



City of Fowler
128 S. 5th Street
Fowler, California 93625

FWLER PLANNING COMMISSION MEETING
AGENDA
January 7, 2021
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. Swearing-In of newly appointed Commissioner, Brian Hammer and reappointed Commissioners Kandarian and Mellon
4. Reorganization of Planning Commission
 - Chairman
 - Vice Chairman
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. Approval of minutes for October 1, 2020 meeting.
7. Public Hearing to Consider Zoning Ordinance Amendment (Rezone) Application No. 20-01 and Site Plan Review Application No. 20-08, filed by Ray Duran, to rezone a 14,000 square foot lot from R-1-5 to RM-2-A, at 704 East Main Street (APN: 343-110-13)

Consider Adoption of Resolution No. 654 Resolution recommending approval of Zoning Ordinance Amendment Application No. 20-01, before the Planning Commission of the City of Fowler, County of Fresno, State of California.

Consider Adoption of Resolution No. 655 Resolution recommending approval of Site Plan Review 20-08, before the Planning Commission of the City of Fowler, County of Fresno, State of California.

8. Communication

9. Adjournment

Next Resolution No.: 656

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, January 04, 2021.



Sennaida Zavala
Planning Secretary

***MINUTES OF THE FOWLER CITY PLANNING COMMISSION MEETING
October 1, 2020***

Chairman Mellon called the meeting to order at 6:30 p.m. Roll call was taken.

Commissioners Present: Mellon, Mejia, Fernandez, Kandarian, Mukai

Commissioners Absent: None

City Staff Present: City Manager Davis, City Attorney Cross, Police Chief Alcaraz (Via Teleconference), Planning Consultant Marple, City Engineer Peters (Via Teleconference), Planning Secretary Zavala

AGENDA ITEM NO. 3

APPROVAL OF MINUTES FOR September 3, 2020

Commissioner Kandarian made a motion to approve the minutes for September 3, 2020, seconded by Commissioner Mukai. Motion carried. Ayes: Mellon, Mejia, Fernandez, Kandarian, Mukai. Noes: None.

AGENDA ITEM NO. 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)

Ms. Marple presented the project. The project is zones C-2 and within the highway beautification overlay zone district. The general plan has planned for the site to be used as Community Commercial Land Uses. The lot is currently vacant. Access to the site has been reviewed by City Engineers, City Public Works, and Fire Department and has been deemed adequate as long as no parking is enforced to ensure emergency access. The Design Committee has required a higher quality esthetics and has ensured them in conditions 17-24. Staff recommends the approval subject to the conditions of approval.

Commission shared concerns for Tuolumne and the alleyway connected to the parcel and vacant houses on the Tuolumne. City engineer Peters, present via teleconference, confirmed that the alleyway and street will remain as is due to it meeting City Standards. Commission also had some concern for previous land use, and the parcel possibly being contaminated. Staff advised commission that they had no knowledge of prior contamination, but the building department has a requirement for Geotechnical Analysis which will indicate for any contamination concerns.

Commission also shared concerns for the designs, and the elevation of the proposed project.

Public Presentation

Mr. Bajwa, project applicant, added that the project proposed is similar to design as his other motel in Corcoran, CA.

Ms. Moreno, Fowler Resident, shared concern for another hotel/motel going in and the traffic and littering the proposed project may bring.

Commissioner Mukai made a motion to table the item until the applicant can demonstrate what esthetic qualities the building has, further idea of the design of project, and full details of the proposed projects in terms of style, name, etc.; motion Seconded by Vice Chair Mejia. Motion carried by unanimous vote. Ayes: Mellon, Mejia, Fernandez, Kandarian, Mukai. Noes: None.

AGENDA ITEM NO 6**Communication**

Ms. Marple noted that the CUP Revocation for the used car lot on Adams has begun. Tenants were sent a 60 notice and had to be vacated by the 18th of September. Due to that not being done, the Building Official, Mr. Baxa, has cited them daily.

Commissioner Kandarian Made a Motion to adjourn, seconded by Commissioner Mukai. Motion carried by a unanimous voice vote and meeting was adjourned at 7:12 PM.



CITY OF FOWLER PLANNING & COMMUNITY DEVELOPMENT

California

STAFF REPORT

TO: City of Fowler Planning Commission

FROM: Dawn E. Marple, City Planner

DATE: January 7, 2021

SUBJECT: Public Hearing to Consider Zoning Ordinance Amendment (Rezone) Application No. 20-01 and Site Plan Review Application No. 20-08, filed by Ray Duran, to rezone a 14,000 square foot lot from R-1-5 to RM-2-A, at 704 East Main Street (APN: 343-110-13)

I. Recommendation

Staff recommends that the Planning Commission recommend that City Council approve Rezone Application No. 20-01 and Site Plan Review Application No. 20-08, including the attached resolutions.

