



City of Fowler  
128 S. 5<sup>th</sup> Street  
Fowler, California 93625

FWLER PLANNING COMMISSION MEETING  
AGENDA  
October 1, 2020  
6:30 P.M.

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. Approval of Minutes for September 3, 2020.
4. 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).
5. Public Hearing to Consider Conditional Use Permit No. 19-02, filed by Bob and Gloria Bajwa and Bhupinder Singh, to construct a 30-room, two-story motel and a 1,500 square foot residence, at 312 West Tuolumne Street (APN: 343-110-13)

Consider Adoption of Resolution No. 653 approving Conditional Use Permit application 19-02, before the Planning Commission of the City of Fowler, County of Fresno, State of California.

6. Communication
8. Adjournment

Next Resolution No.: 654

CERTIFICATION: I, Sennaida Zavala, Planning Secretary for the City of Fowler, California, hereby certify that the foregoing agenda was posted for public review on, Friday, September 25, 2020.

Sennaida Zavala

Ms. Marple Presented the appeal submitted by Mr. Hatch who is a business owner within 300 feet of the project approved. The project was approved as a Site Plan Review instead of a CUP. The applicant wants to work as a transfer terminal causing it to be converted to an SPR. As an SPR, the project does not need to be approved by Commission which addresses Mr. Hatches first point. Mr Hatches second reasoning for appeal was not valid due to Businesses changing their names frequently. Ms. Marple explained that Mr. Hatch's third reasoning for appeal was reasonable but the City cannot dictate when the USPS will be mailed therefore the reasoning cannot be justified. Mr. Hatches fourth reason for appeal is not a valid reason due to the applicant only having 5 parking spaces causing only 5 trucks allowed on site. The Golden State Corridor – Central Fowler plan does not include the area around the project causing Mr. Hatches 5<sup>th</sup> reason for appeal to not be a valid reason. The 6<sup>th</sup> and final reason Mr. Hatch for the approval of site plan is not a valid reason due to California having anti-idling laws which a diesel exhaust being minimal. Also, staff cannot predict future growth; they only review what is proposed, and put that as the cap of what the applicant it allowed to have on site. Staff recommends Commission to deny the appeal and uphold the approval of the Site Plan Review.



Commission had questions on how many trucks the site will have, who the applicant is and Sterns Ave entrance and exit. Staff advised Commission that the total fleet is 15, but only 5 parking's with 2 terminals to work on trucks, and the applicant is JAG Transportation. Mr. Kirby, representative of the applicant, advised the Commission that the applicant plans on closing one of the entrances which is Stearns Avenue. Ms. Marple addresses the concerns of the existing building

#### **Public Presentation**

Mr. Kandarian, Fowler Resident, had some questions on who the applicant is and if they have an active DOT number and how the project affects the Fowler Golden State Corridor. Staff and Commission advised Mr. Kandarian that the DOT number was unknown at the moment and the project has no influence on the Corridor.

Mr. Hatch, Fowler business owner, restated his concerns addressed in his appeal.

Commissioner Fernandez made a motion to adopt Resolution No. 651 denying the appeal of approved Site Plan Review Application No. 19-03, seconded by Commissioner Mukai. Motion carried by a 3-1 vote. Ayes: Mellon, Fernandez, Mukai. Noes: Mejia.

#### **AGENDA ITEM NO. 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.**

Ms. Marple presented the item. There are seven text amendments that will be before the Planning Commission. 1). Accessory Building, 2). Yard Requirements, 3). C-1 Permitted Uses, 4). C-3 Permitted Uses, 5). M-1 Permitted Uses 6.) M-2 Permitted Uses, and 7). Form-Bases Code Permitted Uses.

Commission had some concern of the Form-Based Code Permitted Use and the square footage for a market of 10,000 square feet. Commission advised staff to strike the section of a market being 10,000 square feet and limit them to 1,500 square feet.

Commission also had some questions in regards to what a variety store entailed. Staff advised that a variety store, as described in the code, is a thrift store. Commission advised staff to limit the square footage of a variety store to 1,500 square feet.

Commissioner Fernandez made a motion to adopt Resolution No. 652 recommending approval of zoning text amendment No. 20-01 Clarifications to the Zoning Ordinance with the two purposed changes made by Commission to Section 8, removal of market less than 10,000 square feet and modification of variety store less limited to 1,500 square feet, seconded by Commissioner Fernandez. Motion carried by a 3-1 vote. Ayes: Mellon, Mejia, Fernandez, Mukai. Noes: None

## **AGENDA ITEM NO 8**

### **Communication**

- A. Susie Rico Vasquez, Fresno County Public Health Representative, gave an overview of the Biking and Walking Safety Review that took place on June 30<sup>th</sup>, 2020. The event done to improve the biking and walking in Fowler. Merced, Golden State Blvd, and Adams avenue were assessed during this event. The next steps will be providing educational information to citizens of Fowler, and to apply for grants to help with the future biking and walking of citizens.

Public Works Director Advised the Commission of the redoing of Adams and how it will improve the future of Fowler Biking and Walking.

Dawn gave a clarification of the Roundabout mentioned earlier in the meeting at the off ramp at Adams Avenue. There has not been any submittal but there has been discussion for a subdivision with additional 144 homes possibly going in in the area.

Ms. Marple also let Commission know that the Growth Management Ordinance can no longer be enforced due to a Bill that was recently signed.

Chair Mellon stressed his concern for U-Hauls being parked on a non-paved surface, which is part of municipal code.

Commissioner Fernandez Made a Motion to adjourn, Seconded by Chair Mellon. Motion carried by a unanimous voice vote and meeting was adjourned at 8:13 PM.





# CITY OF FOWLER PLANNING & COMMUNITY DEVELOPMENT

## California

### STAFF REPORT

**TO:** City of Fowler Planning Commission

**FROM:** Dawn E. Marple, City Planner

**DATE:** October 1, 2020

**SUBJECT:** Public Hearing to Consider Conditional Use Permit No. 19-02, filed by Bob and Gloria Bajwa and Bhupinder Singh, to construct a 30-room, two-story motel and a 1,500 square foot residence, at 312 West Tuolumne Street (APN: 343-110-13)

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#### I. Recommendation

Staff recommends that the Commission approve Conditional Use Permit (CUP) Application No. 19-02, including the attached resolutions and conditions of approval. The decision of the Planning Commission is final unless appealed to the City Council. The Commission is empowered to grant or deny applications for CUPs and to impose reasonable conditions upon granting approval.

