



**PLANNING COMMISSION OF THE CITY OF FOWLER  
REVISED AGENDA  
THURSDAY, FEBRUARY 2, 2023  
6:30 P.M.  
CITY COUNCIL CHAMBER  
128 SOUTH 5TH STREET FOWLER, CA 93625**

In compliance with the Americans with Disabilities Act, if you need assistance or accommodations to access the City Council Chambers or participate in this meeting, please contact the Planning Secretary at (559) 834-3113 x118. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

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.

En cumplimiento con la Acta de Americanos con Discapacidades si necesita asistencia o adaptaciones para acceder a las Cámaras del Concejo de la Ciudad o participar en esta reunión, comuníquese con el secretario de la ciudad al (559) 834-3113 x102. También puede ponerse en contacto con el secretario si necesita servicios de traducción. La notificación al menos 48 horas antes de la reunión permitirá a la Ciudad hacer arreglos razonables para garantizar la accesibilidad.

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 link listed below will provide access to the meeting via teleconference or video conference.**

<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 December 2, 2022, Planning Commission Meeting
5. Reorganization of Planning Commission
  - a. ELECT Planning Commission Chairperson
  - b. Elect Planning Commission Vice Chairperson
6. APPROVE Resolution No 681 to:
  - a. ADOPT an addendum to the January 9, 2020 Environmental Impact Report (EIR).
  - b. APPROVE Conditional Use Permit No. 22-41, a modification of Conditional Use Permit No. 17-03, to allow for up to 16 gasoline fueling positions (eight gas pumps) at the 7.96-acre travel center located at 2747 East Manning Avenue (APN: 345-180-03)
7. APPROVE Resolution No. 682 recommending City Council to:
  - a. ADOPT a Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061, subdivision (b)(3).
  - b. APPROVE Planning Case Number 22-04, a text amendment modifying Section 9-5.21.05, of Article 21, Section 12, Chapter 5, of Title 9 of the Fowler Municipal Code, to amend the City's accessory building development standards.

8. APPROVE Resolutions No 683, 684, and 685 recommending City Council to:
  - a. ADOPT an Addendum to a Mitigated Negative Declaration pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15164; and
  - b. APPROVE the revision to Tentative Subdivision Map No. 6381.
  - c. APPROVE Rezone No. 22-55, adopting an ordinance to amend the zoning map of APN: 340-130-14 from the R-1-10 (One Family Residential – 10,000 square foot minimum lot size) zone district to the R-1-7 (One Family Residential – 7,000 square foot minimum lot size) zone district.
9. Commissioner Reports and Comments
10. Adjournment

Next Resolution No.: 686

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 January 30, 2022.



Maria Aguilar Planning Secretary

***MINUTES OF THE PLANNING COMMISSION OF THE CITY OF FOWLER***  
***Thursday, December 2, 2022***

Chair Mellon called the meeting to order at 6:30 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, City Planner Marple, Deputy City Attorney Lear, Planning Secretary Aguilar

**3. Public Presentation**

None

**4. APPROVE Minutes of the November 3, 2022, Planning Commission Meeting**

Motion made by Vice Chair Kandarian

Seconded by Commissioner Hammer

Ayes: Mellon, Kandarian, Hammer, Prado

Abstain: None

**5. APPROVE an extension of Conditional Use Permit No. 17-03 for the construction of a 7.96-acre travel center, 10,000 square foot truck tire repair, lube, and wash building, a 4,627 square foot dine-in restaurant, two (2) restaurants with drive throughs, 4,378 and 3,116 square feet in size, and a 120-room, four-story hotel at 2747 East Manning Avenue (APN: 345-180-03)**

Motion made by Vice Chair Kandarian

Seconded by Commissioner Hammer

Ayes: Mellon, Kandarian, Hammer, Prado

Abstain: None

**6. Actions pertaining to proposed Rezone No. 22-0010, an ordinance to adopt an amended zoning map of 113 South 9th 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 Rezone No. 22-0010, an ordinance adopting an amended zoning map of 113 South 9th 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.**

Motion made by Commissioner Hammer

Seconded by Vice Chair Kandarian

Ayes: Mellon, Kandarian, Hammer

Abstain: Prado

## **7. Commissioner Reports and Comments**

No actions taken.

## **8. Adjournment**

Motion made by Commissioner Hammer

Seconded by Vice Chair Kandarian

Motion carried by a voice vote at 6:54 PM



## PLANNING COMMISSION OF THE CITY OF FOWLER

ITEM NO: 6

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

February 2, 2023

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

### **SUBJECT**

APPROVE Resolution No 681 to:

- a. ADOPT an addendum to the January 9, 2020 Environmental Impact Report (EIR).
- b. APPROVE Conditional Use Permit No. 22-41, a modification of Conditional Use Permit No. 17-03, to allow for up to 16 gasoline fueling positions (eight gas pumps) at the 7.96-acre travel center located at 2747 East Manning Avenue (APN: 345-180-03)

### **RECOMMENDATION**

Staff recommend the Planning Commission approve Conditional Use Permit Application No. 22-41, and adopt an addendum to the project's EIR. The decision of the Planning Commission is final unless appealed to the City Council.

### **BACKGROUND**

The City of Fowler Planning Commission, by a vote of 5-0, approved Conditional Use Permit No. 17-03 on January 9, 2020, which requested to develop, in six phases, the following:

- A 7.96-acre travel center (sometimes referred to as a "travel stop") located between Buford Drive and Golden State Boulevard containing the following:
  - Eight diesel fueling dispensers (includes diesel, diesel exhaust fluid, and bio diesel) with a 3,280-square-foot diesel fuel canopy
  - Six gas fueling dispensers (12 fueling positions) for automobiles with a 3,440-square-foot gas canopy
  - A propane gas tank not exceeding 1,000 gallon, available to the public

- A weigh station consisting of one truck scale
- 97 total truck parking stalls: 89 uncovered and 8 under canopy
- 63 total auto parking stalls; 51 uncovered and 12 under canopy
- One 9,000-square-foot building that will include:
  - i. A driver's lounge, game room, ATMs, Check Cashing, and wi-fi
  - ii. Restroom facilities that include showers and laundry
  - iii. Two quick service restaurants
- Construction of Buford Drive
- Access via an entrance-only driveway from westbound Manning Avenue, five driveways connecting to Buford Drive, and one driveway connecting to Golden State Boulevard
- Construction of a stormwater ponding (retention) basin on approximately 1.57 acres.
- A 10,000-square foot truck tire repair, lube, and wash building with three (3) vehicle bays and 11 auto parking stalls.
- A 4,627-square foot dine-in restaurant and 58 auto parking stalls.
- A 4,378-square foot restaurant with a drive through with 51 auto parking stalls.
- A 3,116-square foot restaurant with a drive through with 35 auto parking stalls.
- A four-story, 120-room hotel with a building area of approximately 40,000 square feet with 118 auto parking stalls and 8 RV parking stalls.

Most recently, in December of 2022, the Planning Commission voted to extend the expiration date of Conditional Use Permit No. 17-03 to January 9, 2024.

This Conditional Use Permit application requests to adjust the number of gasoline fueling positions from 12 to 16 (six (6) to eight (8) gas pumps). No other changes are proposed.

Staff has reviewed the proposal and found that no additional changes or conditions are necessary to be imposed. No additional traffic is anticipated as a result of the increased number of fuel pumps as determined by the previously prepared Traffic Impact Study.

## **ENVIRONMENTAL FINDINGS**

An Environmental Impact Report (EIR) was adopted by the City of Fowler Planning Commission (Resolution No. 650) on January 9, 2020, in addition to a Findings of Fact and a Statement of Overriding Considerations. When examining the Conditional Use Permit No. 22-41, staff found that some changes or additions to the previously certified EIR were necessary but none of the conditions described in CEQA Guidelines section 15162, which requires the preparation of a subsequent EIR, have occurred. Therefore, an Addendum to the EIR was prepared in accordance with CEQA Guidelines section 15164.

### **Attachments**

- Addendum
- Resolution 681

## **RESOLUTION NO. 681**

### **RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOWLER, COUNTY OF FRESNO, STATE OF CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 22-41; AND ADOPTING AN ADDENDUM TO THE PREVIOUSLY CERTIFIED ENVIRONMENTAL IMPACT REPORT.**

**WHEREAS**, Conditional Use Permit No. 17-03 was approved by the Planning Commission of the City of Fowler on January 9, 2020; and

**WHEREAS**, the beneficiary of Conditional Use Permit 17-03 submitted a written request to increase the number of gasoline fueling positions of Conditional Use Permit No. 17-03 to 16 fueling positions (“Conditional Use Permit No. 22-41”); and

**WHEREAS**, the application was deemed complete by the City of Fowler Community Development 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 Planning Commission certified a Final Environmental Impact Report (FEIR) that evaluated the environmental impacts of the Conditional Use Permit No. 17-03 on January 9, 2020 (SCH No. 2018061027). The Planning Commission made the required California Environmental Quality Act (CEQA) findings, and adopted a Mitigation Monitoring and Reporting Program (MMRP) and a statement of overriding consideration for the project on January 9, 2020; and,

**WHEREAS**, in accordance with CEQA Guidelines section 15162, if the lead agency reviewing a project finds that no new effects could occur or no new mitigation measures would be required compared to what was outlined in the EIR, the agency can approve the activity as being within the scope of the project covered by the EIR, and no new environmental document would be required; and,

**WHEREAS**, an EIR Addendum has been prepared in accordance with CEQA Guidelines section 15164, which demonstrates that none of the conditions requiring preparation of a subsequent EIR or negative declaration have occurred, and the changes that are a part of Conditional Use Permit No. 22-41 would not result in any significant impacts that were not already considered under the original EIR; 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 February 2, 2023 at 6:30 p.m.; and

**WHEREAS**, the Planning 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** the Planning Commission of the City of Fowler, based upon the entire record of proceedings, makes the following findings with regard to the Conditional Use Permit 22-41 for the Project:

1. The Planning Commission has reviewed and considered the Addendum to the Environmental Impact Report for the Project, and finds that none of the conditions requiring preparation of a subsequent EIR or negative declaration have occurred, and that the changes that are a part of the Project would not result in any significant impacts that were not already considered under the original EIR.
2. The Planning Commission adopts the Addendum to the Final Environmental Impact Report as prepared in compliance with the California Environmental Quality Act.
3. Conditional Use Permit No. 22-41 for the Project is approved, subject to the conditions of approval contained in **Attachment A**.
4. 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 to adjust such use with the land and uses in the neighborhood.
5. 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.
6. The proposed use will not have an adverse effect upon abutting property or the use thereof.
7. The conditions established by the Planning Commission described in **Attachment A** of this Resolution for Conditional Use Permit 22-41 are deemed necessary to protect the public's health, safety and general welfare.

