



**PLANNING COMMISSION OF THE CITY OF FOWLER  
AGENDA  
THURSDAY, AUGUST 4, 2022  
6:30 P.M.  
CITY COUNCIL CHAMBER  
128 SOUTH 5TH STREET  
FOWLER, CA 93625**

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Planning Commission meetings are open to the public at the physical address listed above. There are numerous ways to participate in the Planning Commission meetings: you may attend in person, you may appear by telephone as described below, or you may submit written comments via email to [maguilar@ci.fowler.ca.us](mailto:maguilar@ci.fowler.ca.us). Please include your name and reference the agenda item you are commenting on, if any. Written comments received that do not specify an agenda item will be marked for the general public comment portion of the agenda. Emails received by 8:00 am on the date of the meeting will be provided to the Planning Commission at the meeting and made part of the record of proceedings but will not be read aloud.

Consistent with Government Code 54953 as amended by AB 361, and City Council Resolution No. 2522, this meeting may be accessed by members of the public or Planning Commission members via Zoom. The telephone number and Zoom.

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<https://us06web.zoom.us/j/88323215753?pwd=eFpXUIRXTXJvR05PSE1sZm02a1BsZz09>

**Telephone Number: (253) 215-8782**

**Meeting ID: 883 2321 5753**

**Passcode: 418006**

**Persons accessing the meeting will have an opportunity to provide comments at appropriate times during the meeting. To speak during a public comment period, press \*9 on your phone to raise your hand or click “raise hand” in the webinar. At the appropriate time, you will be prompted to unmute yourself, and asked to identify yourself when providing public comment.**

Any writing or document that is a public record and provided to a majority of the Planning Commission regarding an open session item on the agenda will be made available for public inspection at City Hall, in the City Clerk's office, during normal business hours. In addition, such writings and documents may be posted on the City's website at [www.fowlercity.org](http://www.fowlercity.org).

Resolutions and Ordinances - With respect to the approval of resolutions and ordinances, the reading of the title thereto shall be deemed a motion to waive a reading of the complete resolution or ordinance and unless there is a request by a Commissioner that the resolution or ordinance be read in full, further reading of the resolution or ordinance shall be deemed waived by unanimous consent of the Planning Commission.

1. Meeting Called to Order
2. Roll Call
3. 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).
4. APPROVE Minutes of the July 7, 2022, Planning Commission Meeting
5. Actions Pertaining to Planning Case Number 22-0033, a text amendment to amend sections 9-5.202, 9-5.715, and 9-5.21.12, of Chapter 5, of Title 9 of the Fowler Municipal Code, to amend the City's landscaping standards.
  - 5.1. APPROVE Resolution No. 677, recommending the City Council to:
    - a. ADOPT a Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15304, subdivision (b).
    - b. APPROVE of Planning Case Number 22-0033, a text amendment modifying sections 9-5.202, 9-5.715, and 9-5.21.12, of Chapter 5, of Title 9 of the Fowler Municipal Code, to amend the City's landscaping standards.
6. Actions pertaining to proposed Planning Case Number 22-0010, a zoning ordinance amendment requesting to amend 113 South 9<sup>th</sup> Street (APN: 343-162-12) from the C-2 (Community Commercial) zone district to the RM-2-A (Multi-Family Residential – 3,500 square foot lot area) zone district.

6.1. APPROVE Resolution No. 678 recommending the City Council:

- a. ADOPT a Consistency Finding pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15183; and
- b. APPROVE Planning Case Number 22-0010, an ordinance adopting an amended zoning map of 113 South 9<sup>th</sup> Street (APN: 343-162-12) from the C-2 (Community Commercial) zone district to the RM-2-A (Multi-Family Residential – 3,500 square foot lot area) zone district.

7. Commissioner Reports and Comments

8. Adjournment

Next Resolution No.: 679

CERTIFICATION: I, Maria Aguilar, Planning Secretary for the City of Fowler, California, hereby certify that the foregoing agenda was posted for public review on, Monday August 1, 2022.



Maria Aguilar  
Planning Secretary

**MINUTES OF THE PLANNING COMMISSION OF THE CITY OF FOWLER**  
**Thursday, July 7, 2022**

Chair Mellon called the meeting to order at 6:32 PM. Roll call was taken.