#### II. Background & Project Description

The subject parcel is zoned C-2 (Community Commercial), within the Highway Beautification (HB) Overlay District, and is planned for Community Commercial land uses by the City of Fowler General Plan. The site, approximately .81 acres, is currently vacant and is located on the north side of West Tuolumne Street between State Route 99 and North 10<sup>th</sup> Street (APN 343-110-13). Motel and residences uses are subject to a Conditional Use Permit in accordance with Section 9-5.1105 of the Fowler Zoning Ordinance. Residence uses in the C-2 zone district must be placed above or to the rear of the permitted use, and are subject to the RM-3 zone district standards.

Figure 1 (Site Plan) depicts the proposed development. Figure 4 depicts the aerial photo of the site; Figure 5 is the zoning map and Figure 6 is the general plan map. The site is located in Fowler's C-2 (Community Commercial) Zone District, surrounded by C-2 to the north, west, and east, and C-H (Highway Commercial) to the south.

The Project's public street frontage along Tuolumne Street is not normal. The half of Tuolumne Street opposite of the project was vacated in 2006 as part of the La Quinta Inn project in order to accommodate its parking. Despite lacking half of the typical street, the Project has sufficient street width to accommodate the proposed traffic, however the site plan must be modified in order to accommodate emergency response vehicles by relocating the building to adjacent to the 20-foot setback from State Route 99. A concept of this can be found under Figure 2. The California Building Code ensures that noise levels inside the rooms will not exceed 45 decibels, a standard that has to be met for residential homes as well. Furthermore, staff has conditioned the project to install a stop sign at Tuolumne Street to reduce vehicular conflicts.

The Design Review Committee reviewed the Project and desired higher quality aesthetics from the building. The proposed elevations can be found under Figure 3. Staff has conditioned the Project to conform to higher quality aesthetics, as required under the Highway Beautification Overlay and Design Review ordinances.



### **III. Findings**

The zoning ordinance requires the Commission make the following findings for approval of a CUP:

1. ***The site for the proposed use is adequate in size and shape to accommodate such use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by the Zoning Ordinance.***

Conditional Use Permit Application No. 19-02 is proposed on approximately .81 acres and the proposed site is adequate size and shape to accommodate all of the proposed uses as it complies with all setbacks, and parking aisle and stall dimension requirements. The project, as conditioned, will accommodate turning movements for the largest expected vehicle for each proposed use. The site will accommodate the uses pursuant to the Fowler Zoning Ordinance.

2. ***The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.***

While half of Tuolumne Street was abandoned to accommodate the La Quinta Inn project, the existing surrounding streets are of adequate size and capacity to facilitate the amount of traffic that will be generated by the proposed use. The Project has been conditioned to reposition the building and other site features in order to accommodate emergency vehicles, as well as to install a stop sign at Tuolumne and 10<sup>th</sup> Streets. The Southwest Area Traffic Study prepared in 2015 analyzed this area and determined there would be no impacts to traffic.

3. ***The proposed use will have no adverse effect upon abutting property or the use thereof.***

Operation of Conditional Use Permit Application No. 19-02 will not impact abutting property as the surrounding properties are zoned C-2 and C-H and planned for commercial uses. The motel use, as well as its parking lot, are conditioned to be placed as far away as possible from adjacent legal non-conforming residential uses. All lights are required to be hooded and placed in a fashion as not to cause light or glare to spill onto adjacent properties. The building will reduce the level of existing freeway noise experienced by neighboring properties, including the additional noise from traffic.

4. ***The conditions established by the Planning Commission and stated in the Resolution for the Conditional Use Permit are deemed necessary to protect the public health, safety and general welfare.***

The conditions of approval will serve to accommodate the proposed uses while protecting the health, safety, and welfare of the public. Conditions of approval are based upon standards contained within the Fowler General Plan and the Fowler Zoning Ordinance. Further, the proposed conditions of approval will serve to implement the goals and objectives of the General Plan, which itself is intended to provide for logical and orderly development of the City in a manner that is beneficial to its residents.

### **IV. Environmental Review**

The City, as the Lead Agency under the California Environmental Quality Act (CEQA) determined that the proposed project is categorically exempt from CEQA through a Class 32 Infill exemption.