**PASSED, APPROVED AND ADOPTED** this 2<sup>nd</sup> day of February 2023, 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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, Chair

**ATTEST:**

Maria Aguilar, Secretary of the Planning Commission

**RESOLUTION NO. 681**  
**Attachment A - Conditions of Approval**

1. Comply with the Conditions of Approval for Conditional Use Permit No. 17-03, as established in Planning Commission Resolution No. 650, subject to the following changes:
  - a. Development of Phases 1 and 2 of the site shall be in substantial conformance with the site plan dated February 27, 2018 except as may be modified by these conditions or the direction of the Planning Commission.
  - b. Development of Phases 3 through 6 of the site shall be in substantial conformance with the site plan dated February 27, 2018 of Conditional Use Permit No. 17-03 except as may be modified by these conditions or the direction of the Planning Commission.

2. 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.

## CITY OF FOWLER

128 S. 5<sup>TH</sup> STREET, FOWLER, CALIFORNIA 93625

# CONDITIONAL USE PERMIT NO. 22-41

A REVISION TO CONDITIONAL USE PERMIT NO. 17-03

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## Addendum to Environmental Impact Report

**January 16, 2023**

Prepared by:



## 1.0 INTRODUCTION

### 1.1 Project Background

On January 9, 2020, the City of Fowler Planning Commission adopted an Environmental Impact Report to evaluate the potential environmental effects of Conditional Use Permit No. 17-03, which consisted of a 7.96-acre travel center located between Buford Drive and Golden State Boulevard containing the following:

- Eight diesel fueling dispensers (includes diesel, diesel exhaust fluid, and bio diesel) with a 3,280-square-foot diesel fuel canopy
- Six gas fueling dispensers (12 fueling positions) for automobiles with a 3,440-square-foot gas canopy
- A propane gas tank not exceeding 1,000 gal., available to the public
- A weigh station consisting of one truck scale
- 97 total truck parking stalls: 89 uncovered and 8 under canopy
- 63 total auto parking stalls; 51 uncovered and 12 under canopy
- One 9,000-square-foot building that will include:
  - A driver's lounge, game room, ATMs, Check Cashing, and wi-fi
  - Restroom facilities that include showers and laundry
  - Two quick service restaurants
- Construction of Buford Drive
  - Access via an entrance-only driveway from westbound Manning Avenue, five driveways connecting to Buford Drive, and one driveway connecting to Golden State Boulevard
- Construction of a stormwater ponding (retention) basin on approximately 1.57 acres.
- A 10,000-square foot truck tire repair, lube, and wash building with three (3) vehicle bays and 11 auto parking stalls.
- A 4,627-square foot dine-in restaurant and 58 auto parking stalls.
- A 4,378-square foot restaurant with a drive through with 51 auto parking stalls.
- A 3,116-square foot restaurant with a drive through with 35 auto parking stalls.
- A four-story, 120-room hotel with a building area of approximately 40,000 square feet with 118 auto parking stalls and 8 RV parking stalls.

This Addendum has been prepared pursuant to CEQA Guidelines Section 15164 to evaluate potential environmental impacts related to the modifications additions to SPR No. 14-05.

For reference below, "original" is referring to Project elements that were analyzed in the EIR and "revised" is referring to elements of the most recent submission.

### 1.2 Statutory Background

Under Section 15164(a) of the CEQA Guidelines, an Addendum to an adopted EIR may be prepared for a subsequent project or revised project if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. Section 15164(c) of the CEQA Guidelines states that an Addendum need not be circulated for public review but can be included in or attached to the adopted EIR. CEQA Guidelines Section 15164(d) states that the decision-making body shall consider the addendum with the adopted EIR prior to making a decision on the revised Project.

### 1.3 Recommendation

This Addendum determines that only minor technical changes to the environmental analysis, impact determinations, and mitigation requirements are needed in order for the original EIR to adequately assess the potential environmental effects of the proposed revisions to Conditional Use Permit No. 17-03.

This Addendum further supports the finding that the revisions to the original do not cause new or substantial changes to the original Project or provide new information of substantial importance regarding new or more significant impacts than those identified in the prior EIR. Therefore, the City of Fowler has determined that a Subsequent EIR pursuant to Section 15162(e) of the CEQA Guidelines is not required. In support of this determination, the following discussion describes the original impact assessment of the original Project as well as those of the proposed revised Project revisions.

## **2.0 PROJECT DESCRIPTION**

The revised project description is found below in underline for additions and ~~striethrough~~ for removal.

This project consists of a 7.96-acre travel center located between Buford Drive and Golden State Boulevard containing the following:

- Eight diesel fueling dispensers (includes diesel, diesel exhaust fluid, and bio diesel) with a 3,280-square-foot diesel fuel canopy
- ~~Six~~ eight gas fueling dispensers (~~12~~ 16 fueling positions) for automobiles with a 3,440-square-foot gas canopy
- A propane gas tank not exceeding 1,000 gal., available to the public
- A weigh station consisting of one truck scale
- 97 total truck parking stalls: 89 uncovered and 8 under canopy
- 63 total auto parking stalls; 51 uncovered and 12 under canopy
- One 9,000-square-foot building that will include:
  - A driver's lounge, game room, ATMs, Check Cashing, and wi-fi
  - Restroom facilities that include showers and laundry
  - Two quick service restaurants
- Construction of Buford Drive
  - Access via an entrance-only driveway from westbound Manning Avenue, five driveways connecting to Buford Drive, and one driveway connecting to Golden State Boulevard
- Construction of a stormwater ponding (retention) basin on approximately 1.57 acres.
- A 10,000-square foot truck tire repair, lube, and wash building with three (3) vehicle bays and 11 auto parking stalls.
- A 4,627-square foot dine-in restaurant and 58 auto parking stalls.
- A 4,378-square foot restaurant with a drive through with 51 auto parking stalls.
- A 3,116-square foot restaurant with a drive through with 35 auto parking stalls.
- A four-story, 120-room hotel with a building area of approximately 40,000 square feet with 118 auto parking stalls and 8 RV parking stalls.