Commissioners Present: Chair Mellon, Vice Chair Kandarian, Hammer, Prado

Commissioners Absent: Rodriguez

City Staff Present: Community & Economic Development Director Gaffery, Deputy City Attorney Lear, City Planner Marple

**3. Public Presentation**

None

**4. APPROVE Minutes of the June 2, 2022, Planning Commission Meeting**

Motion made by Vice Chair Kandarian

Seconded by Commissioner Prado

Motion carried by roll call vote

Ayes: Kandarian, Hammer, Prado

Abstain: Mellon

**5. Actions Pertaining to Planning Case Number 22-0027 to amend Title 9, Chapter 5, Article 16 of the Fowler Municipal Code to amend the development standards and the reimbursement of open space.**

**5.1. APPROVE Resolution No. 674, recommending the City Council ADOPT a Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3).**

**5.2. APPROVE Resolution No. 674 recommending City Council approve Zoning Text Amendment No. 22-02.**

Motion made by Vice Chair Kandarian

Seconded by Commissioner Hammer

Motion carried by a roll call vote

Ayes: Mellon, Kandarian, Hammer, Prado

**6. Actions Pertaining to Planning Case Number 22-0028 to repeal Title 9, Chapter 3 of the Fowler Municipal Code to consolidate and clarify zoning standards.**

**6.1. APPROVE Resolution No. 675, recommending the City Council ADOPT a Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3).**

**6.2. APPROVE Resolution No. 675 recommending City Council approve the repeal of Title 9, Chapter 3 of the Fowler Municipal Code to consolidate and clarify zoning standards.**

Motion made by Commissioner Hammer

Seconded by Vice Chair Kandarian

Motion carried by a roll call vote

Ayes: Mellon, Kandarian, Hammer, Prado

**7. Actions Pertaining to Variance Application No. 22-20, filed by Tawanda and Jennifer Mtunga, to construct a swimming pool within a rear and side yard setback at 991 East Boornazian Avenue (APN: 340-300-41).**

**7.1. ADOPT a Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15303.**

**7.2. APPROVE Resolution No. 676 approving Variance Application No. 22-20.**

Staff advised that Vice Chair Kandarian and Commissioner Hammer live within 500 feet of the subject property. Deputy City Attorney Lear provided information regarding the Political Reform Act, which provides that a public official has a material financial interest in a governmental decision if that decision involves property within 500 feet of the public official's property, unless there is evidence that the decision will not have any measurable impact on the official's property. (2 CCR § 18702.2, subd. (a)(7).) The commissioners found that there was no evidence that approval of the variance would create a measurable impact on any of the commissioners' properties.

Motion made by Commissioner Prado

Seconded by Vice Chair Kandarian

Motion carried by a roll call vote

Ayes: Mellon, Kandarian, Hammer, Prado

**8. Commissioner Reports and Comments**

Staff answered questions of Commissioners.

**9. Adjournment**

Having no further business, the meeting was adjourned at 7:09 PM.



## **PLANNING COMMISSION OF THE CITY OF FOWLER**

ITEM NO: 5

### **REPORT TO THE PLANNING COMMISSION**

August 4, 2022

**FROM** DAWN E. MARPLE, City Planner

### **SUBJECT**

Actions Pertaining to Planning Case Number 22-0033, a text amendment to amend sections 9-5.202, 9-5.715, and 9-5.21.12, of Chapter 5, of Title 9 of the Fowler Municipal Code, to amend the City's landscaping standards.

1. APPROVE Resolution No. 677, recommending the City Council to:
  - a. ADOPT a Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15304, subdivision (b).
  - b. APPROVE Planning Case Number 22-0033, a text amendment modifying sections 9-5.202, 9-5.715, and 9-5.21.12, of Chapter 5, of Title 9 of the Fowler Municipal Code, to amend the City's landscaping standards.

### **RECOMMENDATION**

Staff recommend the Planning Commission adopt a resolution recommending the City Council to adopt a Categorical Exemption pursuant to CEQA Guidelines Section 15304, subdivision (b), and to approve the proposed Ordinance modifying sections 9-5.202, 9-5.715, and 9-5.21.12, of Chapter 5, of Title 9 of the Fowler Municipal Code, to amend the City's landscaping standards.

### **BACKGROUND**

Concerns have been raised recently regarding the increase in paved area within the front yards of single-family residential parcels.

The Fowler General Plan Land Use Element Policy 12 requires the developer to provide front yard landscaping in all single-family residential projects prior to the issuance of a Certificate of Occupancy. The Fowler Zoning Ordinance currently only requires each residential parcel have at least one (1)

medium sized tree per unit in the required front yard setback. However, there are no minimum standards, nor a requirement to replace trees which have been removed.

The proposed text amendment includes:

- Clarification on the required landscaping and amount of pavement allowed on a single-family residential parcel.
- Definitions for landscaping, as well as tree height and size.
- Require new residential yards to be landscaped, except where occupied by a driveway, sidewalk, or screened by a six-foot tall fence.
- Require the aforementioned yards to have trees at a specified ratio, if such yards are at least 5 feet in depth.
- Requires trees that are removed to be replaced.

The proposed ordinance aligns with the following General Plan policies of the Land Use Element:

- Goal 2-5: New development is to reflect high levels of community design and image.
  - Policy 1. Ensure that all development is attractive and of high- quality design to enhance the image of the city.

## **ENVIRONMENTAL FINDINGS**

Planning Case Number 22-0033 has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt pursuant from environmental review pursuant to CEQA Guidelines Section 15304, subdivision (b).