### **V. Attachments**

- A. Resolution 653
- B. CEQA Exemption





# CITY OF FOWLER PLANNING & COMMUNITY DEVELOPMENT

## California

### STAFF REPORT

Figure 1 – Submitted Site Plan

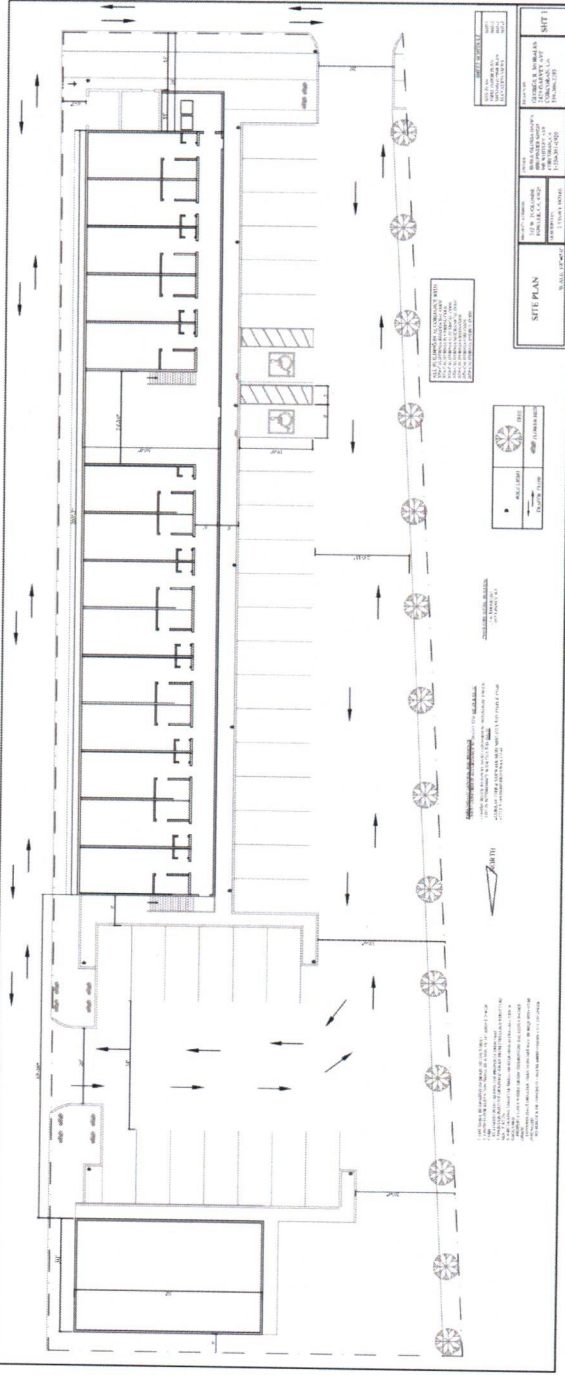
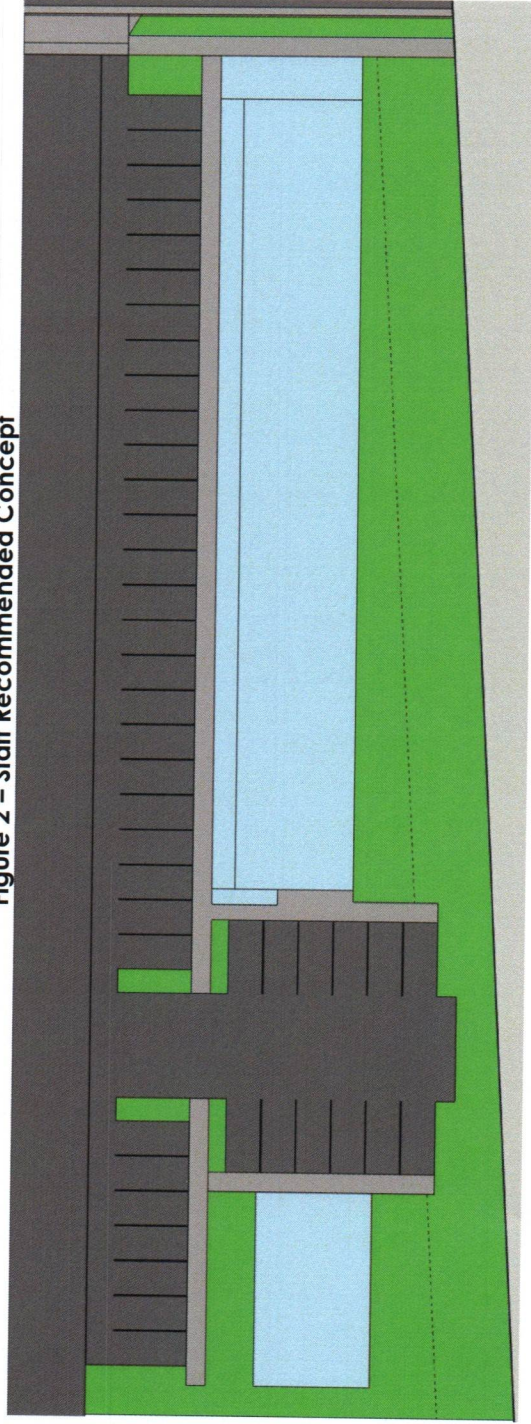