II. Background & Project Description

The subject parcel is currently zoned R-1-5 (*One-Family Residential Districts, Minimum 5,000 square foot lot*), and is planned for Medium Density Residential land uses by the City of Fowler General Plan. The site, approximately 0.32 acres, is located on the north corner of East Main and South 1st Streets (APN 343-110-13) across from Fowler High School. Duplexes are the only multifamily use allowed in the R-1-5 zone district, subject to the approval of a Conditional Use Permit. Multifamily dwellings are a permitted use in the RM-2-A zone district pursuant to Section 9-5.803 of the Fowler Zoning Ordinance.

The subject parcel currently has a legal nonconforming multifamily use. Research shows that the property has received several building permits allowing the creation and maintenance of dwelling units on the property. There appear to be four (4) dwelling units currently on the property, whereas the City only has record of three (3) ever being permitted. The applicant requested a Rezone to the RM-2-A zone district, which would allow for the additional unit, as well as the property in whole, to come into conformance. The General Plan Land Use Designation of Medium Density Residential allows densities up to 13.5 dwelling units per acre, or one dwelling unit per 3,226 square feet of land area. The RM-2-A zone district allows up to one per 3,500 square feet of land area, for a maximum density of 12.4 dwelling units per acre. Since the property is 14,000 square feet in size, this would allow for exactly four (4) multifamily dwelling units. Therefore, approval of the Rezone would resolve the nonconformities with the property and allow the property owner to move forward with improvements on the 4th unit.

Figure 1 is an aerial photograph of the site. Figure 2 depicts the aerial vicinity of the site; Figure 3 is the General Plan map and Figure 4 is the zoning map. The site is located in Fowler's R-1-5 Zone District, surrounded by R-1-5 to the north, RM-2 (*Multi-Family Residential Districts, minimum 3,000 square feet per dwelling unit*) to the west, and RCO (*Resource Conservation, Public Use, and Open Space District*) to the east.



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The table below describes the existing and proposed development standards of the zone districts, juxtaposed with the overall proposed development.

Comparison of Development Standards		
	R-1-5 District	RM-2-A District
Minimum Lot Area	5,000	N / A
Maximum Lot Coverage	40%	55%
Maximum Height	35 feet, or 2 stories	35 feet
Minimum Parking	Two (2) stalls, one (1) covered	3+ BR Units: 2 stalls 0-2 BR Units: 1.5 stalls
Minimum Yards		
Front	20'	15'
Rear	10'	10'
Interior Side	5'	5'
Corner Side	8'	10'
Minimum Lot Dimensions		
Width	55'	50'
Depth	90'	100'
Minimum Open Space	N / A	10%
Maximum Dwelling Units	1 primary per lot Duplexes allowed with CUP	1 per 3,500 square feet

After review of the Site Plan in accordance with the RM-2-A zone district, the property as-is appears to be in conformance with the RM-2-A zone district property development standards. The Rezone would not create new nonconformities.

Additionally, the applicant has submitted a non-discretionary application which is now in process to allow for the construction of two (2) detached Accessory Dwelling Units (ADUs). Due to the language of the State ADU law, the City cannot require the correction of nonconforming zoning conditions. Therefore, since the property currently possesses legal non-conforming multifamily dwelling structures, the property is allowed two (2) detached ADUs. The City is required to approve the ADU application if the ADU proposal conforms to applicable zoning standards. On-site parking would be required of the approval. Approval or denial of the Rezone would not affect the development of the ADUs. ADUs are deemed by State Law to be consistent with the General Plan.

III. Findings

Fowler Municipal Code Section 9-5.420, Amendment of Zoning Map, allows the official zoning map to be amended whenever necessary or convenient to the public health, safety and general welfare. The proposed Rezone would alleviate legal non-conforming use, would be convenient to the public health, safety and general welfare as it would allow the property to be developed and maintained with the existing nature of the property.