## **CONFLICT OF INTEREST**

Staff is not aware of any conflicts of interest.

Attachments:

- Resolution No. 677
- Proposed Ordinance (Zoning Ordinance Text Amendment)

## **RESOLUTION NO. 677**

### **RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOWLER, COUNTY OF FRESNO, STATE OF CALIFORNIA RECOMMENDING THE CITY COUNCIL APPROVE PROPOSED PLANNING CASE NUMBER 22-0033, A TEXT AMENDMENT AMENDING SECTIONS 9-5.202, 9-5.715, AND 9-5.21.12, OF CHAPTER 5, OF TITLE 9 OF THE FOWLER MUNICIPAL CODE, TO AMEND THE CITY'S LANDSCAPING STANDARDS, AND TO ADOPT AN EXEMPTION UNDER CEQA GUIDELINES SECTION 15304, SUBDIVISION (B).**

**WHEREAS**, on February 3, 2009, the City Council of the City of Fowler adopted Ordinance No. 2009-01, amending Chapter 5, of Title 9 of the Fowler Municipal Code, which was a comprehensive update to the City's Zoning Ordinance and is referred to as the "Zoning Ordinance";

**WHEREAS**, the City of Fowler requires each residential parcel have a minimum of one (1) medium-sized tree;

**WHEREAS**, the City's Zoning Ordinance lacks landscaping requirements for residential projects;

**WHEREAS**, General Plan Policy 1, of Goal 2-5, directs the City to "[e]nsure that all development is attractive and of high quality design to enhance the image of the city";

**WHEREAS**, Fowler Municipal Code Section 9-5.421 authorizes the Planning Commission to initiate a text amendment of the Zoning Ordinance by conducting a public hearing and making a recommendation by resolution to the City Council regarding the text amendment; and

**WHEREAS**, the Proposed Ordinance, is attached hereto as **Exhibit A**, and is incorporated by reference; and

**WHEREAS**, Section 15304 of the California Environmental Quality Act ("CEQA") Guidelines categorically exempts projects from environmental review that only cause a minor alteration to land.

**NOW THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Fowler, based upon the entire record of proceedings, hereby finds and recommends to the City Council:

1. That adoption of the Proposed Ordinance is categorically exempt from CEQA pursuant to Section 15304, subdivision (b) of the CEQA Guidelines.
2. That the Proposed Ordinance is consistent with the Fowler General Plan.



3. That adopting the Proposed Ordinance is in the best interest of the City of Fowler.
4. That the Proposed Ordinance should be adopted.

**PASSED, APPROVED AND ADOPTED** this 4th day of August 2022, at a regular meeting of the Planning Commission of the City of Fowler by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

**APPROVED:**

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Craig Mellon, Chair

**ATTEST:**

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Maria Aguilar, Secretary of the Planning Commission

**Exhibit A**  
**[PROPOSED ORDINANCE]**

**ORDINANCE NO. 2022-\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOWLER AMENDING SECTIONS 9-5.202, 9-5.715, AND 9-5.21.12, OF CHAPTER 5, OF TITLE 9 OF THE FOWLER MUNICIPAL CODE, TO AMEND THE CITY'S LANDSCAPING STANDARDS, AND TO ADOPT A CATEGORICAL EXEMPTION UNDER CEQA GUIDELINES SECTION 15304, SUBDIVISION (B).**

**WHEREAS**, on February 3, 2009, the City Council of the City of Fowler adopted Ordinance No. 2009-01, amending Chapter 5, of Title 9 of the Fowler Municipal Code, which was a comprehensive update to the City's Zoning Ordinance and is referred to as the "Zoning Ordinance";

**WHEREAS**, the City of Fowler requires each residential parcel have a minimum of one (1) medium-sized tree;

**WHEREAS**, the City's Zoning Ordinance lacks landscaping requirements for residential projects;

**WHEREAS**, General Plan Policy 1 of Goal 2-5 directs the City to "[e]nsure that all development is attractive and of high quality design to enhance the image of the city";

**WHEREAS**, the Planning Commission adopted Resolution No. 677, on August 4, 2022, recommending that the City Council adopt an ordinance to amend sections 9-5.202, 9-5.715, and 9-5.21.12 of Chapter 5, of Title 9 of the Fowler Municipal Code; and

**WHEREAS**, the City Council desires to amend sections 9-5.202, 9-5.715, and 9-5.21.12 of Chapter 5, of Title 9 of the Fowler Municipal Code to establish and define the implementations of single-family residential landscaping requirements.

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

**SECTION 1.** Section 9-5.202, of Chapter 5, of Title 9 of the Fowler Municipal Code is hereby amended to include the following definitions:

Landscaping. The planting, configuration, and maintenance of trees, ground cover, shrubbery, and other plant material, decorative natural and structural features (hedges, trellises, fountains, sculptures), earth patterning and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose.