Figure 2 – Staff Recommended Concept





# CITY OF FOWLER PLANNING & COMMUNITY DEVELOPMENT *California*

## STAFF REPORT

Figure 3 – Proposed Elevations

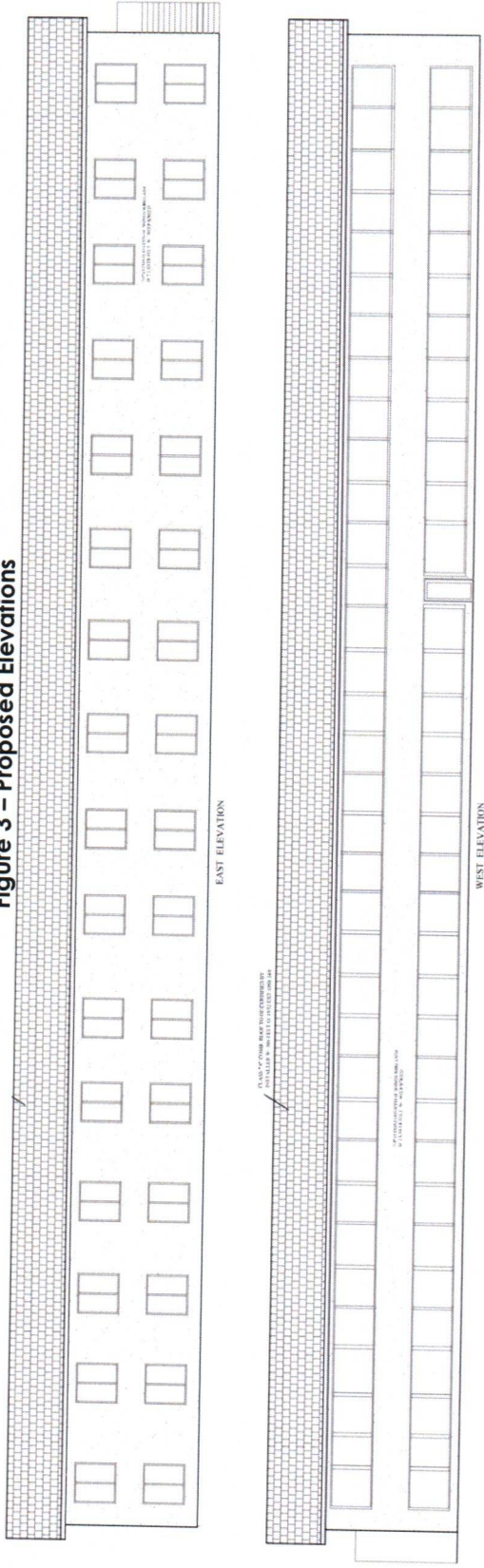






Figure 4 – Aerial Photo

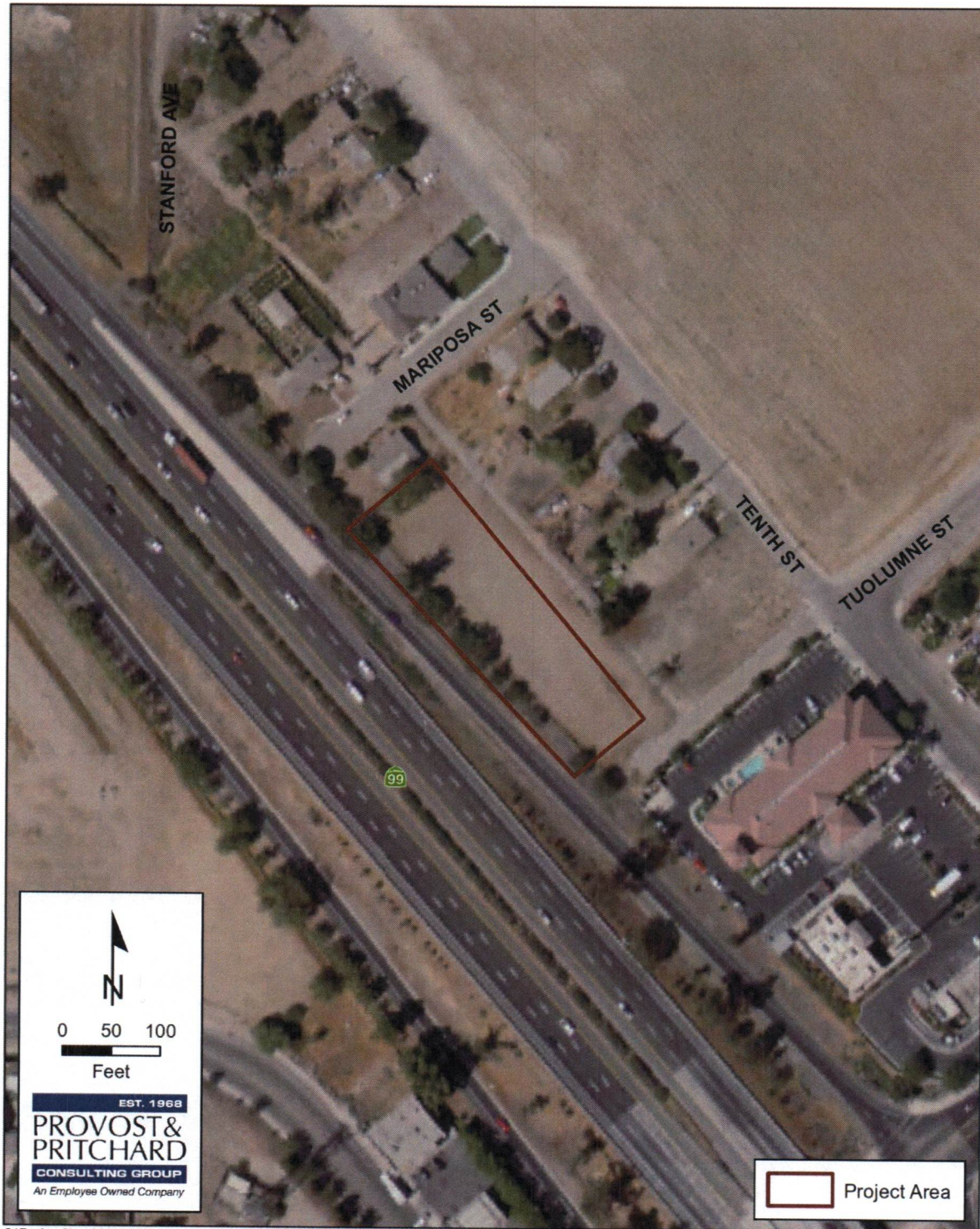






Figure 5 – Zoning Map

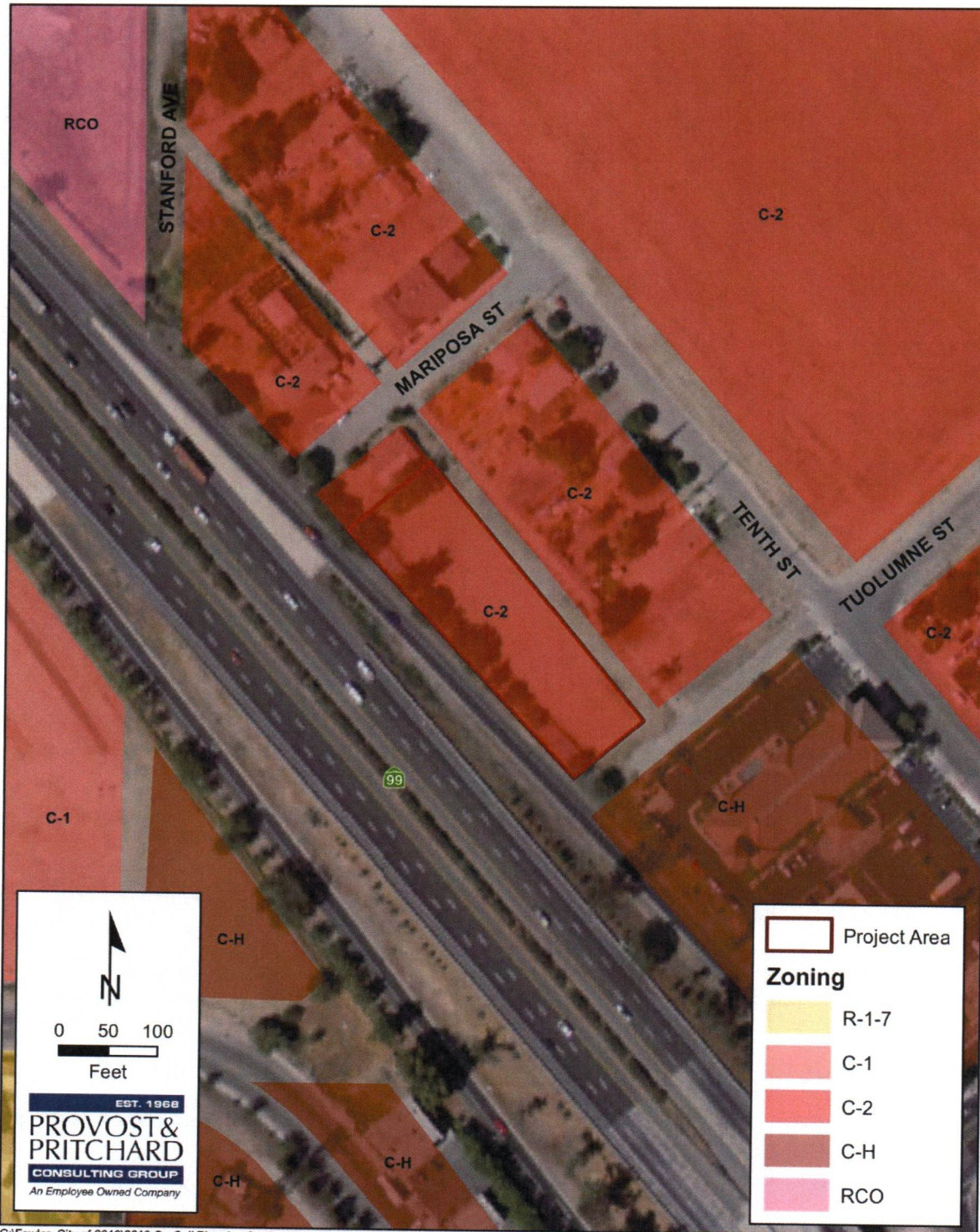
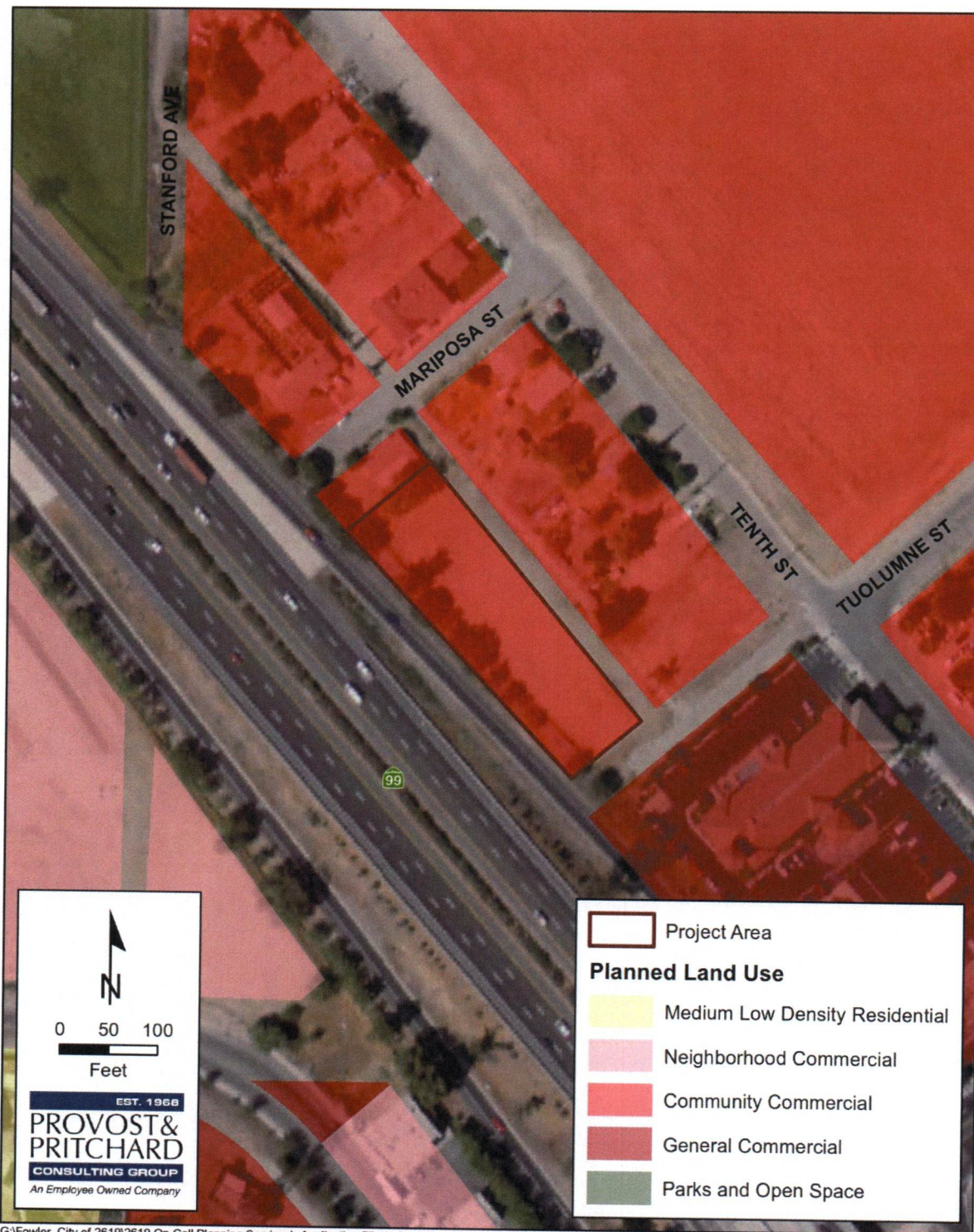






Figure 6 – General Plan Land Uses



G:\Fowler\_City of 2619\2619 On-Call Planning Services\_Application Files\_Conditional Use Permit Applications\261919009-CUP 19-02 Bajwa\GIS\Map\landuse.mxd



RESOLUTION NO. 653  
RESOLUTION BEFORE THE PLANNING COMMISSION  
OF THE CITY OF FOWLER  
COUNTY OF FRESNO, STATE OF CALIFORNIA

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RESOLUTION APPROVING  
CONDITIONAL USE PERMIT APPLICATION NO. 19-02

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**WHEREAS**, an application for Conditional Use Permit 19-02 has been received to allow the establishment of the proposed Bajwa Project ("Project") in a C-2 zone district, on an approximately 0.81-acre parcel (APN: 343-110-13) at 312 West Tuolumne Street, located on the north side of West Tuolumne Street between State Route 99 and North 10<sup>th</sup> Street; and