The zoning ordinance requires the following findings are made for approval of a Site Plan:

1. All applicable provisions of this ordinance are complied with.

The Project has been conditioned to comply with all applicable sections of the Fowler Municipal Code (FMC). The following conditions have been placed on the Project in order to comply with the FMC that will affect the site plan:



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FMC Section 9-5.307-B states "All actions and procedures pertaining to the granting or denial of various permits or other entitlements shall be consistent with applicable policies set forth in the General Plan." The proposed Project is consistent with the following General Plan Policies:

- Medium Density: 5.6 - 13.5 units per gross acre. This category recognizes that small lot single family and low density multifamily units will make up an increasing percentage of the City's housing stock. Lots as small as 5,000 square feet would be permitted. Mobile home parks and apartments within this density range will meet the needs of many households without the financial means or the desire to be homeowners. The most compatible zone districts are R-1-5, R-1-6, R-1-7, R-2-A, and R-MP.

The Project site is planned for Medium Density Residential uses and proposes to rezone the property from R-1-5 to RM-2-A, which are deemed by the General Plan to be the most compatible zone districts.

- Multi-family residential development of 12 or more units per acre shall either have direct access to a major street or to a local street which does not pass through a single family area prior to intersecting a major street.

Neither Main nor 1st Streets are designated major streets, however the Project does not pass through a single-family area as it is located between a single-family area and a high school.

- Development standards for the interface between multi-family residential and single-family residential shall be as follows:
 - Outdoor recreational areas, game courts, pools, and solid waste collection areas on multi-family properties shall be oriented away from adjacent properties planned for single family residential.
 - The Project proposes outdoor recreational areas and solid waste near the alley, allowing for a buffer between the adjacent single-family residential uses.
 - Multi-family parking areas, garages, other structures, and access drives shall be separated from adjacent properties planned for single family residential with a landscaped setback containing deciduous and evergreen trees. A 10- foot minimum transition is preferred but may be reduced depending on site conditions. The transition may include such provisions as building setbacks, landscaping and masonry wall requirements to benefit future residents.
 - The existing parking area allows for a 5-foot transition.
 - Exterior area lighting for multi-family residential parking, carports, garages, access drives, and outdoor recreation areas, shall be shielded to prevent line of sight visibility of the light source from abutting property planned for single-family residential.
 - New area lighting for parking and outdoor recreation areas are required to be arranged as to deflect the light away from adjoining properties in order for the Site Plan to be approved.
 - Multi-family buildings greater than 20 feet in height shall be prohibited within 25 feet of abutting property planned for single-family residential.

The site currently does not have buildings over 20 feet in height within 25 feet of abutting single-family residential properties, nor does it propose to construct any building of such height.



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- All residential projects shall provide usable open space within the boundaries of the development. This open space shall be in addition to any development fees paid for neighborhood or community park space.
 - Within multifamily projects, including mobile home parks, a minimum of 10% of the project site shall be developed with usable open space which could include swimming pools, green space, landscaping, and recreation/meeting rooms.
 - The Project provides more than 10% of the site area as open space.
- 2. ***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:***

a. *Facilities and improvements.*

No additional improvements are proposed.

b. *Vehicular ingress, egress, internal circulation and off-street parking and loading.*

The site currently has a sufficient amount of off-street parking to accommodate the maximum allowed number of dwelling units.

c. *Setbacks.*

No new buildings are proposed. Parking stalls are set more than 15 feet away from building entrances.

d. *Height of buildings.*

No new buildings are proposed.

e. *Walls and fences.*

The applicant proposes to replace the existing dilapidated masonry wall along the northwestern property line with a six (6) foot tall wood fence. This would create a fence with multiple materials of multiple heights. Staff recommends the entirety of this fence be replaced with a six (6) foot tall wood fence to create visual continuity and prevent adverse effects on adjacent property.

f. *Landscaping, including screen planting and street trees.*

The site plan proposes landscaping, as is required by the Fowler Municipal Code. Staff has conditioned the inclusion of additional street trees along South 1st Street.

g. *Drainage.*

The proposed site plan proposes minimal ground disturbance. Direction of runoff will not be changed. The proposed lot coverage is less than the R-1-5 standard.

3. *Proposed lighting is so arranged as to deflect the light away from adjoining properties.*

No additional lighting is proposed on the site plan.

4. *Proposed signs will comply with all of the applicable provisions of Article 22 of this ordinance.*



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No signs are proposed as part of the Project. The sign ordinance will allow one (1) monument sign per street frontage not to exceed twenty-four (24) square feet. Signs must be wall-mounted or, when freestanding, five (5) feet from property line and 100 feet away from each other.