Figure 1: Aerial Map



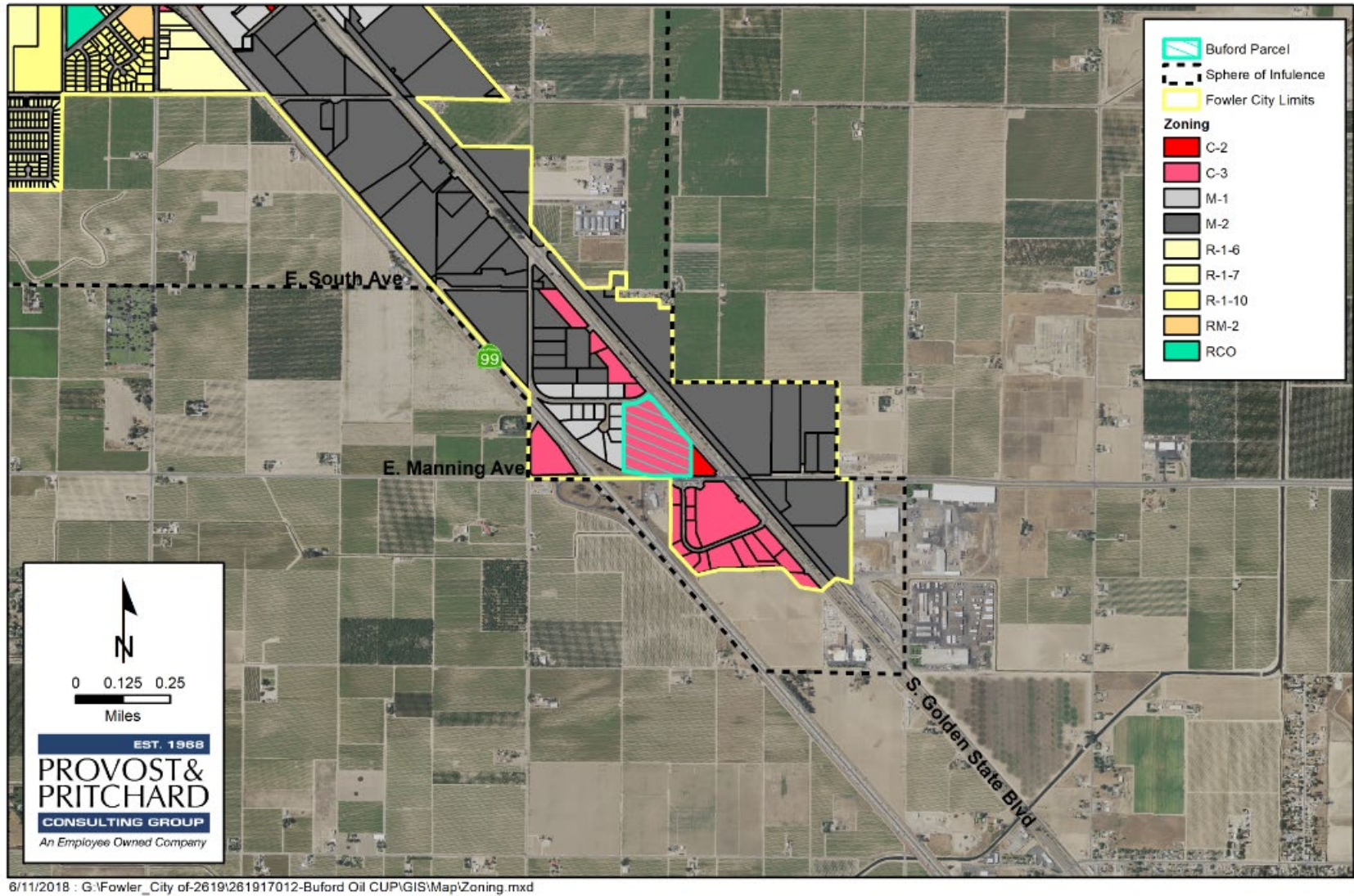


Figure 3: General Plan Map



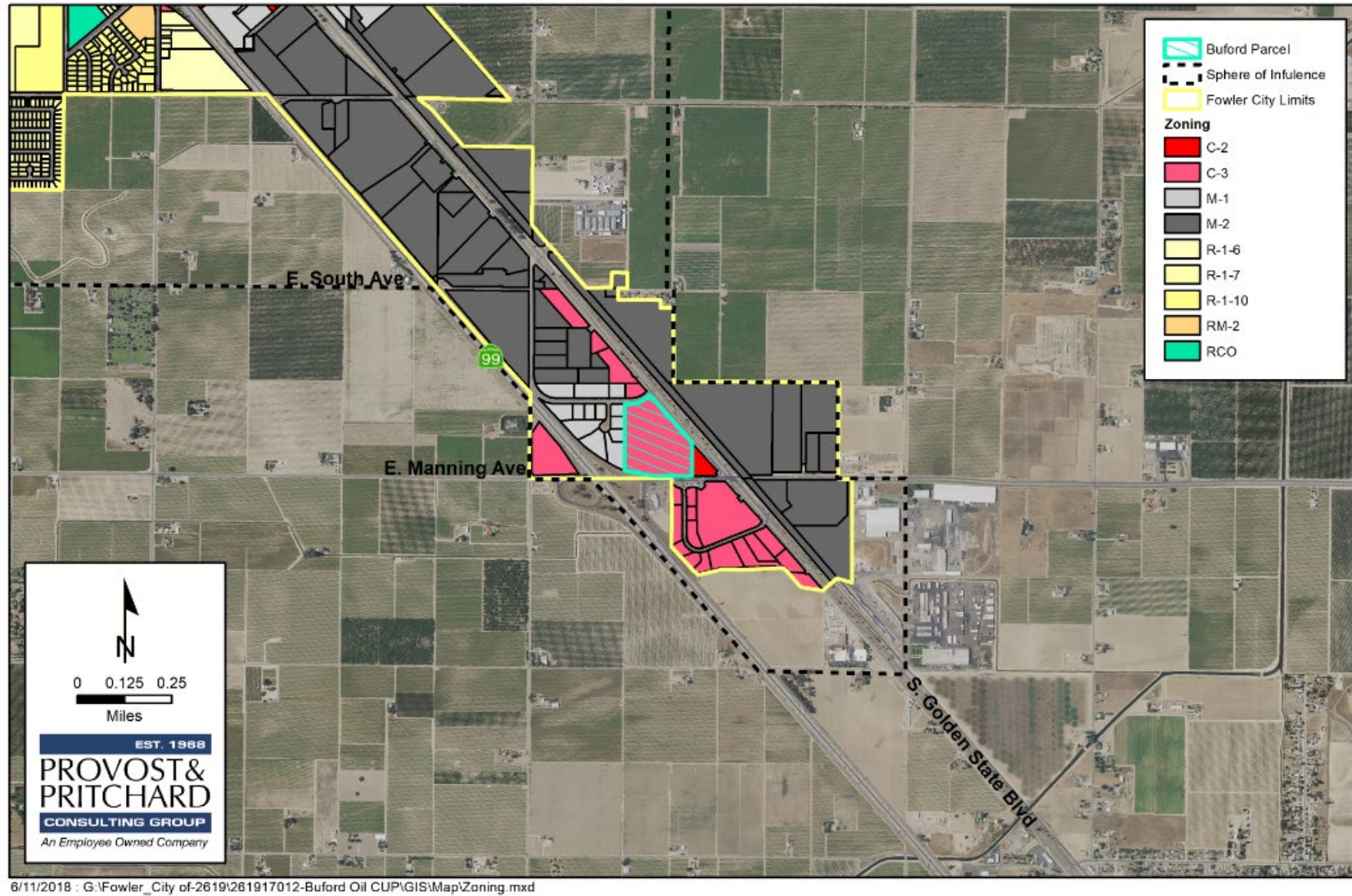
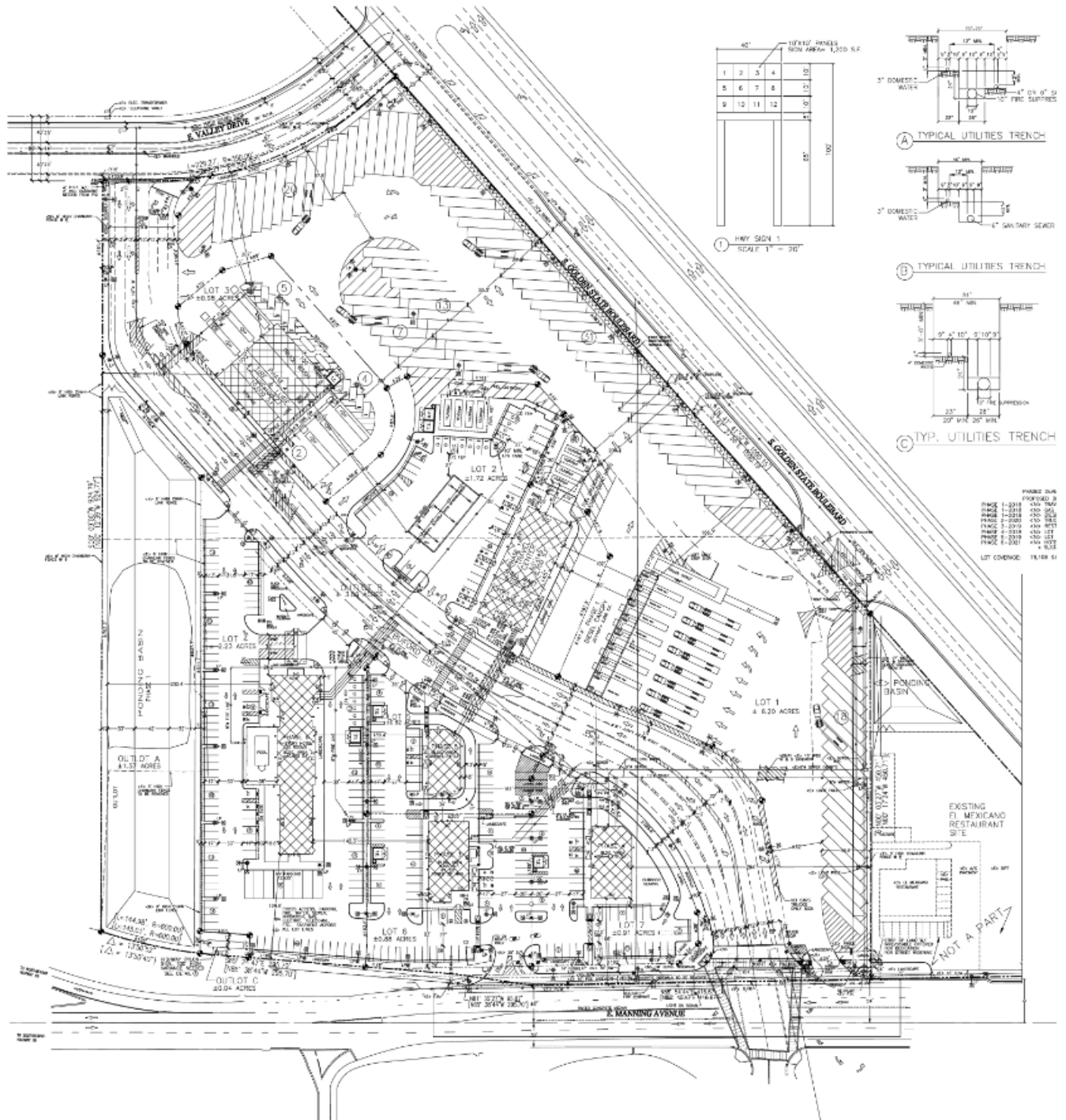


Figure 4: Zoning Map

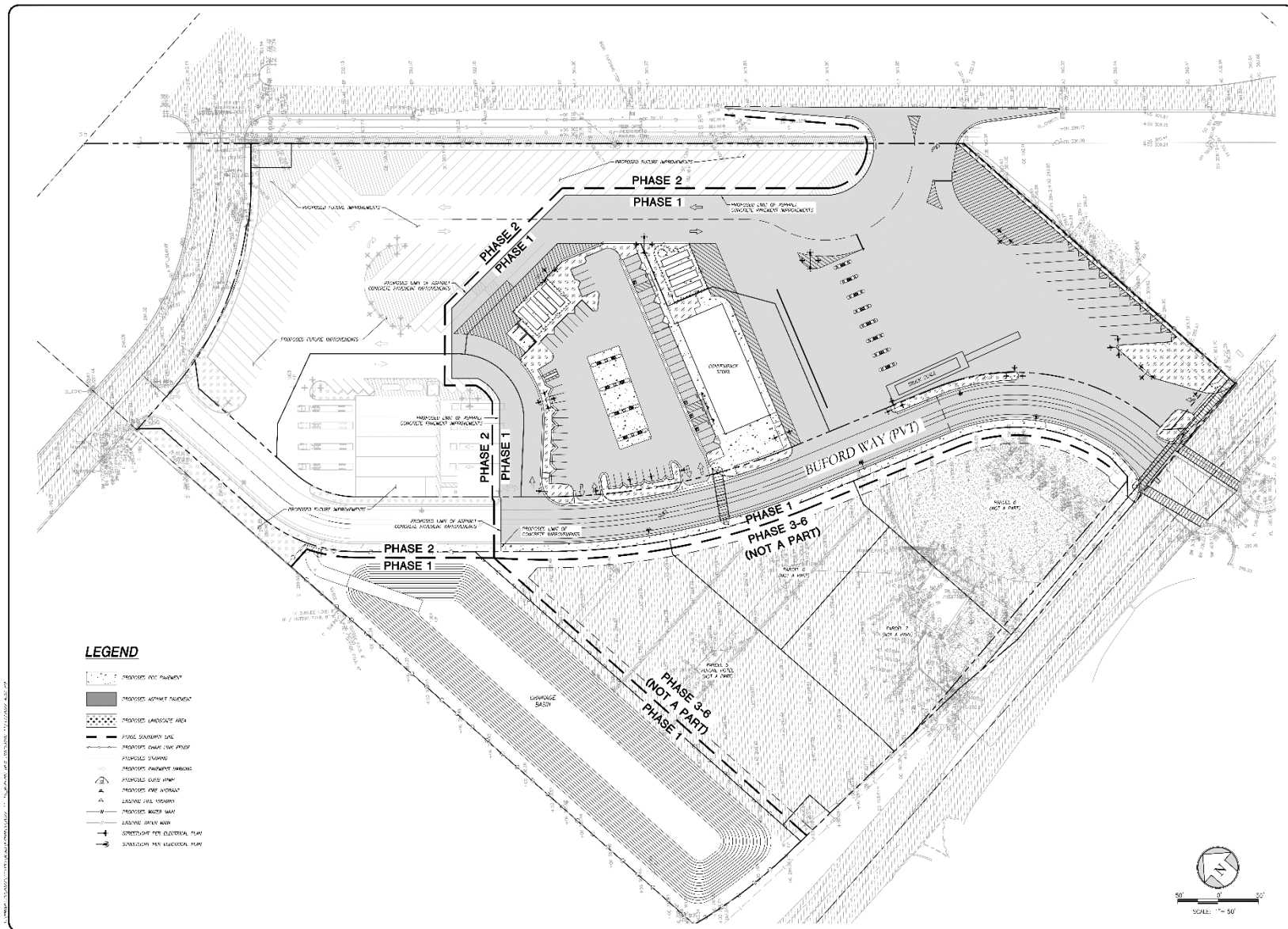
### Addendum to Mitigated Negative Declaration



### Figure 5: Original Site Plan



CONDITIONAL USE PERMIT NO. 22-41  
*Addendum to Mitigated Negative Declaration*



### Figure 6: Revised Site Plan

### 3.0 IMPACT ANALYSIS

The revised Project (see **Section 2.3**) has been reviewed and its potential environmental effects have been compared to those identified in the adopted EIR for the original Project. The following conclusions have been made, supported by evidence in the record.