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

**WHEREAS**, the Project requires approval of a Conditional Use Permit in accordance with Article 25 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**, a public hearing notice was duly published informing the public that the Categorical Exemption and Project would be considered for approval at a Planning Commission meeting held on October 1, 2020 at 6:30 p.m.; and

**WHEREAS**, the Planning Commission reviewed the proposed Conditional Use Permit together with the Categorical Exemption at a Regular Meeting on October 1, 2020; and

**WHEREAS**, the Planning Commission, after reviewing and considering the staff report, categorical exemption, and all evidence presented at the Planning Commission regular meeting October 1 2020, including oral and written public testimony on the Project and the Categorical Exemption, and which is herein incorporated by this reference, did make the following findings with regard to the Conditional Use Permit 19-02 for the Project:

1. The site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by the Zoning Ordinance.
2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use. No significant effects on the surrounding street system are anticipated.
3. The proposed use will have no adverse effect upon abutting property or the use thereof.



4. The conditions established by the Planning Commission and attached to this Resolution for Conditional Use Permit 19-02 are deemed necessary to protect the public health, safety and general welfare.

**NOW THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Fowler does approve Conditional Use Permit No. 19-02 for the Project subject to the conditions contained in Attachment "A."

I hereby certify the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted by the Planning Commission of the City of Fowler at a meeting held on the 1<sup>st</sup> day of October 2020 by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

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Chairman of the Planning Commission

Attest:

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City Clerk

# Attachment "A"

## CONDITIONS OF APPROVAL

### Conditional Use Permit No. 19-02

### (Tuolumne Street)

#### General Conditions

1. Approval of this conditional use permit and the associated site plan 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 this approval. As there are two buildings on the site, once a building permit is facilitated for one of the proposed buildings construction of the second building will not be held to any time limits.
2. Development of the site shall be in substantial conformance with these conditions or the direction of the Planning Commission, including:
  - A. The majority of parking stalls shall be arranged between the motel building and the alley.
  - B. The residence shall be placed at the rear of the property.
  - C. Access to the property shall be taken only from the alley.
  - D. The conceptual site plan provided by Staff.
3. All provisions of the C-2 (Community Commercial) zone district shall apply.
4. All provisions of the Highway Beautification Overlay District shall apply.
5. Any free standing or occupancy signs are subject to review and approval by the Director by means of a separate Sign Review process.
6. All conditions shall be satisfied prior to occupancy 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.
7. The operator shall keep the exterior premises free of trash and debris. Graffiti shall be removed or covered within 48 hours of its discovery by the applicant, manager, or any employee.
8. Any business operating on the site and all contractors or sub-contractors working in the City must obtain a business license from the Finance Department at Fowler City Hall.
9. The operator shall report applicable sales tax revenue to the State.
10. All lighting shall be hooded and directed as to not shine towards adjacent properties and public streets.
11. Drive aisles shall be kept unobstructed at all times. Vehicles shall not block driveways.
12. A copy of these conditions must be kept on the premises and be shown to any requesting City official. Failure to comply with all conditions of approval shall be grounds for the imposition of penalties, modification of the permit, or revocation of the permit.
13. All business and processes shall be conducted within a completely enclosed structure, except for off-street parking and loading areas, service stations, outdoor dining areas, nurseries, garden shops, signs, Christmas tree sales lots, bus depots, and transit stations, public utility stations and car sales.



14. 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 by 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.

## Property Development Standards

15. The maximum building height shall be fifty (50) feet.  
\*\*Please provide elevations of all buildings to the Planning Department for review and approval prior to submittal for building permits.
16. The residence shall comply with the site area, coverage and yard requirements of the RM-3 zone.

## Aesthetics

The Design Review Committee reviewed Conditional Use Permit Application No. 19-02 and recommended significant façade changes. In order to address the Committee's concerns the following conditions shall apply:

17. At least one projection or recess shall be provided for every 50 horizontal feet of wall in one of the following manners:
  - A. Projections or recesses for buildings 50 feet wide or less shall be exempted from the building length articulation requirement; projections or recesses for buildings greater than 50 feet in width but less than 100 feet in width shall be no less than 12 inches in depth; or projections or recesses for buildings 100 feet wide or wider shall be no less than 24 inches in depth.
  - B. The depth and width of the projection or recess shall be proportionate to the overall mass of the building.
18. A substantial horizontal articulation of the façade shall be applied at the top of the first story. This element shall be no less than 18 inches tall, and should project from the adjacent wall plane. It shall be designed as a cornice, belt course, or a similar architectural element which is appropriate to the style of the building.
19. Provide articulation at the top story of the building. This may be accomplished by a color change, material change, a cornice/belt course at the bottom of the uppermost story, by stepping the uppermost story back, or similar measures.
20. Materials shall present a durable and attractive appearance through high-quality materials, finishes, and workmanship defined as:
  - A. At least two cladding materials (excluding roof and foundation); and
  - B. 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).
  - C. Exception: Buildings which accurately adhere to a recognized architectural style which is appropriately expressed in one cladding material and one color shall be excepted.
21. Window Design.
  - A. Each floor of the building shall have an overall wall composition between 25 and 70 percent glazing.
  - B. At least 50 percent of all window openings, window panes, or distinct window units shall have a vertical proportion, in which their height exceeds their width by 25 percent or more.
  - C. Windows shall create visual interest and the appearance of depth in one of the following manners:
    1. Trim at least one inch in depth and three inches wide must be provided around all upper story windows and non-commercial ground-floor windows;
    2. Windows must be recessed at least two inches from the plane of the surrounding exterior wall (for double-hung and horizontal sliding windows, at least one sash shall achieve the two-inch recess); or
    3. Decorative plaster screed, minimum 2 inches wide.

22. External stairs, corridors, and hallways shall be architecturally integrated into the building design.
23. Deciduous trees shall be planted along south and west building exposures, where feasible.
24. Landscaping shall allow adequate sight distance for motorists and pedestrians entering and exiting the site.