Mature height. The typical height of a tree as defined by the latest edition of the Water Use Classification of Landscape Species (WUCOLS).

Tree, Large. A tree whose mature height is greater than 45 feet and is at least 1 ½ inch in diameter, measured at six inches above ground level.

Tree, Medium. A tree whose mature height is between 25 and 45 feet and is at least 1 ¼ inch in diameter, measured at six inches above ground level.

Tree, Small. A tree whose mature height is less than 25 feet and is at least 1 inch in diameter, measured at six inches above ground level. Two small trees shall count as a medium tree.

**SECTION 2.** Section 9-5.715, of Chapter 5, of Title 9 of the Fowler Municipal Code is hereby amended to include the following:

- I. All required yards shall be landscaped, except where the required yard is:
  1. Occupied by a sidewalk or driveway; or
  2. Screened from public view by a wall or fence of at least six (6) feet in height.
- J. Where front and corner lot yards are required to be landscaped, medium-sized trees shall be planted at intervals of one per every 30 linear feet of parcel frontage. Yards less than 5 feet in depth are exempt.
- K. Impervious surfaces in the front or corner lot yard shall be limited to walkways and driveways leading to covered carports, garages, or RV parking locations pursuant to FMC Section 9-5.2004. Exceptions may be allowed subject to Administrative Approval.

**SECTION 3.** Section 9-5.21.12, of Chapter 5, of Title 9 of the Fowler Municipal Code is hereby amended to read the following:

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.~~

**SECTION 4.** The City Council has determined that this Project is subject to a categorical exemption from the California Environmental Quality Act (“CEQA”) under CEQA Guidelines Section 15304, subdivision (b).

**SECTION 5.** This Ordinance shall take effect thirty (30) days after its adoption.

**SECTION 6.** The City Clerk is further directed to cause this ordinance or a summary of this ordinance to be published once in a newspaper of general circulation published and circulated within the City of Fowler, within fifteen (15) days after its adoption. If a summary of the ordinance is published, then the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted in the office of the City Clerk at least five (5) days prior to the City Council meeting at which the ordinance is adopted and again after the meeting at which the ordinance is adopted. The summary shall be approved by the City Attorney.

\* \* \* \* \*

The foregoing ordinance was introduced at a regular meeting of the City Council held on \_\_\_\_\_, 2022, and was adopted at a regular meeting of said Council held on \_\_\_\_\_, 2022, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

**APPROVED:**

\_\_\_\_\_  
Mark Rodriquez, Mayor Pro-Tem

**ATTEST:**

\_\_\_\_\_  
Angela Vasquez, Deputy City Clerk



## **PLANNING COMMISSION OF THE CITY OF FOWLER**

ITEM NO: 6

### **REPORT TO THE PLANNING COMMISSION**

August 4, 2022

**FROM:** DAWN E. MARPLE, City Planner

### **SUBJECT**

Actions pertaining to proposed Planning Case Number 22-0010, an ordinance to adopt an amended zoning map of 113 South 9<sup>th</sup> Street (APN: 343-162-12) from the C-2 (Community Commercial) zone district to the RM-2-A (Multi-Family Residential – 3,500 square foot lot area) zone district.

1. APPROVE Resolution No. 678 recommending the City Council:
  - a. ADOPT a Consistency Finding pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15183; and
  - b. APPROVE Planning Case Number 22-0010, an ordinance adopting an amended zoning map of 113 South 9<sup>th</sup> Street (APN: 343-162-12) from the C-2 (Community Commercial) zone district to the RM-2-A (Multi-Family Residential – 3,500 square foot lot area) zone district.

### **RECOMMENDATION**

Staff recommend the Planning Commission adopt Resolution No. 678, recommending the City Council adopt a Consistency Finding pursuant to CEQA Guidelines Section 15183 and recommending the City Council approve the proposed Ordinance, to amend the zoning map of 113 South 9<sup>th</sup> Street (APN: 343-162-12) from the C-2 (Community Commercial) zone district to the RM-2-A (Multi-Family Residential – 3,500 square foot lot area) zone district.

### **BACKGROUND**

The subject parcel is currently vacant and zoned C-2 (Community Commercial); however, it is planned for Medium Density Residential land uses by the City of Fowler General Plan. The site, approximately 0.17 acres (7,500 square feet), is located on the east side of South 9<sup>th</sup> Street between West Merced Street and West Main Street (APN 343-162-12). Planning Case No. 22-0010 proposes to rezone the subject property from the C-2 (Community Commercial) zone district to the RM-2-A (Multi-Family Residential – 3,500 square feet minimum lot area). The proposed rezone would bring the property into conformance with the current General Plan Land Use Designation of Medium Density Residential.

The General Plan Land Use Designation of Medium Density Residential allows densities up to 13.5 dwelling units per acre. 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, which is within the density allowance of the Medium Density Residential designation. Since the property is 7,500 square feet in size, this would allow for two (2) multifamily dwelling units. Approval of the Rezone would bring the property into conformance with the General Plan. Future development would be consistent with the use allowances and development standards of the RM-2-A zone district.