- 1) **Aesthetics:** Additional fueling positions would comply with the same aesthetic requirements of the remaining fueling positions. Impacts would remain the same.
- 2) **Agricultural and Forestry Resources:** The additional fueling positions would not remove any farmland of any type. Impacts would remain the same.
- 3) **Air Quality:** No additional trips would be generated by the additional fueling positions, therefore air quality emissions would remain the same.
- 4)
- 5) **Biological Resources:** The amount of disturbed area of the Project site would not change. Therefore, no additional impacts would occur.
- 6) **Cultural Resources.** Physical disturbance of the Project site does not differ substantially between the original Project and the revised Project. Impacts would remain the same.
- 7) **Energy.** The revised Project would continue to comply with the California Building and Energy Codes. Impacts would remain the same.
- 8) **Geology/Soils:** The revised Project is located on the same site and is subject to the same standards of construction as the original Project. Impacts would remain the same.
- 9) **Greenhouse Gas Emissions:** No additional trips would be generated by the additional fueling positions, therefore greenhouse gas emissions would remain the same.
- 10) **Hazards & Hazardous Materials:** The original and revised Project does not involve land that is listed as a hazardous materials site pursuant to Government Code Section 65962.5 and is not included on a list compiled by the Department of Toxic Substances Control. The adopted 2021 IS/MND identified any use of hazardous materials during construction would be handled properly with the implementation of a Stormwater Pollution Prevention Plan and compliance with the latest Cal/OSHA regulations regarding regular maintenance and inspection of equipment, spill prevention, and spill remediation in order to reduce the potential for incidental release of pollutants or hazardous substances onsite. The revised Project would be required to follow the same regulatory requirements as determined in the adopted 2021 IS/MND. Impacts would remain less than significant.

- 11) **Hydrology and Water Quality:** No additional water would be consumed and no additional runoff would be generated by the additional fueling positions. The impact would remain the same.
- 12) **Land Use and Planning:** The revised Project would continue to not physically divide an established community. Impacts would remain the same.
- 13) **Mineral Resources:** The revised Project is located on the same site as the original Project. Impacts would remain the same.
- 14) **Noise:** Additional fueling positions would not increase the amount of traffic to the site, and therefore no additional noise would be generated by the revision.
- 15) **Population/Housing:** The additional fueling positions would not increase the amount of population or housing in the area. Impacts would remain the same.
- 16) **Public Services:** The additional fueling positions would not substantially increase the need for fire and police protection. Impacts would remain the same.
- 17) **Recreation:** The additional fueling positions would not increase the amount of deterioration to recreational facilities. Impacts would remain the same.
- 18) **Transportation/Traffic.** The traffic impact study prepared for the EIR found that trips would increase based on the size of the travel center building, not the number of fueling positions. Therefore, no additional impacts are expected to occur.
- 19) **Tribal Cultural Resources:** Additional fueling positions would be located on an area previously proposed for asphalt paving. No additional impacts would occur.
- 20) **Utilities/Service Systems:** Additional fueling positions would be served by utilities proposed to be extended to the site. The additional fueling positions would not result in a significant impact to utilities.
- 21) **Wildfire:** The Project site is not located within or near a State Responsibility Area or a Very High Fire Hazard Severity Zone. There would be no impact.

## **4.0 SUMMARY AND FINDINGS**

Based on the comparisons provided above, the revised Project would not generate any new significant impacts or a substantial increase in the severity of impacts previously identified in the EIR; therefore, no additional mitigation measures are required. The revised Project would not: a) result in increased impacts, either short-term or long-term related to degradation of the environment; b) result in increased cumulative impacts; or c) result in increased substantial adverse effects on human beings,

either directly or indirectly, provided all mitigation measures previously adopted are implemented for the revised Project.

Therefore, it is the determination of this Addendum that the impacts of the revised Project have already been adequately analyzed in the adopted EIR for the original Project, and that mitigation measures adopted in the adopted EIR are applicable to the revised Project, as they would have been if the revised Project had been analyzed by the adopted EIR. The minor technical changes of the revised Project as set forth in this Addendum together with the adopted EIR constitute an adequate environmental document pursuant CEQA.

The adopted EIR and Mitigation Monitoring Program remain valid and in force for the revised Project, and no additions or changes to them are necessary.

This Addendum determines that none of the conditions described in CEQA Guidelines Section 15162 requiring preparation of a subsequent EIR have occurred and thus the adopted EIR as modified by this Addendum satisfied the requirements of CEQA for Conditional Use Permit No. 22-41.

**Attachment A: Final EIR and Mitigation Monitoring Program (MMRP)**



## PLANNING COMMISSION OF THE CITY OF FOWLER

ITEM NO. 7

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

February 2, 2023

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

### **SUBJECT**

APPROVE Resolution No. 682 recommending City Council to:

- a. ADOPT a Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061, subdivision (b)(3).
- b. APPROVE Planning Case Number 22-04, a text amendment modifying Section 9-5.21.05, of Article 21, Section 12, Chapter 5, of Title 9 of the Fowler Municipal Code, to amend the City's accessory building development standards.

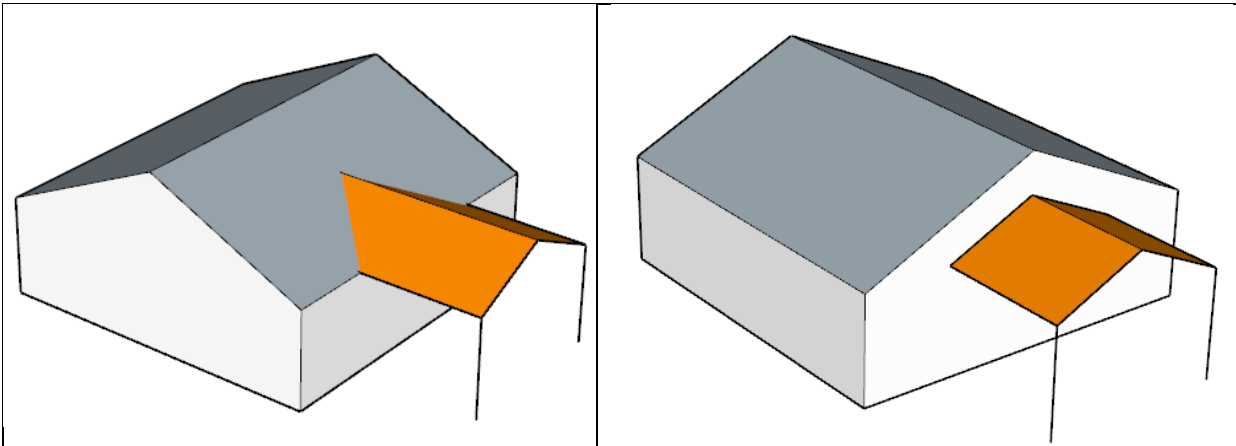
### **RECOMMENDATION**

Staff recommend the Planning Commission adopt a resolution recommending the City Council to adopt a Categorical Exemption pursuant to CEQA Guidelines Section 15061, subdivision (b)(3), and to approve the proposed Ordinance amending Section 9-5.21.05 of Article 21, of Chapter 5, of Title 9 of the Fowler Municipal Code, to amend the City's accessory building development standards.

### **BACKGROUND**

Last year, the City Council adopted Ordinance No. 2021-06, which modified development standards for accessory buildings. These standards required accessory structures, detached or attached, to maintain architectural consistency with the main dwelling. As a result of this adoption, several accessory structures have been approved consistent with these standards. These standards however have proved to be difficult for attached structures, specifically patio covers, to comply. **Figure 1** below shows two examples of currently-compliant building-attached patio covers. Near-flat patio covers usually require much less material, and therefore much less cost, to construct.





**Figure 1.** Two currently-compliant examples of building-attached patio covers

The proposed text amendment would limit the currently-adopted aesthetic requirements, those being consistent roof material and pitch for attached accessory structures that are visible from the front property line. The table below shows what types of accessory structures would continue to be, or no longer be subject to current regulations.

Subject to Material and Pitch Standards	Not Subject to Material and Pitch Standards
<ul style="list-style-type: none"> <li>• Detached accessory structures</li> <li>• Attached accessory structures mounted on front or side of the house (i.e. porches, RV covers) visible from the front lot line</li> </ul>	<ul style="list-style-type: none"> <li>• Attached accessory structures mounted behind the house, even if visible from a side or rear street (patio covers, lean-to sheds)</li> </ul>

This change would allow for near-flat patio covers that are generally attached to the fascia or top plate of single-story homes or the wall face of two-story homes. Currently, building-attached patio covers are only allowed if they maintain the same roof material and pitch as the main building.

The proposed text amendment would align with the following General Plan policies of Goal 2-5 which provides that 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.
- Policy 3: Encourage innovative site planning and housing design for new residential development.

## ENVIRONMENTAL FINDINGS

The proposed zoning text amendment has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061, subdivision (b)(3) (Common Sense Exception). The zoning text amendment relating to accessory structures will not cause a significant effect to the environment, and therefore is not subject to CEQA.

### Attachments:

- A. Resolution No. 682
- B. Exhibit A to Resolution No. 682 (Proposed Ordinance)

**RESOLUTION NO. 682**

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF FOWLER  
COUNTY OF FRESNO, STATE OF CALIFORNIA**

**RECOMMENDING APPROVAL OF PLANNING CASE NO. 22-04 REVISING  
SECTION 9-5.21.05, OF ARTICLE 21, OF CHAPTER 5, OF TITLE 9 OF THE FOWLER  
MUNICIPAL CODE TO CLARIFY ACCESSORY BUILDING DEVELOPMENT  
STANDARDS; AND RECOMMENDING ADOPTION OF AN EXEMPTION PURSUANT  
TO CEQA GUIDELINES SECTION 15061, SUBDIVISION (B)(3).**

**WHEREAS**, on February 3, 2009, the City Council of the City of Fowler voted to adopt Ordinance Bill No. 2009-01, amending Chapter 5 of Title 9 of the Fowler Municipal Code, which is a comprehensive update to the City’s Zoning Ordinance and is referred to as the “Zoning Ordinance”; and

**WHEREAS**, Fowler Municipal Code Section 9-5.421 authorizes the Planning Commission to initiate an amendment to the text of the Zoning Ordinance; and

**WHEREAS**, the Planning Commission desires to amend Section 9-5.21.05 of the Zoning Ordinance to modify accessory building development standards to protect aesthetics and increase affordability; and

**WHEREAS**, the proposed text amendment, described as Planning Case No. 22-04, is set forth in Exhibit A, attached hereto and incorporated by this reference; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing at a regular meeting on February 2, 2023 at 6:30 pm; and

**WHEREAS**, Section 15601, subdivision (b)(3) of the CEQA Guidelines provides the “common sense” exception which exempts projects that do not have the potential to cause a significant effect on the environment.

