use.

SECTION 4 Section 1005 of Title 9, Chapter 5, and Article 10 of the Fowler Municipal Code is hereby added to read as follows:

Uses permitted subject to a conditional use permit shall be as follows (see Article 25):

9. Grocery stores greater than 10,001 square feet in area;
10. Laundermat, coin-operated laundry, and dry cleaning establishments;
11. Planned Unit Development subject to provisions of Article 28;
12. Private clubs and lodges;
13. Residential dwellings over or to the rear of a permitted use provided such dwellings shall be subject to the use, site area, coverage and yard requirements of the RM-3 district;
14. Service stations, including service stations as part of a convenience store (gasoline), excluding automotive repair services;
15. Tobacco stores.

SECTION 5 Section 1203 of Title 9, Chapter 5, and Article 12 of the Fowler Municipal Code is hereby added to read as follows:

A. Retail and service establishments:
21. Grocery stores;
22. Hatcheries;
23. Heating and air conditioning shops;
24. Household appliance repair shops;
25. Ice and food products dispensing machines;
26. Ice manufacturing;
27. Laboratories;
28. Laundry plants;
29. Mini-storage facilities;
30. Parcel delivery services;
31. Photographic and blueprint processing and printing;
32. Plumbing and sheet metal shops;
33. Post offices, public and private;
34. Poultry and rabbit butcher shops for retail sales on the premises, including live storage; such use shall not be established closer than five hundred (500) feet from any residential zone;
35. Railroad freight and passenger services;
36. Refrigeration sales and services;
37. Restaurants;
38. Service stations;
39. Sign shops;
40. Stone and monument yards, retail;
401. Tire recapping and sales;
412. Upholstery shops;
423. Veterinarians’ offices, small animal boarding and hospitals, and kennels; provided however such use shall not established closer than five hundred (500) feet from any residential district and shall be completely enclosed in a building of soundproof construction;
434. Warehouses and mini-storage uses;
445. Wholesale establishments.

SECTION 6   Section 1403 of Title 9, Chapter 5, and Article 14 of the Fowler Municipal Code is hereby added to read as follows:

E. Automobile repair;

EF. Building materials, sales, and storage;

FG. Emergency shelter subject to the following development standards:

1. Facility compliance with applicable state and local standards and requirements;
   a. Federal, State and local licensing as required for any program incidental to the emergency shelter;

2. Physical characteristics;
   a. Compliance with applicable state and local uniform housing and building code requirements;
   b. The facility shall have on-site security during all hours when the shelter is open;
   c. Facilities shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.
   d. Facilities shall provide secure areas for personal property;

3. Limited Number of Beds. Emergency shelters shall not exceed ten (10) beds;

4. Limited Terms of Stay. The maximum term of staying at an emergency shelter is six (6) months in a consecutive twelve (12) month period;

5. Parking. The emergency shelter shall provide on-site parking at a rate of one (1) space for each employee at the maximum shift plus one (1) space per six (6) occupants allowed;

6. Emergency Shelter Management. A management plan is required to address management, client supervision, client services, and food services. Such plan shall be submitted to and approved by the Community Development Department prior to operation of the emergency shelter;

GH. Farm machinery and equipment manufacturing, sales, and service (including incidental auctions not to exceed four (4) per year);

HI. Frozen food processing, storage, and accessory sales;

IJ. Gasoline service stations, including dispensing of diesel and other fuels, and complete truck service;

JK. Golf cart sales and service;

KL. Hatcheries;

LM. Ice and cold storage plant;

MN. Laboratories, experimental and testing;

NO. Machine shops;
QP. Petroleum products storage, provided that gasoline, kerosene, and similar products shall be stored underground;
PO. Planning mill, excluding refuse burning;
QR. Poultry and rabbit processing;
RS. Prefabrication of buildings;
ST. Public utility service yards, electrical and gas transmission stations;
TU. Secondhand stores;
UV. Stables and riding academies;
VW. Stone monument works;
WX. Tire recycling, rebuilding, recapping and retreading;
XY. Transit and transportation equipment, storage space and yards, except freight classification yards;
YZ. Trucking terminals;
ZAA. Warehouses and mini-storage uses.