- 5. *That adequate provision is made to reduce adverse or potentially adverse environmental impacts to acceptable levels.***

Staff has reviewed the proposed Project and has determined that the Project is categorically exempt from the California Environmental Quality Act (CEQA) as the Project meets the definition of an Existing Facility (Class 1) and New Construction or Conversion of a Small Structure (Class 3).

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 1 Existing Facilities and Class 3 New Construction or Conversion of Small Structures exemption.

V. Attachments

- A. Resolutions 654 and 655



CITY OF FOWLER PLANNING & COMMUNITY DEVELOPMENT
California **STAFF REPORT**

Figure 1 – Site Plan





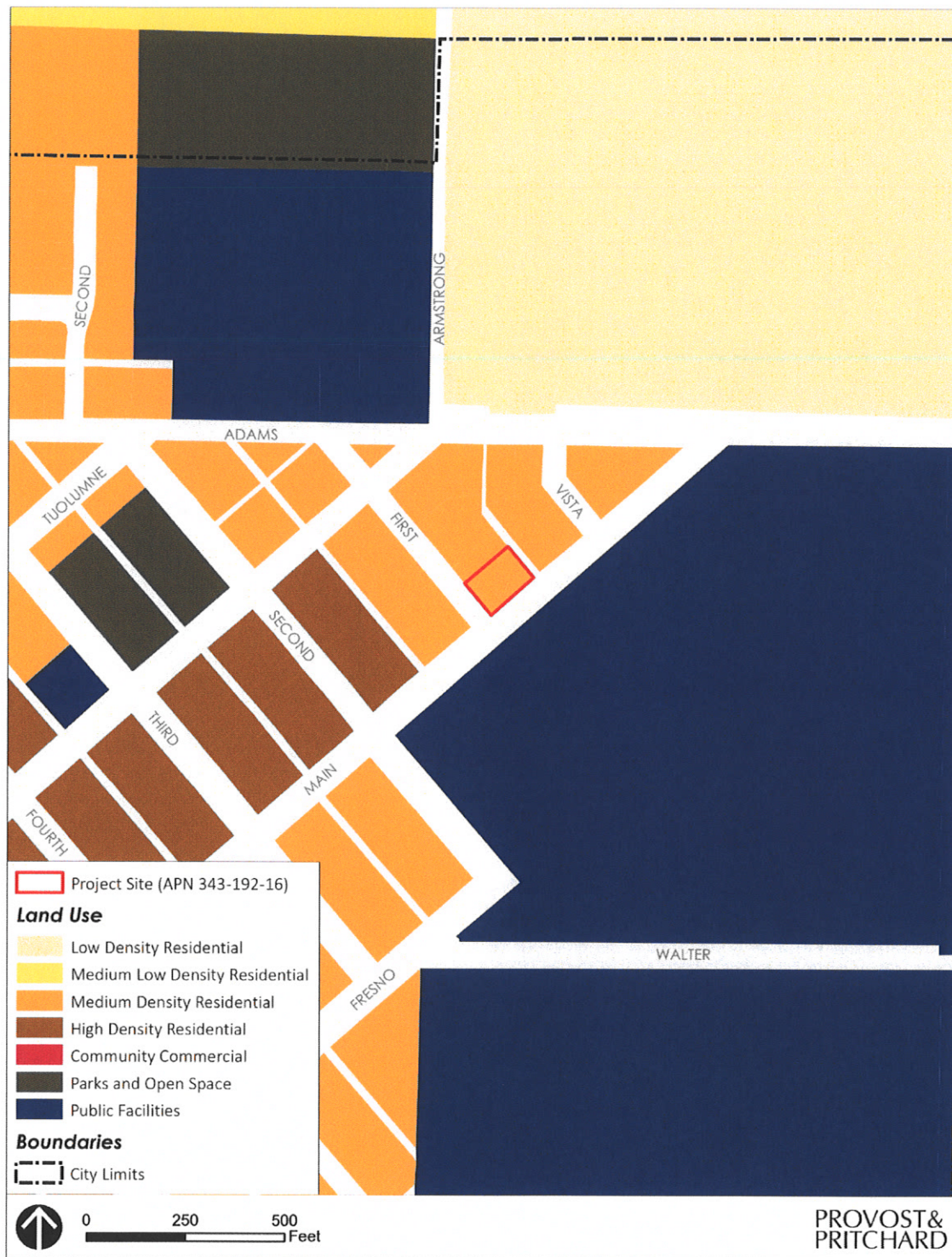
Figure 2 – Aerial Vicinity