### **Highway Beautification Overlay Standards**

25. Pursuant to Article 19, Section 9-5.1907 of the Fowler Zoning Ordinance along lot lines adjacent to at-grade or elevated highway sections, a landscaped buffer of no less than 20-feet shall be provided.
26. In accordance with Section 9-5.1907 (L) of the Fowler Zoning Ordinance any building wall visible from the highway shall be detailed and treated equally in terms of appearance to the front of the building.
27. In accordance with Section 9-5.1907 (M) of the Fowler Zoning Ordinance utility and mechanical equipment such as heating units, air conditioners, antennas, satellite dishes, HVAC units, or similar devices shall be integrated into the design of the building or situated on the site so that they are not visible from the highway. When this is not possible, the equipment shall be screened from view of the highway by a masonry wall or other method acceptable by the City.
28. In accordance with Section 9-5.1907 (N) of the Fowler Zoning Ordinance trash and recycling areas shall be situated on the site so that they are not visible from the highway. When this is not possible, the trash and recycling areas shall be screened from view of the highway by a masonry wall or other method acceptable to the City.
29. In accordance with Section 9-5.1907 (O) of the Fowler Zoning Ordinance loading areas shall be situated on the site so that they are not visible from the highway. When this is not possible, the loading areas shall be screened from view from the highway by a masonry wall or other method acceptable to the City.

### **Off-Street Parking and Loading Standards**

30. One (1) parking space shall be provided for each guest room, plus one (1) space for each employee on the maximum shift. No additional parking spaces are required for the caretaker residence.
31. Prior to the issuance of a building permit verification of the required number of parking stalls shall be determined adequate by the Planning Department.
32. Improvements shall include handicap parking stalls and an ADA accessible sidewalk providing access to the front door of the buildings the parking lot is serving. These spaces shall meet the State standards.
33. All parking areas shall have adequate ingress and egress to and from a street or alley. Sufficient room for turning and maneuvering vehicles shall be provided on the site. Bumper rails or other barriers shall be provided where needed for safety or to protect property, as determined by the City.
34. Entrances and exits to parking lots and other parking facilities shall be provided only at locations approved by the City.
35. Each parking space shall not be less than 20-feet in length and 9-feet in width, exclusive of aisles and access drives, except that up to thirty (3) percent of all spaces may be provided for compact cars and such spaces not less than 9-feet in width and 16-feet in length, and marked for compact cars.
36. Parking lot lighting shall be deflected away from abutting sites so as not to cause annoying glare.
37. No commercial repair work or servicing of vehicles shall be conducted on a parking site.
38. In accordance with Section 9-5.2005 of the Fowler Zoning Ordinance every building shall provide for a loading space on the same parcel with such building, as follows:
  - A. Having a gross floor area of 4,000 square feet or less: no requirement
  - B. Having a gross floor area between 4,001 square feet and 40,000 square feet: at least one off-street loading space
  - C. For uses greater than 40,000 square feet: one additional off-street loading space for each 30,000 square feet or major fraction thereof of gross floor area, to a maximum of 5 loading spaces.
39. Every required loading space shall have a minimum length of 40-feet, a minimum width of 12-feet, and a minimum vertical clearance of 14-feet.



40. The required loading space may be within a building.
41. A loading space may occupy a rear or side yard, except such portion required to be landscaped.
42. In accordance with Section 9-5.2007 of the Fowler Zoning Ordinance 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 6-inches high shall be installed and maintained.
43. In accordance with Section 9-5.2008 of the Fowler Zoning Ordinance any plan for off-street parking facilities shall be accompanied by a landscape plan. All off-street parking facilities shall conform with the following standards:
  - A. A plot plan indicating the location of all landscaping.
  - B. Not less than five percent of a parking lot comprising of up to twenty parking spaces shall be landscaped and continually maintained.
  - C. Not less than ten percent of a parking lot comprising of more than twenty parking stalls shall be landscaped and continually maintained.
  - D. Not more than ten (10) consecutive parking stalls shall be allowed without an approved landscaped tree well of twenty (20) square feet or more.

### **Landscaping Standards**

44. Landscaping shall be provided in accordance with Fowler Zoning Ordinance Section 9-5.21.12.
45. Landscaping shall be kept free from weeds and litter.
46. Parking Lot Shading. Fifty (50) percent of paved parking lot surfaces shall be shaded by tree canopies within fifteen (15) years of planting.

### **Public Works/Fire Department Comments**

47. Submit a site plan showing sewer connections and improvements.
48. Submit a site plan depicting fire hydrant locations.
49. Submit a site plan depicting Fire Department connections (FDC) and backflow devices on both proposed buildings.
50. A secondary access point for emergency vehicles measuring no less than 20 feet in width must be developed.

### **Police Department Comments**

51. Install security cameras on the external of the building and the ingress/egress routes of the parking lot in coordination with the Police Chief. Recording shall be maintained on a 7-day loop.

### **Engineering Conditions (Dated March 16, 2020)**

#### **General:**

52. All proposals of the applicant shall be conditions of approval, except as further modified below, and subject to modifications to conform to applicable City Standards.
53. 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.

#### **Circulation:**

54. Applicant shall pay to the Fresno Council of Governments the Regional Traffic Mitigation Fee.
55. Applicant shall pay its proportionate share of the traffic impacts as identified in the SW Area traffic impact study.
56. Applicant shall complete frontage improvements along Tuolumne Street from the project site to 10th Avenue including curb, gutter, sidewalk, streetlights, and landscaping (street trees with grates).

57. Applicant shall provide 'No Parking' signs on both sides of Tuolumne Street from 10th Avenue to the project site.
58. Applicant shall reconstruct the alley along the east boundary of the site. Alley shall be 20 feet wide and conform to Fowler Improvement Standards.
59. Applicant shall install a stop sign at the northbound corner of Tuolumne and 10<sup>th</sup> Streets.

#### **Grading and Drainage:**

60. A Grading and Site Improvement Plan for the 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.
61. Parking lot shall be paved with asphalt or concrete, shall be properly lit and landscaped and shall comply with the Fowler Improvement Standards.
62. Drainage shall be directed City drainage basin at the terminus of 10th Avenue north of Mariposa Street. Drainage calculations prepared by a registered civil engineer shall be submitted demonstrating the basin and conveyance system has sufficient capacity to accommodate project drainage. Any improvements to the existing storm drainage infrastructure necessary to convey the project drainage to the drainage basin shall be the responsibility of the applicant.