SECTION 7  Section 1503 of Title 9, Chapter 5, and Article 15 of the Fowler Municipal Code is hereby added to read as follows:

B. Heavy industrial and related uses including:
   18. Agricultural, industrial, and household chemical compounds manufacture;

SECTION 8  Section 1705 of Title 9, Chapter 5, and Article 17 of the Fowler Municipal Code is hereby added to read as follows:

A. The following uses shall be permitted in the Form-Based Code Area:
   13. Grocery stores limited to 1,500 square feet of sales area;
   134. Hardware stores;
   145. Health, fitness club;
   156. Locksmiths;
   167. Market less than ten thousand (10,000) square feet;
   178. Museum;
   189. Non-profit charitable institutions;
   4920. Offices—Business, professional, service, medical;
   201. Parking lots;
   242. Post offices, public and private;
   223. School, public or private;
   234. Studio: art, dance, martial arts, music, etc.;
   245. Restaurant, café, coffee shop, not serving alcohol;
   266. Variety stores less than ten thousand (10,000) square feet;
   267. Video rentals and sales;
   278. Other uses added by the Commission according to the procedure set forth in this article;
Incidental and accessory structures and uses on the same site as a permitted use.
Walking and Biking Safety Training

Fowler, California

06.30.2020
3:00 p.m. - 5:00 p.m.

Taller para la Seguridad Peatonal y Ciclista

California Walks | UC Berkeley SafeTREC
Planungskommission

Comité de Planificación

Susie Rico-Vasquez
Fresno County
Department of Public Health

Danielle Claybon
Public Health Advocates

Lourdez Perez
Public Health Advocates

Dawn Marple
City of Fowler Planning Department

Yvonne Hernandez
City of Fowler Recreation Department

Jamaica Gentry
District 6 Caltrans

Monique Narciso
Fresno Housing Authority

Laura Gromis
Transformative Climate Communities Bicycle Outreach

Gloria Regier
Fowler Unified School District

Kristina Pasma
Valley Children's Healthcare, Safe Kids Central California

Rudy Alcaraz
Fowler Police Department

Dario Domínguez
City of Fowler Public Works Department

Cyndi Dean
Fresno County School District
Create a community vision with neighbors

Improve walking and biking in Fowler

Workshop Goals

Crear una visión comunitaria con sus vecinos.

Mejorar las condiciones para caminar y andar en bicicleta

Metas del Taller
Walking & Biking Crash Data

Walking & Biking Assessments

Pack a Seguridad Peatonal Ciclista

Program & Planificación de acciones

Introduction Poll

Encuesta de Introducción

6 E's Strategies Presentation

Presentación de Estrategias
Pedestrian Injury Collisions Map (2014 - 2018)
Mapa de choques de peatones (2014 - 2018)

Focus Area
City of Fowler

Area de Enfoque
Ciudad de Fowler

5 pedestrian collisions resulting in an injury to a pedestrian
5 choques que involucran a peatones y resultaron en lesiones al peatón

Data Source: Statewide Integrated Traffic Records System (SWITRS) 2009-2018; 2017 and 2018 data are provisional as of Dec. 2019

Fuente de datos: Registro Integrado del Tráfico Estatal (Statewide Integrated Traffic Records System, SWITRS) 2009-2018; Los datos del
Bicycle Injury Collisions Map (2014 - 2018)
Mapa de choques de ciclistas (2014 – 2018)

Focus Area
City of Fowler

Area de Enfoque
Ciudad de Fowler

2 bicycle collisions resulting in an injury to a cyclist
2 choques que involucraron a ciclistas y resultaron en lesiones al ciclista

Collision Severity
- Injury (Severe) (1)
- Injury (Other Visible) (1)

Data Source: Statwide Integrated Traffic Records System (SWITRS) 2009-2018; 2017 and 2018 data are provisional as of Dec. 2019

Fuente de datos: Registro Integrado del Tráfico Estatal (Statewide Integrated Traffic Records System, SWITRS) 2009-2018; Los datos del 2017 y 2018 son provisional a partir de dic. 2019
High-visibility road markings

Marcas de Alta Visibilidad

Modesto, CA
Photo: California Walks
RRFB

Aviso
Rectangular de Luces Rápidas Destellantes

Cudahy, CA
Photo: California Walks
Pedestrian Safety Island

Isla de Seguridad para Peatones
Bike Lane
Education

Educación

Santa Ana, CA
Temporary Demonstration Project

Proyecto de Demostración Temporal

Fresno, CA
Photo: California Walks
Earn-A-Bike Program

Programa de Ganar una Bicicleta
Route 2
Golden State Blvd

Ruta 2
Golden State Blvd
Next Steps

Follow-Up Call with the Planning Committee

Informes de Resumen y Recomendaciones

Summary & Recommendations Reports

Evaluaciones del Taller

Follow-up Support Apoyo después