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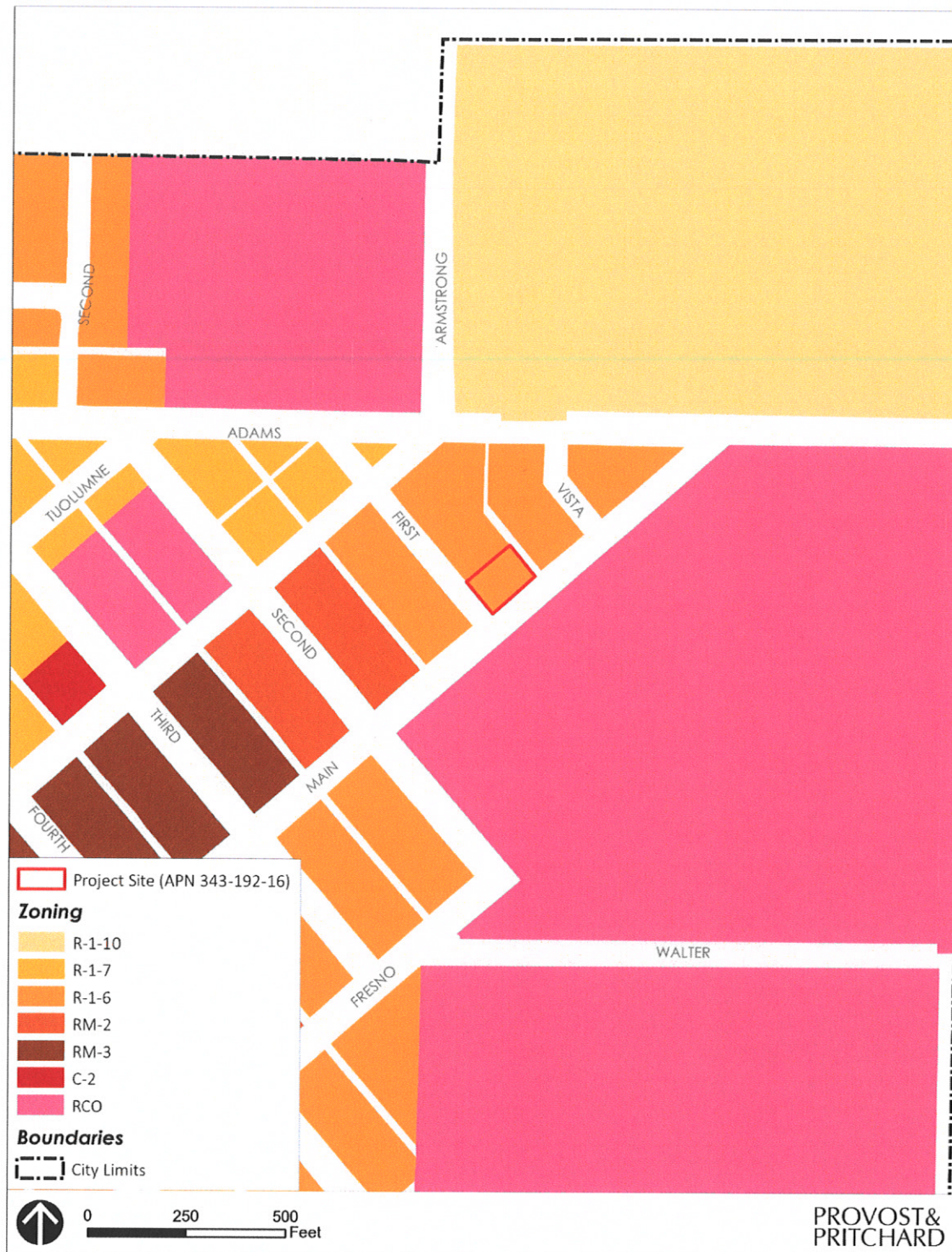
Figure 2 – General Plan Land Uses





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Figure 3 – Zoning Map



RESOLUTION NO. 654
RESOLUTION BEFORE THE PLANNING COMMISSION
OF THE CITY OF FOWLER
COUNTY OF FRESNO, STATE OF CALIFORNIA

RESOLUTION RECOMMENDING APPROVAL OF
ZONING ORDINANCE AMENDMENT APPLICATION NO. 20-01

WHEREAS, an application for Zoning Ordinance Amendment No. 20-01 has been received to rezone the property to allow for improvements to an existing Multifamily dwelling ("Project"), on an approximately 14,000 square foot parcel (APN: 343-192-16) at 704 East Main Street, located on the north corner of East Main Street and South 1st Street; and