**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 Planning Case No. 22-04 as shown in Exhibit A should be adopted.
2. That Planning Case No. 22-04 is consistent with the Fowler General Plan.
3. That adopting Planning Case No. 22-04 is in the best interest of the City of Fowler.
4. That Planning Case No. 22-04 is exempt from CEQA pursuant to section 15061, subdivision (b)(3) of the CEQA Guidelines.

\_\_\_\_\_  
Chairman of the Planning Commission

Attest:

\_\_\_\_\_  
Secretary of the Planning Commission

I, Maria Aguilar, Secretary of the Planning Commission, do hereby certify that the foregoing resolution was adopted at a meeting of the Planning Commission of the City of Fowler, on the motion of Commissioner \_\_\_\_\_ and second by Commissioner \_\_\_\_\_ on the 2nd day of February, 2023 by the following vote:

AYES: Commissioners: \_\_\_\_\_

NAYS: Commissioners: \_\_\_\_\_

ABSTAIN: Commissioners: \_\_\_\_\_

ABSENT: Commissioners: \_\_\_\_\_

Exhibit “A”  
PROPOSED ORDINANCE

**ORDINANCE 2022-\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOWLER AMENDING  
SECTION 9-5.21.05, OF ARTICLE 21, OF CHAPTER 5, OF TITLE 9 OF THE FOWLER  
MUNICIPAL CODE, TO CLARIFY ACCESSORY BUILDING DEVELOPMENT  
STANDARDS , AND TO ADOPT AN EXEMPTION UNDER CEQA GUIDELINES  
SECTION 15061, SUBDIVISION (B)(3).**

**WHEREAS**, on February 3, 2009, the City Council of the City of Fowler voted to adopt Ordinance Bill 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 City’s “Zoning Ordinance”; and

**WHEREAS**, the Planning Commission adopted Resolution No. 682, on February 2, 2023, recommending that the City Council adopt an ordinance to amend Section 9-5.21.05 of Article 21 of Chapter 5 of Title 9 of the Fowler Municipal Code; and

**WHEREAS**, the City Council desires to revise Section 9-5.21.05 of Article 21 of Chapter 5 of Title 9 of the Fowler Municipal Code to ensure aesthetically pleasing and affordable patio covers.

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

**SECTION 1:** Subsection D, of Section 9-5.21.05, of Article 21, of Chapter 5, of Title 9 of the Fowler Municipal Code is amended to read as follows:

- D. Attached Structures. Accessory structures constructed less than six (6) feet from the main structure shall:
1. Be compatible with and made structurally a part of the main structure (e.g., share a common wall with the main structure, rely partially on the main structure for structural support, or be attached via a breezeway to the main structure).
  2. Comply with the requirements applicable to the main structure, including coverage, height, and setbacks.
  3. The roof shall be the same material and pitch as the main structure.
  4. Be compatible with the materials, texture, finish and colors of the main structure.
  5. [Accessory structures physically attached to the main structure and not visible from the front lot line shall be exempt from subsections 3 and 4.]

**SECTION 2.** The City Council has determined that the Project is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061, subdivision (b)(3) (Common Sense Exception).

**SECTION 3.** This Ordinance shall take effect thirty (30) days after its adoption.

**SECTION 4.** 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 \_\_\_\_\_, 2023, and was adopted at a regular meeting of said Council held on \_\_\_\_\_, 2023, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

**APPROVED:**

\_\_\_\_\_  
Daniel T. Parra, Mayor

**ATTEST:**

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



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

ITEM NO: 8

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

February 2, 2023

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

### **SUBJECT**

APPROVE Resolutions No 683, 684, and 685 recommending City Council to:

- a. ADOPT an Addendum to a Mitigated Negative Declaration pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15164; and
- b. APPROVE the revision to Tentative Subdivision Map No. 6381.
- c. APPROVE Rezone No. 22-55, adopting an ordinance to amend the zoning map of APN: 340-130-14 from the R-1-10 (One Family Residential – 10,000 square foot minimum lot size) zone district to the R-1-7 (One Family Residential – 7,000 square foot minimum lot size) zone district.

### **RECOMMENDATION**

Staff recommend the Planning Commission adopt Resolutions No. 683, 684, and 685.

### **BACKGROUND**

In January 2022, the City Council approved Tentative Subdivision Map No. 6381 which proposed to subdivide the land on the east side of South Armstrong Avenue between East Adams and East Hogan Avenues (APN 340-130-14) into 74 single-family residential lots on 29.04 acres at the R-1-10 development standard. Applicant has not recorded a Final Subdivision Map and instead has submitted an application for a revised Tentative Subdivision Map.

### **Revised Tentative Subdivision Map No. 6381**

Revised Tentative Subdivision Map No. 6381 proposes 95 single-family lots.

The General Plan land use designation for the site is Low Density Residential. The site is currently zoned R-1-10 (One Family Residential – 10,000 square foot minimum lot size) and is proposed to be rezoned to the R-1-7 (One Family Residential – 7,000 square foot minimum lot size) zone district. Proposed lot sizes range between 6,572 and 13,241 square feet. This range of sizes is consistent with the General Plan, which prescribes a density of 0.0-3.6 dwelling units per gross acre (du/ga) for Low Density Residential. The subdivision map proposes a density of approximately 3.20 du/ga and meeting the density provisions of the General Plan. While neither the zoning ordinance nor the General Plan describe the R-1-7 zone district as being consistent with the Low Density Residential planned use designation, the density of the project is consistent.

The following table is taken from the General Plan and shows consistent zone districts for residential designations.

General Plan/Residential Zoning Consistency Table

General Plan Land Use Designation	Consistent Zone District	Consistent Density Units/Gross Acre
<u>Residential</u> Low Density	R-1-10, R-1-12	0.0 - 3.6
Medium Low Density	R-1-7, R-1-8.5, R-1-10	3.7 - 5.5
Medium Density	R-1-5, R-1-6, R-1-7, R-2-A, R-MP	5.6 - 13.5
High Density	R-2, R-3-A, R-3	13.6 - 21.8

Source: Table 5-1 of the Land Use Element of the Fowler General Plan

It is also important to consider the definitions of residential land use categories contained in the General Plan Land Use Element which are summarized below:

- Low Density: 0 - 3.6 units per gross acre. This category is characterized by larger lots for single-family residential development. Minimum lot size would be 10,000 square feet with lot sizes ranging from 10,000 to 12,000 square feet and larger. It is not envisioned that lots greater than one acre in size would be appropriate within the City limits. The most compatible zone districts are R-1-10 and R-1-12.
- Medium Low Density: Housing in this density range is typical of recent subdivisions built in Central Valley communities. The intent of this classification is to provide locations for construction of single-family homes with a minimum lot size of 7,000 square feet ranging to 10,000 square feet. Because housing at this density reaches the largest residential market, it is expected to account for about half of all housing added during the next twenty (20) years. The most compatible zone district is R-1-7.
- Medium Density: 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.

While the density of the project is based on R-1-7 zoning and falls within the range of Low Density, the R-1-7 zone is not listed as “most compatible” with that density designation. Staff believes that since the density of the project falls within the range prescribed by the General Plan land use, the project is consistent with the Low Density Residential land use designation. The previously approved subdivision map clearly demonstrated that compliance with the R-1-10 zone district precluded development of the site as the densities prescribed by the General Plan.

At 3.2 persons per household, the 95-lot project would accommodate approximately 304 people.

The proposed circulation system is not proposed to change from the previously approved Tentative Subdivision Map, but instead proposes narrower lots. The subdivision proposes the same public park size which is consistent with the City’s Quimby Act requirements and General Plan policies. The public park in the revised Tentative Subdivision Map is in a different location and will provide for better park utilization and access.

#### Land Uses and Zoning in the Project Vicinity

	<b>Land Use</b>	<b>Zoning</b>
North	Low Density Residential	R-1-10 (City)
West	Rural Residences, Agriculture	AE-20 / AL-20 (County)
South	Low Density Residential	R-1-10 (City)
East	Low Density Residential	R-1-10 (City)

#### Proposed Homes Within the Subdivision

If the revision to the tentative map is approved, the builder would be required to comply with the provisions of Fowler Municipal Code (FMC) Section 9-5.1605 related to single-family design criteria. The builder would be required to submit elevations for consideration by the Development Review Committee prior to issuance of a building permit for any lot within the subdivision.

#### Tentative Subdivision Map

The California Subdivision Map Act (Gov. Code Sec. 66410, et seq.) allows local agencies to regulate the design and improvement of subdivisions. The City’s Subdivision Ordinance provides more detailed requirements for design and improvement as well as processing applications. Staff has met with the developer and the project engineer to discuss the proposed design and the resulting configuration generally meets the City’s requirements.

The Marshall Estates I subdivision to the south required the construction of a drainage basin. The revision to the approved subdivision map proposes to relocate this drainage basin to the northeast, where it would abut the ponding basin of Crestwood Estates.

General Plan Policy 4.3.16.b requires that single-family projects include 5% open space within the project site. The tentative map provides a 1.33-acre park/open space area in conformance with the

General Plan Policy. This park space is designed to provide a large, single open space for the proposed neighborhood. The Quimby Act and Subdivision Ordinance requires an additional 1.33 acres that can be provided on-site or typically through the payment of off-site fees.

#### Grounds for Approval of a Tentative Map

The Subdivision Map Act (Government Code Section 66474) requires a City to make the following findings prior to approval of a tentative map:

1. *The proposed map is consistent with applicable general and specific plans as specified in Section 65451.*

Development must provide between 0.0 and 3.6 du/ga in order to maintain consistency; the subdivision map proposes a density of approximately 3.2 du/ga and thus meets the density provisions of the General Plan. The proposed project is consistent with the 2004 Fowler General Plan because the pre-zoning and annexation request is for land located contiguous to existing development where public facilities and services are available, the requested annexation is consistent with the General Plan policies related to logical and efficient growth and prevention of premature conversion of agricultural land.