Figure 1 is an aerial photograph of the site, Figure 2 is the General Plan map, and Figure 3 is the current zoning map. The site is located in Fowler's C-2 (Community Commercial) Zone District, surrounded by C-2 (Community Commercial) to the north and east, and R-1-6 (One-Family Residential District, minimum 6,000 square feet) to the west and south.

The table below compares the development standards of the existing C-2 zone district and the proposed RM-2-A zone district.

Comparison of Development Standards		
	C-2 District	RM-2-A District
Minimum Lot Area	N/A	N/A
Maximum Lot Coverage	N/A	55%
Maximum Height	50'	35'
Minimum Parking	Parking Determined By Use	3+ BR Units: 2 stalls 0-2 BR Units: 1.5 stalls
Minimum Yards		
Front	15'	15'
Rear	10'	10'
Interior Side	10'	5'
Corner Side	N/A	10'
Minimum Lot Dimensions		
Width	N/A	50'
Depth	N/A	100'
Minimum Open Space	N/A	10%
Maximum Dwelling Units	1 with Approved CUP <sup>a</sup>	1 per 3,500 square feet

<sup>a</sup> Residential is only permitted in association with an allowed commercial use on-site.

## ENVIRONMENTAL REVIEW

The Project is exempt from further environmental review pursuant to a Consistency Finding under CEQA Guidelines Section 15183, subdivision (e)(2). Section 15183 applies to projects which are consistent with the land use and development intensity established by a general plan for which an EIR was certified. The Project qualifies for a Consistency Finding pursuant to CEQA Guidelines Section 15183 based on the following facts: the City of Fowler General Plan 2025 ("General Plan 2025") was adopted in June 2004 and applies citywide. The final EIR certified for General Plan 2025 analyzed the potential environmental effects of the land use designations and associated development intensities assigned to parcels throughout Fowler as depicted on the General Plan Land Use Map. The Project Site is designated Medium Density Residential in the General Plan, and the Applicant has requested



to rezone the Project Site from the C-2 (Community Commercial) zone district to the RM-2-A (Multi-Family Residential – 3,500 square feet minimum lot area) zone district. The RM-2-A zone district is in conformance with the Medium Density Residential Land Use Designation and is consistent with the land use and development intensities previously certified under the General Plan 2025 EIR.

### **FISCAL IMPACT**

Adopting this resolution would result in a net increase to fees collected for the purposes of acquiring and developing community park space at the time development occurs.

Not adopting this resolution would likely result in no fees collected for the purpose of acquiring and developing community park space at the time of development.

### **CONFLICT OF INTEREST**

Staff is not aware of any conflicts of interest.

#### **Attachments:**

- Resolution No. 678
- Proposed Ordinance (Amended Zoning Map)