#### **Landscaping:**

63. Applicant shall submit an on-site and off-site landscape and irrigation plan for review and approval by the City Engineer.
64. Landscaping shall be drought tolerant and irrigation system shall be low water consumption, shall only contain drip or micro-spray irrigation, and shall comply with all provisions of AB 1881.

#### **Water:**

65. Separate domestic, fire and landscape services shall be developed into the site. Each services shall include a City approved water meter and reduced pressure backflow preventer and approved by Public Works prior to occupancy. If utilizing existing services, verify and upgrade with Public Works as necessary.
66. Fire hydrants shall be located on-site at a spacing not to exceed 300' at locations approved by the Fire Chief.

#### **Sewer:**

67. Applicant shall install sewer service per direction of Selma-Kingsburg-Fowler Sanitation District. Improvement plans for this work are to be prepared by a registered civil engineer and approved by SKF and the City Engineer.
68. Applicant shall submit floor and plumbing plans for sewer service for review and approval by the City Engineer and Selma-Kingsburg-Fowler County Sanitation District (SKF).
69. Applicant shall pay applicable sewer connection fees to SKF based upon the rates in effect at the time of payment.
70. Install a 6-inch minimum SS lateral with cleanout and box at the property line.
71. Install industry standard sewer backflow devise on the 6-inch sewer service. Backflow devise shall be installed on-site and maintained by the property owner.
72. Complete and submit the attached commercial sewer connection application.
73. Applicant to pay for the sewer connection permit prior to issuance of the building permit.

#### **Utilities:**

74. 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 to the building shall be underground and be completed such that no street surface need be reopened for service. No new utility poles are allowed.
75. The existing pole located on site (SE corner) shall be removed and services connected to the pole shall be relocated underground.



**Irrigation:**

76. 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.

**Other:**

77. The applicant shall provide a City standard trash enclosure capable of housing bins for general trash and recyclables with concrete slab and masonry wall.
78. A minimum 36" masonry wall shall be constructed along the west property line abutting the freeway.
79. 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: \_\_\_\_\_

Dated: \_\_\_\_\_

## CEQA EXEMPTION FINDINGS

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-2 (Community Commercial) and planned for Community Commercial land uses by the City of Fowler General Plan. The approximately 0.81-acre site is located on the north side of West Tuolumne Street between State Route 99 and North 10<sup>th</sup> Street (APN 343-110-13). The project, as approved with Conditional Use Permit No. 19-02, 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 0.81 acres within the City of Fowler. The subject property is surrounded by developed properties that are zoned C-2.

- c) *The project site has no value as habitat for endangered, rare, or threatened species.*

The project area is a vacant 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 approximately 169 trips per day. The Fresno Council of Government's VMT guidelines state that projects that generate less than 500 trips per day should be presumed to have a less than significant impact. All transportation-related impact fees paid will go towards necessary infrastructure to improve existing conditions.

### **Noise**

Project implementation will decrease noise levels below existing levels, as described in the

### **Air Quality**

The Project will be required to comply with Rule 9510 of the San Joaquin Valley Air Pollution Control District. Emissions will not exceed Air District standards.

### **Water Quality**



Estimated water usage is not expected to exceed 2,316 gallons per day. The City has sufficient capacity to serve the project.

***e) The site can be adequately served by all required utilities and public services.***

The project involves the construction and operation of a 30-room motel. 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 30-room motel. LA Quinta Inn, located across Tuolumne Street, is similar but more intensive operations abutting a segment of the project site's boundary. Therefore, the proposed project will not significantly impact the existing conditions of the area created by La Quinta Inn.

***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.

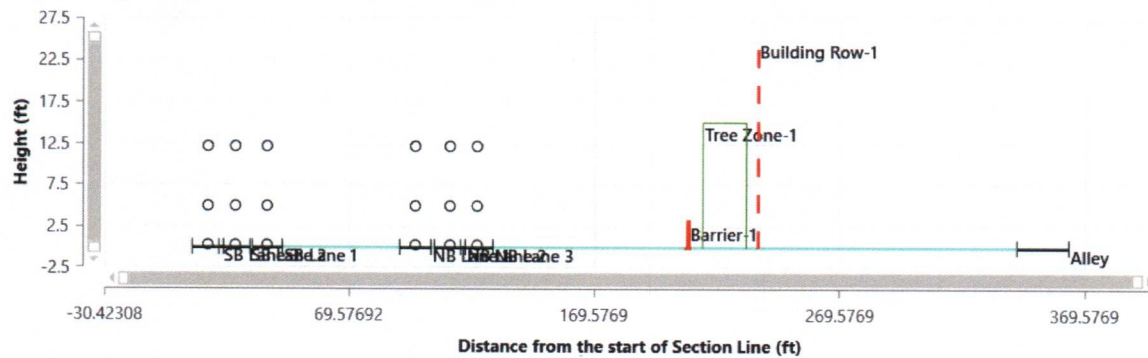
- f) *Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

There are no registered historical resources on this site.



## Noise Analysis

The Federal Highway Administrations' Transportation Noise Model version 3.0 was used to analyze noise impacts. Receptors were placed at the rear property line of each property across from the Project alley. Below is a cross section of the noise generating and noise reducing elements.



The following inputs were used. Vehicle mixes were utilized from the 2035 Fresno General Plan Master EIR for State Route 99, using a peak hour volume of 9,400 (Postmile Marker 11.836, 2017 CalTrans Census). This volume was spread out all across all six lanes of traffic. All other defaults were used.

	Existing	Proposed
SR 99 Lane Speed (mph)	70	70
SR 99 Number of Lanes	6	6
Auto Traffic per Lane-Hour	1,206	1,206
Medium Traffic per Lane-Hour	75	75
Heavy Traffic per Lane-Hour	285	285
Alley Speed (mph)	20	20
Alley Traffic per Lane-Hour	0	19
Wall Height	0	3
Tree Zone Height	0	15
Building Zone Height	0	25

Results were as follows:

Decibel Levels by Receptor						
	1	2	3	4	5	6
No Project	75.14	75.49	75.36	75.43	75.35	75.28
With Project	67.37	69.00	71.76	70.18	67.76	72.92
Reduction	7.77	6.49	3.6	5.25	7.59	2.36