2. *The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.*

The City is empowered to regulate the design and improvement of subdivisions by the Subdivision Map Act and the City's Subdivision Ordinance. The project meets the City's design requirements. Conditions of approval will ensure consistency with General Plan standards and policies.

3. *The site is physically suitable for the type of development.*

The site is generally flat and level and is capable of supporting single-family development.

4. *The site is physically suitable for the proposed density of development.*

Infrastructure needed to serve the development is located within adjacent public rights-of-way, or its installation will be required as conditions of approval. The flat, level nature of the site in conjunction with the proximity of infrastructure and project conditions ensure that the site is physically suitable for the proposed density of development density of the project.

5. *The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure a fish or wildlife habitat.*

An Addendum to the Mitigated Negative Declaration was prepared to evaluate the potential impacts of the subdivision on the environment. The addendum determined that, with incorporation of recommended mitigations, the subdivision would have a less than significant impact on the environment.

6. *The design of the subdivision or type of improvements is not likely to cause serious public health*

*problems.*

There is no evidence in the record that the project is likely to cause serious public health problems.

7. *The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

The project will not conflict with easements.

With conditions, including those related to open space, all of the above findings can be made.

#### Preponderance of Evidence Required for Denial or Reduction in Density Findings

Should the Planning Commission decide to deny or condition the Project to reduce its density, specific findings must be made.

When a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards in effect at the time that the application was deemed complete, but the local agency proposes to disapprove the project or to impose a condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by a preponderance of the evidence on the record that both of the following conditions exist:

- The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density.
- There is no feasible method to satisfactorily mitigate or avoid the adverse impact, other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

A “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Staff found no significant, quantifiable, direct, and/or unavoidable impact based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date this application was deemed complete.

## **Rezone No. 22-55**

The applicant proposes to rezone the subject property to the R-1-7 (One Family Residential – 7,000 square foot minimum lot) zone district, which would allow lots with a minimum area of 7,000 square feet and would facilitate development at a density consistent with the range prescribed in the General Plan's Low Density Residential designation. While this zone district is not listed in the General Plan or zoning ordinance as being consistent, the subdivision complies with all objective General Plan, zoning ordinance, and subdivision design standards that are not in conflict with the General Plan.

Pursuant to the Housing Accountability Act (Government Code Section 65889.5), a City cannot require a rezone for a housing development project if the project is consistent with the objective General Plan standards, but is inconsistent with zoning. The City may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project. In this specific instance, the R-1-10 zone district precludes the development of the subdivision at the prescribed densities of the General Plan.

## **Public Hearing Limits and Decision Deadlines**

The Housing Crisis Act limits the number of hearings (including continuances, appeals, workshops, or similar meetings) for a housing development project to no more than five (5). This hearing would count as one of the five allowed.

## **Fowler Unified School District**

Students from the project would attend Marshall Elementary (K-2), Fremont Elementary (3-5), Sutter Middle School (6-8), and Fowler High School (9-12). The student generation factor within Fowler Unified has ranged between 0.5 and 0.6 students per household, indicating that the proposed project would generate 48 to 57 students.

In accordance with State Law, any new development will be subject to school development fees as a condition of building permit issuance to offset potential impacts to schools. These funds, in combination with bond financing authorized by District voters and State assistance, will provide facilities and reduce overcrowding in the long-term.

## **ENVIRONMENTAL FINDINGS**

The proposed project has been reviewed for compliance with CEQA. The City has determined that the project as revised does not result in any substantively different impacts compared to the original project and does not meet any of the provisions of CEQA Guidelines Section 15162 that would require preparation of a subsequent negative declaration. Accordingly, the City has approved an addendum to the adopted IS/MND.

## **CONFLICT OF INTEREST**

Commissioners Hammer and Kandarian own property within 500 feet of the subject property and pursuant to Title 2 of the California Code of Regulations Section 18702.2, subdivision (a)(7), there is a presumed material financial interest in this project and the Commissioners must recuse themselves from participating and deciding on this item.

### **Attachments**

- Figure 1 – Aerial Photo
- Figure 2 – General Plan
- Figure 3 – Zoning
- Figure 4 – Subdivision Map
- Planning Commission Resolutions 683, 684, and 685