Figure 1 – Aerial Photo

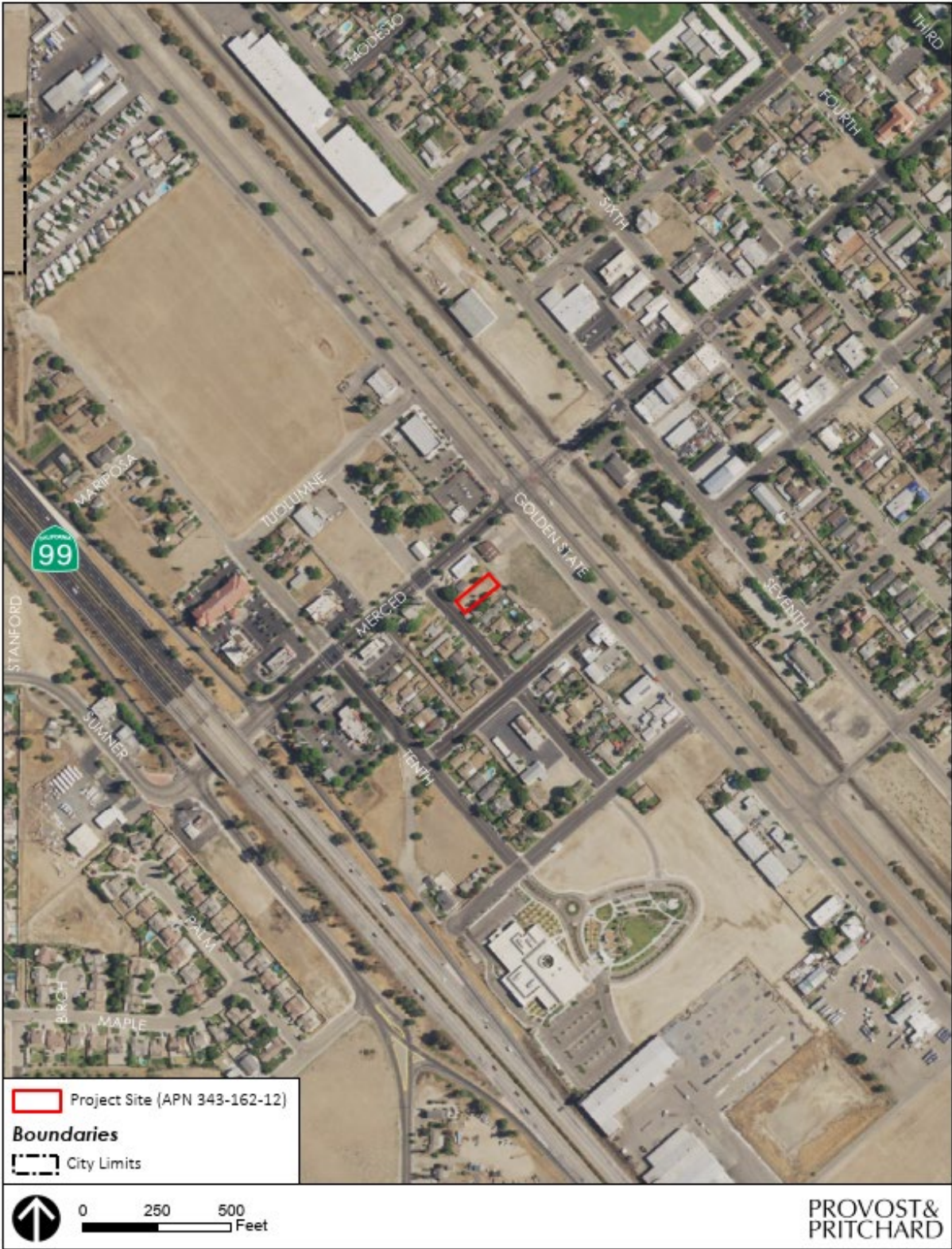


Figure 2 – General Plan Land Uses