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

WHEREAS, the Project requires approval of a Rezone in accordance with Article 7 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 Sections 15301, Construction and Conversion of Small Structures, and 15303, New Construction or Conversion of Small Structures, 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 January 7, 2021 at 6:30 p.m.; and

WHEREAS, the Planning Commission reviewed the proposed Rezone together with the Categorical Exemption at a Regular Meeting on January 7, 2021; and

WHEREAS, the Commission reviewed the staff report prepared pursuant to the request, which is herein incorporated by this reference, and considered all submissions, testimony, and evidence found in the record.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Fowler, based on the entire record of proceedings, finds and recommends:

1. That the City Council of the City of Fowler approve Rezone No. 20-01 for the Project.
2. That the Project is consistent with the General Plan and it is in the best interests of the surrounding neighborhood to approve Zoning Ordinance Amendment No. 20-01 as requested.
3. That the Project is categorically exempt under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Sections 15301, Construction and Conversion of Small Structures, and 15303, New Construction or Conversion of Small Structures, and that no additional

environmental analysis is required.

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 7th day of January 2021 by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Chairman of the Planning Commission

Attest:

Planning Secretary

RESOLUTION NO. 655
RESOLUTION BEFORE THE PLANNING COMMISSION
OF THE CITY OF FOWLER
COUNTY OF FRESNO, STATE OF CALIFORNIA

RESOLUTION RECOMMENDING APPROVAL OF
SITE PLAN REVIEW APPLICATION NO. 20-08

WHEREAS, Ray Duran has proposed to convert existing space into a 421 square foot multifamily dwelling unit in a proposed RM-2-A zone district ("Project") located on an approximately 14,000 square foot parcel (APN: 343-192-16) at 704 East Main Street, located on the north corner of East Main Street and South 1st Street; and

WHEREAS, the Project is a permitted use in an RM-2-A zone district but requires Site Plan Review (SPR) in accordance with Article 26 of the Fowler Zoning Ordinance; and

WHEREAS, an application for Site Plan Review No. 20-08 has been received to allow the establishment of the proposed Multifamily Project ("Project"), on an approximately 14,000 square foot parcel (APN: 343-192-16) at 704 East Main Street, located on the north corner of East Main Street and South 1st Street; and

WHEREAS, the subject application was deemed complete by the Fowler Planning and Community Development Department and has been reviewed for compliance with 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 Sections 15301, Existing Facilities, and 15303, New Construction or Conversion of Small Structures, 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 January 7, 2021 at 6:30 p.m.; and

WHEREAS, the Planning Commission reviewed the proposed Site Plan together with the Categorical Exemption at a Regular Meeting on January 7, 2021; and

WHEREAS, the Commission reviewed the staff report prepared pursuant to the request, which is herein incorporated by this reference, and considered all submissions, testimony, and evidence found in the record.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Fowler, based on the entire record of proceedings, finds and recommends:

1. That the City Council of the City of Fowler approve Site Plan Review No. 20-08 for the Project subject to the conditions of approval (as found in Attachment 'A').
2. That the Project as conditioned complies with all applicable sections of the Fowler Municipal

Code (FMC) and other applicable law, as follows:

1. The Project is categorically exempt under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Sections 15301, Existing Facilities, and 15303, New Construction or Conversion of Small Structures, and that no additional environmental analysis is required.
2. All applicable provisions of the Zoning Ordinance are complied with.
3. 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:
 - a. Facilities and improvements.
 - b. Vehicular ingress, egress, internal circulation and off-street parking and loading.
 - c. Setbacks.
 - d. Height of buildings.
 - e. Walls and fences.
 - f. Landscaping, including screen planting and street trees.
 - g. Drainage.
4. Proposed lighting is so arranged as to deflect the light away from adjoining properties.
5. Proposed signs will comply with all of the applicable provisions of Article 22 of the Zoning Ordinance.
6. Adequate provision is made to reduce adverse or potentially adverse environmental impacts to acceptable levels.

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 7th day of January 2021 by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Chairman of the Planning Commission

Attest:

Planning Secretary

Attachment A - Conditions of Approval

Property Development Standards

1. Comply with the property development standards of the RM-2-A zone district.
2. The applicant shall install a new six (6) foot tall wood fence along the entire northwestern property line, where allowed by the RM-2-A zone district.
3. The applicant shall install and maintain a minimum of three (3) street trees along South 1st Street.