**Figure 1: Aerial Photo**





Figure 2: General Plan

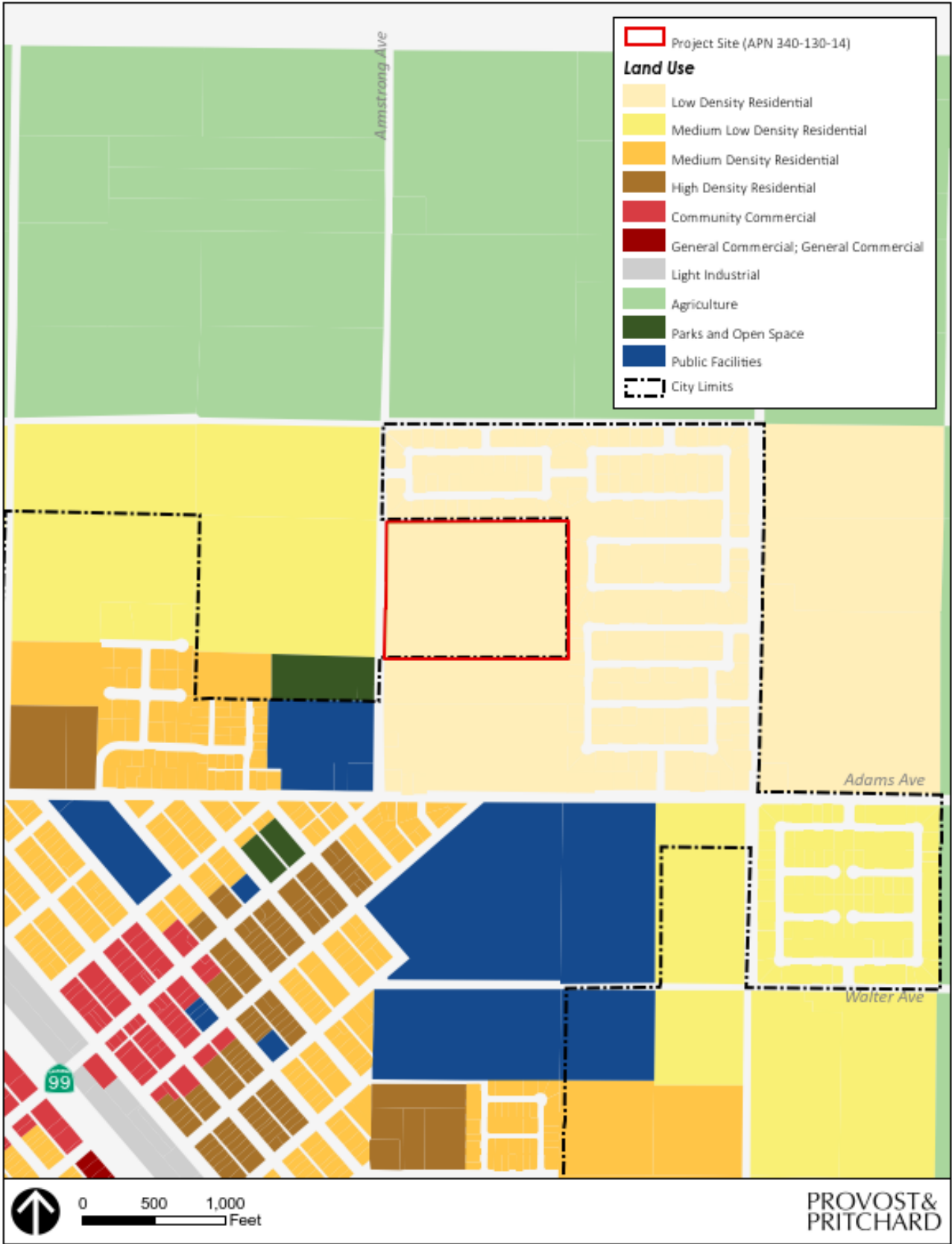


Figure 3: Zoning

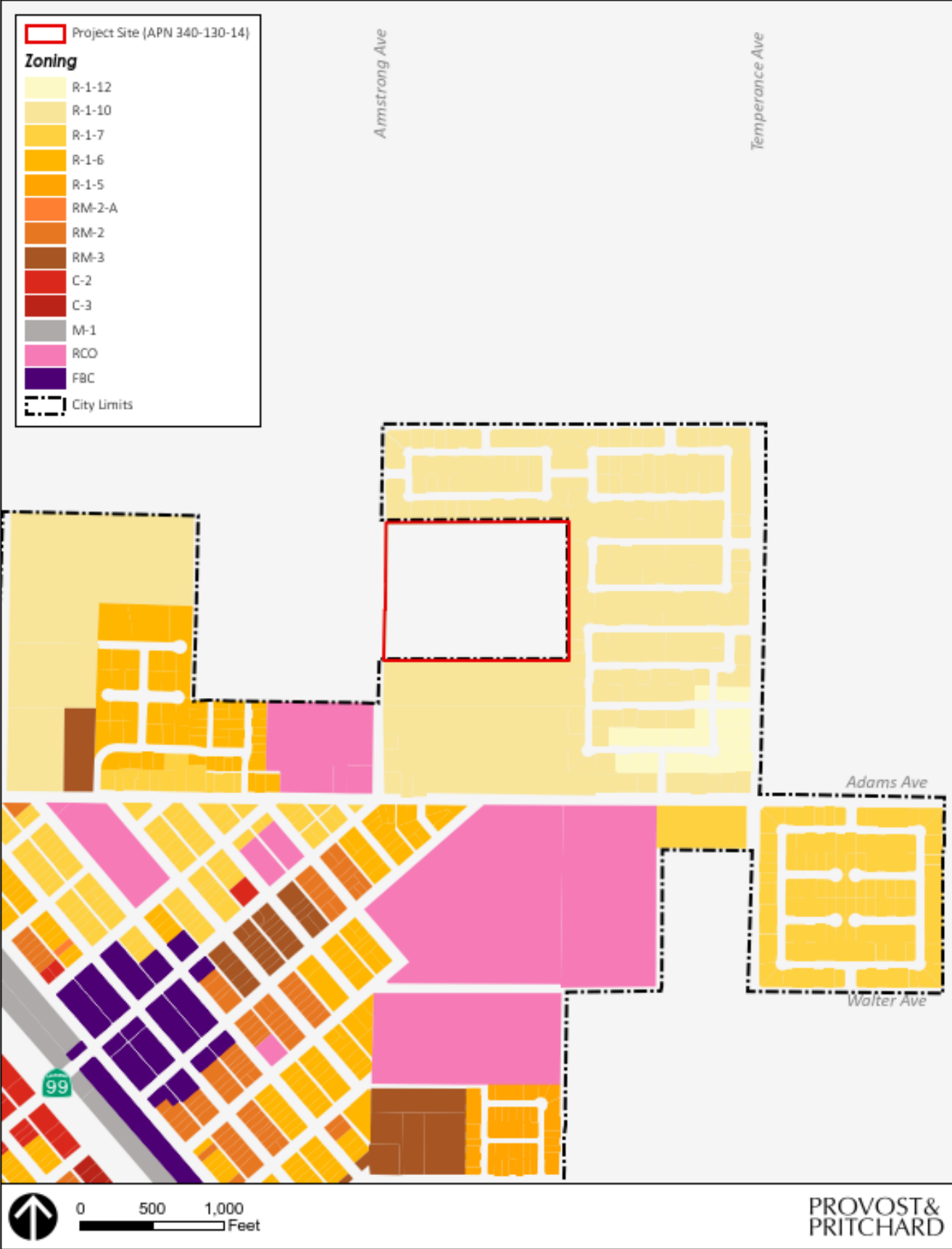
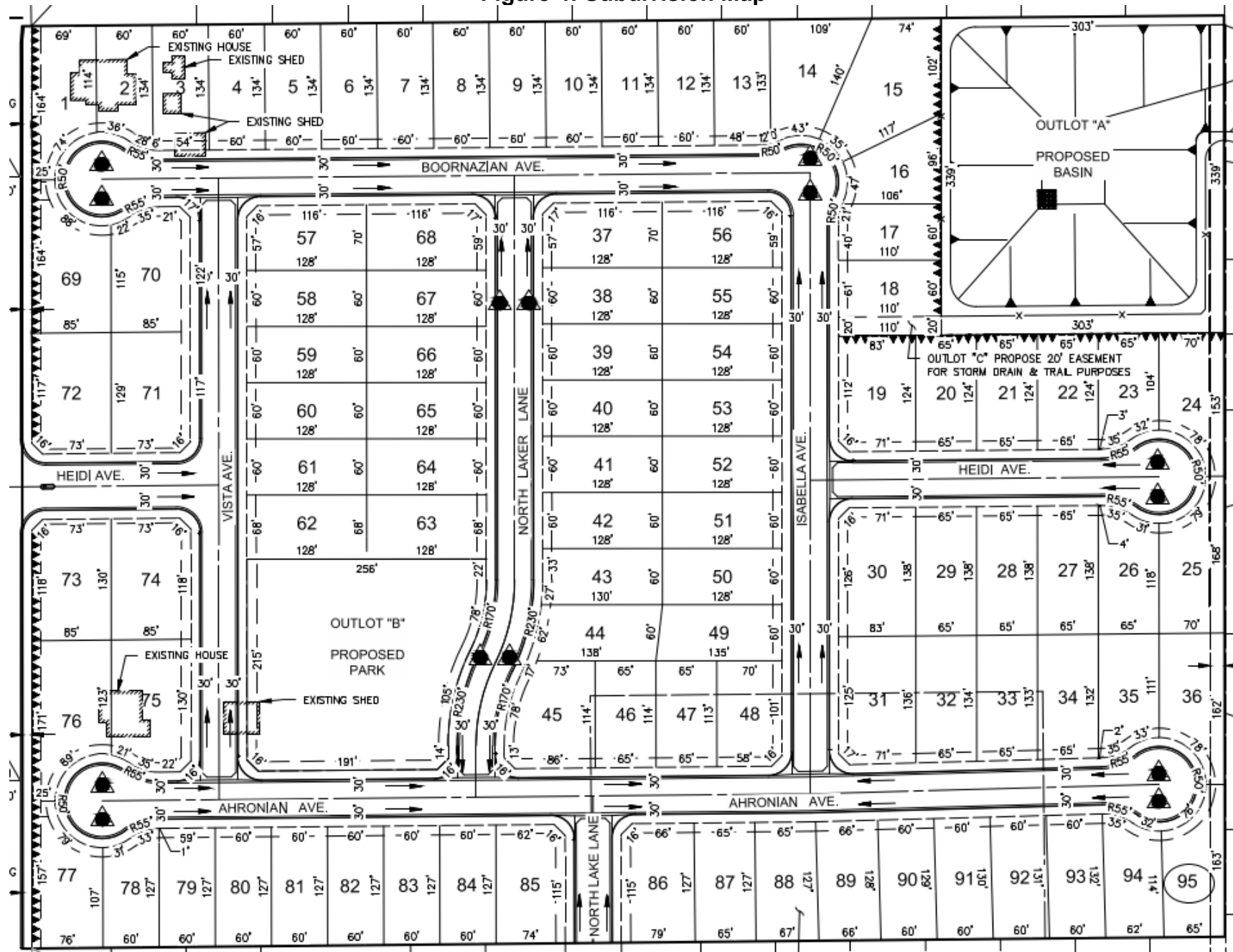




Figure 4: Subdivision Map



**RESOLUTION NO. 683**  
**RESOLUTION BEFORE THE PLANNING COMMISSION**  
**OF THE CITY OF FOWLER**  
**COUNTY OF FRESNO, STATE OF CALIFORNIA**

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**RESOLUTION RECOMMENDING CITY COUNCIL ADOPT AN ADDENDUM TO A**  
**MITIGATED NEGATIVE DECLARATION FOR REVISED TENTATIVE TRACT MAP**  
**NO. 6381**

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**WHEREAS**, applications for Tentative Tract Map and Zoning Ordinance Amendment No. 22-55 (“Project”) have been submitted for APN: 340-130-14 located north of the northeast corner of East Adams and North Armstrong Avenues; 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 revision to a Tentative Tract Map; and

**WHEREAS**, an Initial Study/Mitigated Negative Declaration was been prepared, circulated, and made available for public comment, and adopted pursuant to the California Environmental Quality Act (CEQA), Public Resources Code, sections 21000, et seq., and the Guidelines for implementation of CEQA, Title 14 California Code of Regulations, Chapter 3 sections 15000, et seq.; and

**WHEREAS**, a public hearing notice was duly published informing the public that the Project and Mitigated Negative Declaration would be considered for approval at the Planning Commission meeting on February 2, 2023 at 6:30 p.m.; and

**WHEREAS**, the Planning Commission reviewed the proposed Project together with the Addendum and Mitigated Negative Declaration at a Regular Meeting on February 2, 2023; and

**WHEREAS**, the Planning Commission reviewed and considered the staff report, addendum, mitigated negative declaration, and all evidence in the administrative record and presented at the Planning Commission duly noticed public hearing on February 2, 2023, which the Planning Commission determined to be necessary to make an informed decision, including oral and written public testimony on the Project and the Addendum and Mitigated Negative Declaration.

**NOW THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Fowler, based upon the entire record of proceedings, recommends that the City Council of the City of Fowler make the following findings with regard to the Project:

1. The foregoing recitals are true and correct.

2. The Addendum, Mitigated Negative Declaration, and the mitigation monitoring program as set forth in Attachment A, including the mitigation measures identified therein and as described in the Mitigated Negative Declaration, is hereby adopted.
3. The Addendum and Mitigated Negative Declaration for the Project are adequate, reflect the City's independent judgment and analysis, and have been completed in compliance with CEQA and the CEQA Guidelines.
4. On the basis of the whole record, there is no substantial evidence that the Project will have a significant effect on the environment with mitigation measures included.
5. None of the conditions described in CEQA Guidelines section 15162, which call for the preparation of a subsequent negative declaration, have occurred.
6. The record of these proceedings shall be contained in the Department of Planning and Community Development located at 128 S. 5<sup>th</sup> Street, Fowler, CA 93625, and the custodian of the record shall be the City Planner or other person designated by the Community Development Director.
7. The Community Development Director, or his/her designee, is authorized to file a notice of determination for the Project in accordance with CEQA and to pay any fees required for such filing.
8. The basis for the findings is detailed in the February 2, 2023 staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as evidence and comments presented in connection with the Addendum and Mitigated Negative Declaration.

\_\_\_\_\_  
Chairman of the Planning Commission

Attest:

\_\_\_\_\_  
Secretary of the Planning Commission

I, Maria Aguilar, Secretary of the Planning Commission, do hereby certify that the foregoing resolution was adopted at a meeting of the Planning Commission of the City of Fowler, on the motion of Commissioner \_\_\_\_\_ and second by Commissioner \_\_\_\_\_ on the 2nd day of February 2023 by the following vote:

AYES:            Commissioners: \_\_\_\_\_

NAYS: Commissioners: \_\_\_\_\_

ABSTAIN: Commissioners: \_\_\_\_\_

ABSENT: Commissioners: \_\_\_\_\_

## Attachment A – Addendum to a Mitigated Negative Declaration

**CITY OF FOWLER**  
128 S. 5<sup>TH</sup> STREET, FOWLER, CALIFORNIA 93625

# REVISION TO TENTATIVE MAP NO. 6381

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## Addendum to Mitigated Negative Declaration

**January 12, 2023**

Prepared by:



## **1.0 INTRODUCTION**

### **1.1 Project Background**

On January 4, 2022, the City of Fowler City Council adopted an Initial Study/Mitigated Negative Declaration (IS/MND) for National Raisin Company to evaluate the potential environmental effects of Tentative Tract Map (TTM) No. 6381. TTM No. 6381 authorized the subdivision of a 29.04-acre lot into 74 single-family residential lots. The IS/MND imposed various mitigation measures to reduce potentially-significant impacts resulting from the development to less-than-significant levels. Following the adoption of the IS/MND the City Council also approved Ordinance No. 2022-02 to rezone the property to the R-1-10 (One Family Residential – 10,000 square foot minimum lot) zone district.

The 30-day public comment period for the IS/MND began on October 14, 2021 and ended on November 3, 2021. No comment letters were received during the public comment period.

This Addendum has been prepared pursuant to CEQA Guidelines Section 15164 to evaluate potential environmental impacts related to the modifications additions to SPR No. 14-05.

For reference below, “original” is referring to Project elements that were analyzed in the IS/MND and “revised” is referring to elements of the most recent submission.

### **1.2 Statutory Background**

Under Section 15164(b) of the CEQA Guidelines, an Addendum to an adopted [mitigated] negative declaration may be prepared for a subsequent project or revised project if only minor technical changes or additions are necessary to make the prior IS/MND adequate or if none of the conditions described in Section 15162 calling for a subsequent EIR or negative declaration have occurred. Section 15164(c) of the CEQA Guidelines states that an Addendum need not be circulated for public review but can be included in or attached to the adopted [mitigated] negative declaration. CEQA Guidelines Section 15164(d) states that the decision-making body shall consider the addendum with the adopted [mitigated] negative declaration prior to making a decision on the revised Project.