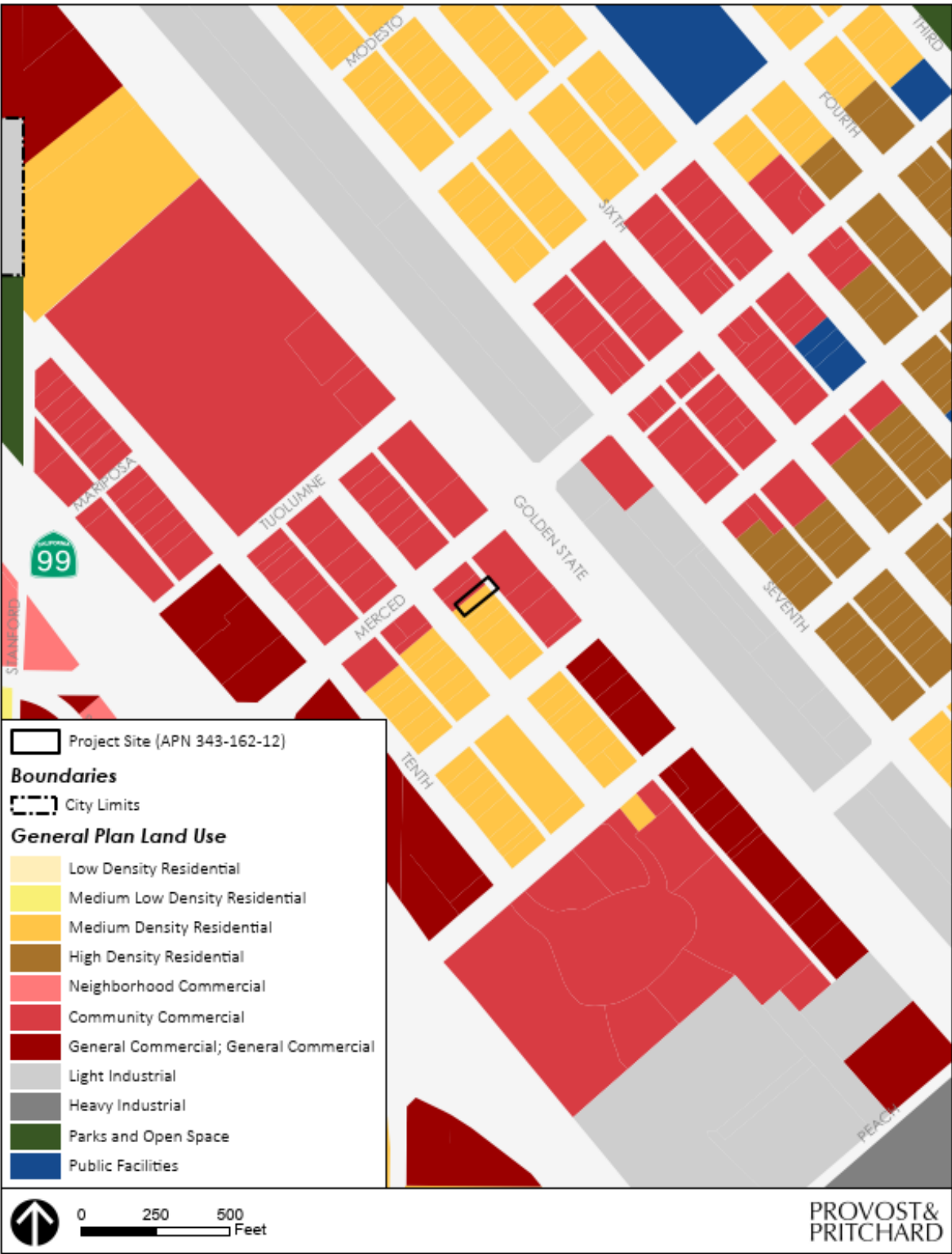
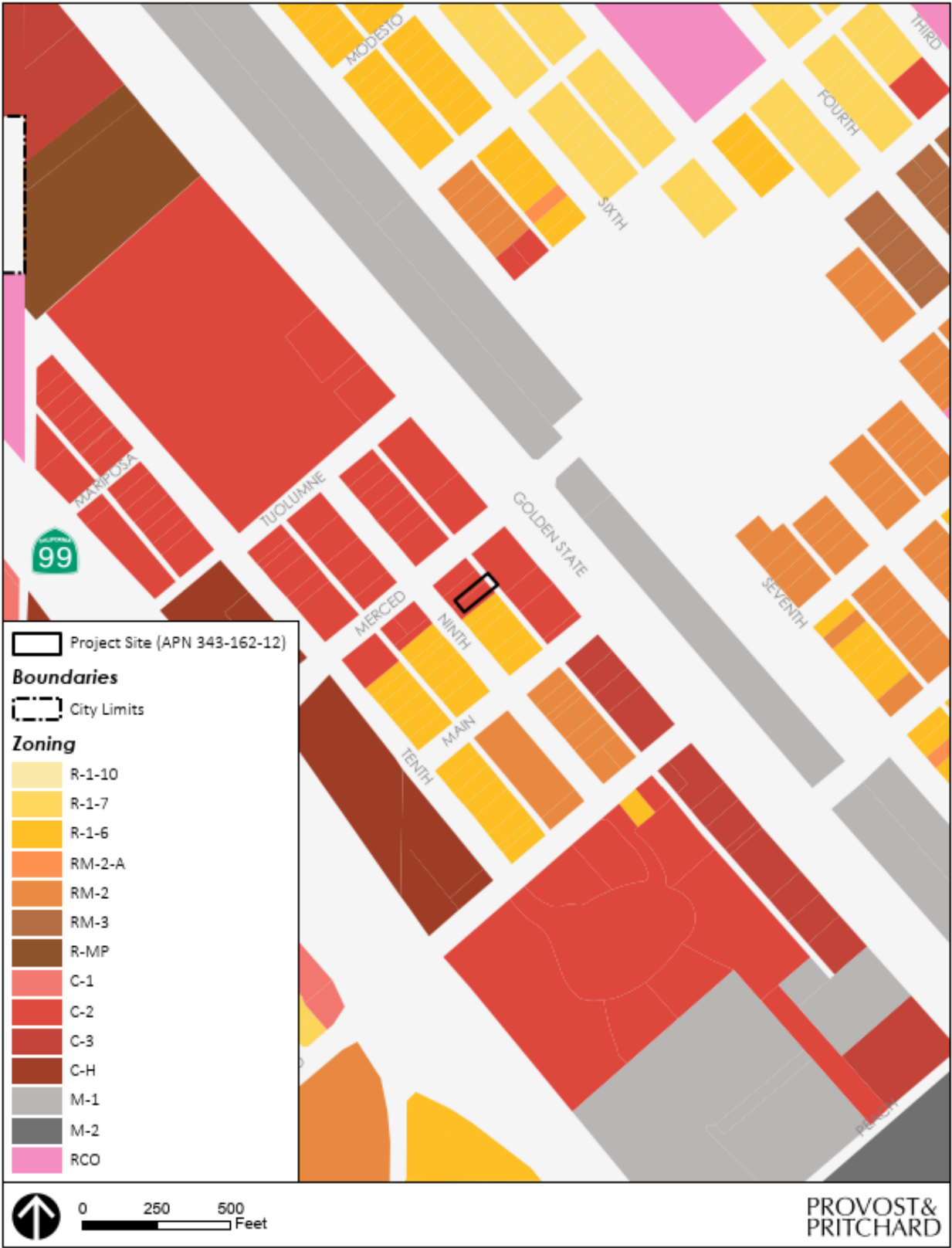




Figure 3 – Current Zoning Map



**RESOLUTION NO. 678**

**RESOLUTION BEFORE THE PLANNING COMMISSION OF THE CITY OF FOWLER COUNTY OF FRESNO, STATE OF CALIFORNIA RECOMMENDING APPROVAL OF PLANNING CASE NUMBER 22-0010, AN ORDINANCE ADOPTING AN AMENDED ZONING MAP IN ACCORDANCE WITH ARTICLE 3 OF THE FOWLER ZONING ORDINANCE, REZONING APN: 343-162-12 FROM THE C-2 (COMMUNITY COMMERCIAL) ZONE DISTRICT TO THE RM-2-A (MULTI-FAMILY RESIDENTIAL – 3,500 SQUARE FOOT LOT AREA) ZONE DISTRICT; AND TO ADOPT A FINDING THAT THE PROJECT IS CONSISTENT WITH THE CITY’S GENERAL PLAN, IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15183.**

**WHEREAS**, Planning Case Number 22-0010 has been submitted requesting approval to amend the Zoning Map in accordance with Article 3 of the Zoning Ordinance from the C-2 (Community Commercial) zone district to the RM-2-A (Multi-Family Residential – 3,500 square foot lot area) zone district (“Project”) for a 0.17-acre property located on the east side of South 9th Street between West Merced and West Main Streets at 113 South 9th Street (APN: 343-162-12); 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 zoning amendment in accordance with Article 3 of the Fowler Zoning Ordinance; and

**WHEREAS**, the City has determined that the Project is exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to a Consistency Finding in accordance with CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning); and

**WHEREAS**, a public hearing notice was duly published informing the public that the Project would be considered for a recommendation to the City Council at a Planning Commission meeting held on August 4, 2022 at 6:30 p.m.; and

**WHEREAS**, the Planning Commission reviewed the proposed Project together with the Consistency Finding at a Regular Meeting on August 4, 2022; and

**WHEREAS**, the Commission, after reviewing the staff report prepared pursuant to the request, and which is incorporated herein by reference, determined that the Project under Planning Case Number 22-0010 is consistent with the General Plan and in the best interests of the surrounding neighborhood.

**NOW THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Fowler, based upon the entire record of proceedings, hereby finds and recommends to the City Council:

1. That adoption of the Proposed Ordinance (attached hereto as **Exhibit A**), adoption of an amended zoning map in accordance with Section 3 of the Fowler Zoning Ordinance, rezoning APN: 343-162-12 from the C-2 (Community Commercial) zone district to the RM-2-A (Multi-Family Residential – 3,500 square foot lot area) zone district, is exempt from further environmental analysis under CEQA pursuant to Section 15183 of the CEQA Guidelines because the Project is consistent with the City’s General Plan.
2. That adopting the Proposed Ordinance is in the best interest of the City of Fowler.
3. That the Proposed Ordinance should be adopted.

**PASSED, APPROVED AND ADOPTED** this 4th day of August 2022, at a regular meeting of the Planning Commission of the City of Fowler by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

**APPROVED:**

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Craig Mellon, Chair

**ATTEST:**

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Maria Aguilar, Secretary of the Planning Commission

**Exhibit A**  
**[PROPOSED ORDINANCE]**

**ORDINANCE NO. 2022-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOWLER AMENDING THE OFFICIAL ZONING MAP OF THE CITY TO REFLECT A CHANGE OF ZONE FOR ASSESSOR'S PARCEL NO. 343-162-12 FROM THE C-2 (COMMUNITY COMMERCIAL) ZONE DISTRICT TO THE RM-2-A (MULTI-FAMILY RESIDENTIAL – 3,500 SQUARE FOOT LOT AREA) ZONE DISTRICT; AND ADOPTION OF A FINDING THAT THE ZONING AMENDMENT IS CONSISTENT WITH THE CITY'S GENERAL PLAN, IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15183.**

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

- SECTION 1. The Official Zoning Map of the City of Fowler is hereby amended to designate Assessor's Parcel No. 343-162-12 with the RM-2-A (Multi-Family Residential – 3,500 square foot lot size) zone district as indicated in **Exhibit "A"** attached hereto.
- SECTION 2. The City Council hereby finds that the amendment of the Zoning Map of Assessor's Parcel No. 343-162-12 to the RM-2-A (Multi-Family Residential – 3,500 square foot lot size) zone district is consistent with the City's General Plan and is therefore not subject to further environmental review under the California Environmental Quality Act ("CEQA"), in accordance with Section 15183 of the CEQA Guidelines.
- SECTION 3. This ordinance shall take effect and be in full force and effect from and after thirty (30) days following its final passage and adoption. Within fifteen (15) days after its adoption, the ordinance, or a summary of the ordinance, shall be published once in a newspaper of general circulation.

The foregoing ordinance was introduced at a meeting of the City Council of Fowler held on the \_\_\_\_\_ day of \_\_\_\_\_ 2022 and passed and adopted at a regular meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_ 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Mayor, City of Fowler

ATTEST:

\_\_\_\_\_  
City Clerk



**Exhibit “A”**