### **1.3 Recommendation**

This Addendum determines that only minor technical changes to the environmental analysis, impact determinations, and mitigation requirements are needed in order for the original IS/MND to adequately assess the potential environmental effects of the proposed revisions to Tentative Map No. 6381.

This Addendum further supports the finding that the revisions to the original do not cause new or substantial changes to the original Project or provide new information of substantial importance regarding new or more significant impacts than those identified in the prior IS/MND. Therefore, the City of Fowler has determined that a Subsequent Mitigated Negative Declaration pursuant to Section 15162(e) of the CEQA Guidelines is not required. In support of this determination, the following discussion describes the original impact assessment of the original Project as well as those of the proposed revised Project revisions.

## **2.0 PROJECT DESCRIPTION**

### **2.1 Original Project Description**

National Raisin Company is proposing to subdivide approximately 29 acres of agricultural and residential land north of the northeast corner of Adams Avenue and Armstrong Avenue in Fowler, California into a 74-lot single-family residential development. The lots range between 10,160 and 17,371 square feet in size. A park would also be constructed.

Development of the subdivision is expected to occur over a 2.5-year period with original Project construction beginning in 2022 and completed by mid-2024. At 3.2 persons per household, the 74-unit original Project would accommodate approximately 237 people.

Circulation within the site would be provided by a system of local roadways with two access points, one to Armstrong Avenue and one to Marshall Estates I (see **Figure 5**). It is proposed that the local streets be public.

A total of two (2) homes are located on the 29 acre site. Both homes would be demolished.

The City of Fowler provides water service within its corporate limits, including to the original Project site. The water distribution system within the original Project site would be provided and maintained by the City. Sanitary sewer service, including wastewater treatment, would be provided to the original Project site by the Selma-Kingsburg-Fowler (SKF) County Sanitation District. Existing water and sewer mains are located along Armstrong Avenue and would provide connections for this Project. The stormwater collection would be connected to a proposed stormwater basin being constructed at the northeast corner of the original Project site.

Electrical and gas service to the original Project site would be provided by PG&E. AT&T would provide telephone service and cable television service would be provided by Comcast. The Applicant would be required to extend these services to the site.

### **2.2 2023 Revised Project Description**

On December 7, 2022, the applicant submitted an updated tentative tract map increasing the amount of lots created from 75 to 95 (see **Figure 6**). The location of the revised Project site is the same location of the original Project site (APN: 340-130-14).<sup>1</sup> In order to accommodate more lots, the revised Project would also include a change in the proposed zoning from the R-1-10 (One Family Residential, 10,000 square foot minimum lot size) zone district to the R-1-7 (One Family Residential, 7,000 square foot minimum lot size) zone district. The increase in dwellings would accommodate approximately 304 people, up previously from 237.

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<sup>1</sup> "Project site" refers to both the "original Project" site and the "revised Project" site.



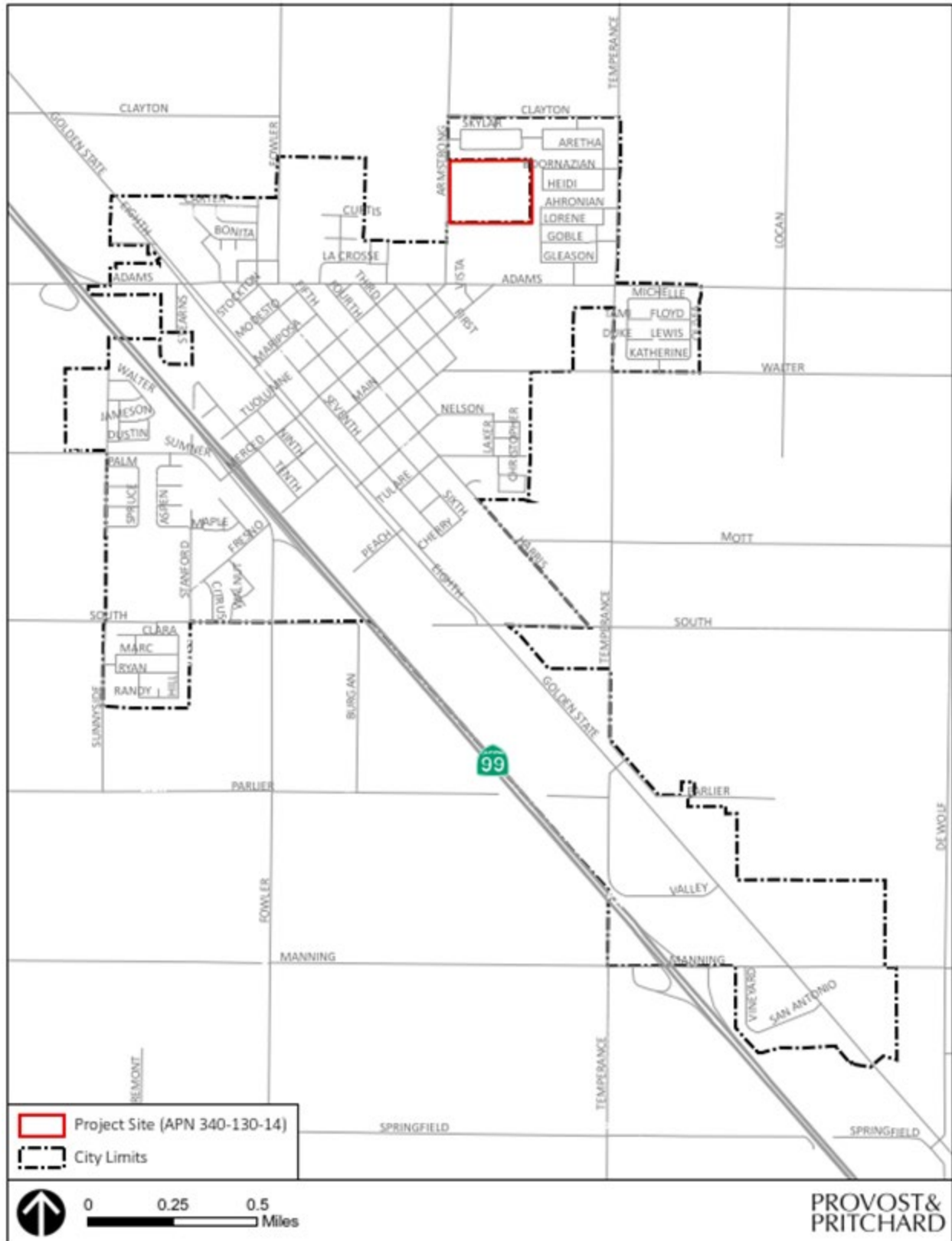


Figure 1: Regional Location



Figure 2: Aerial Map

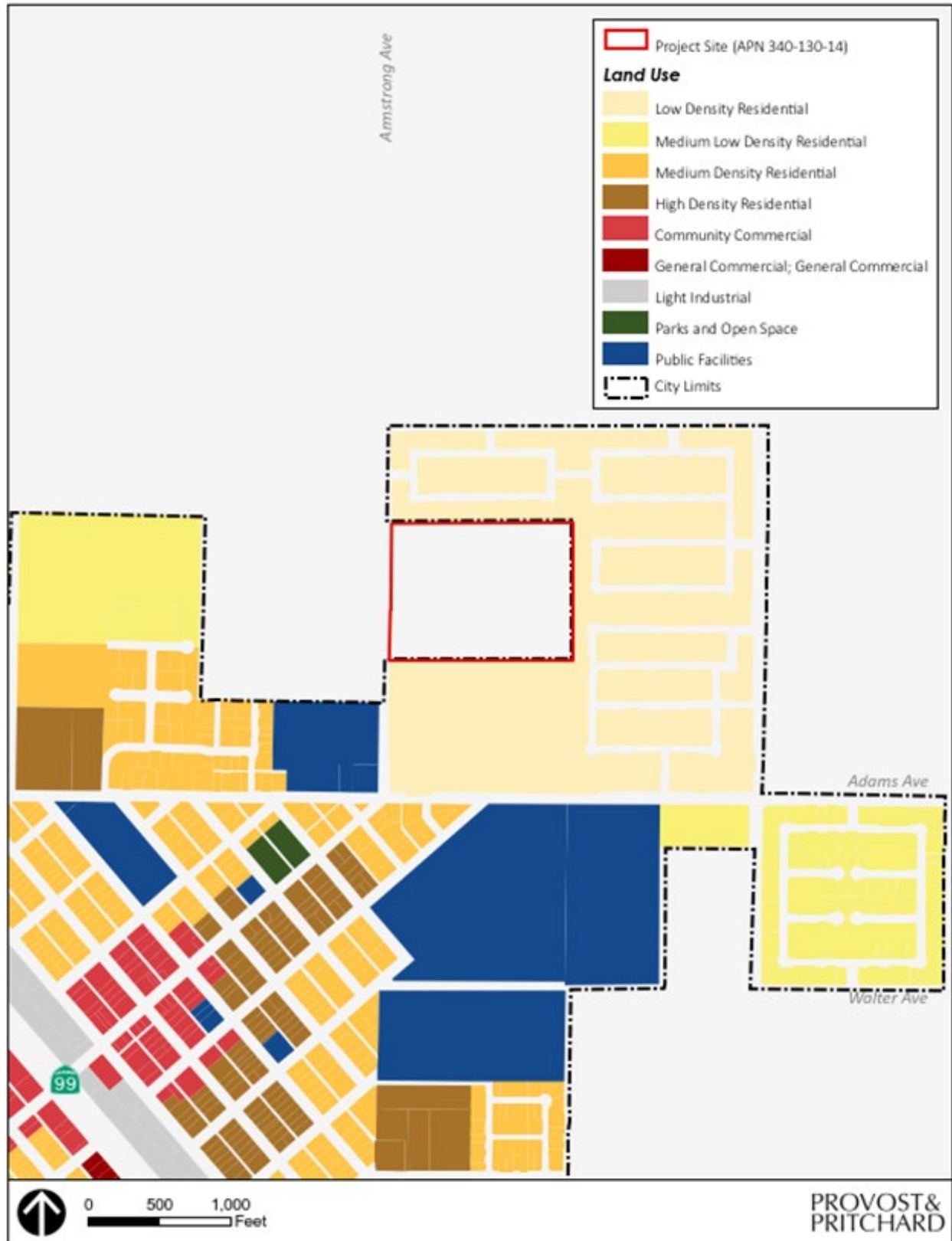


Figure 3: General Plan Map



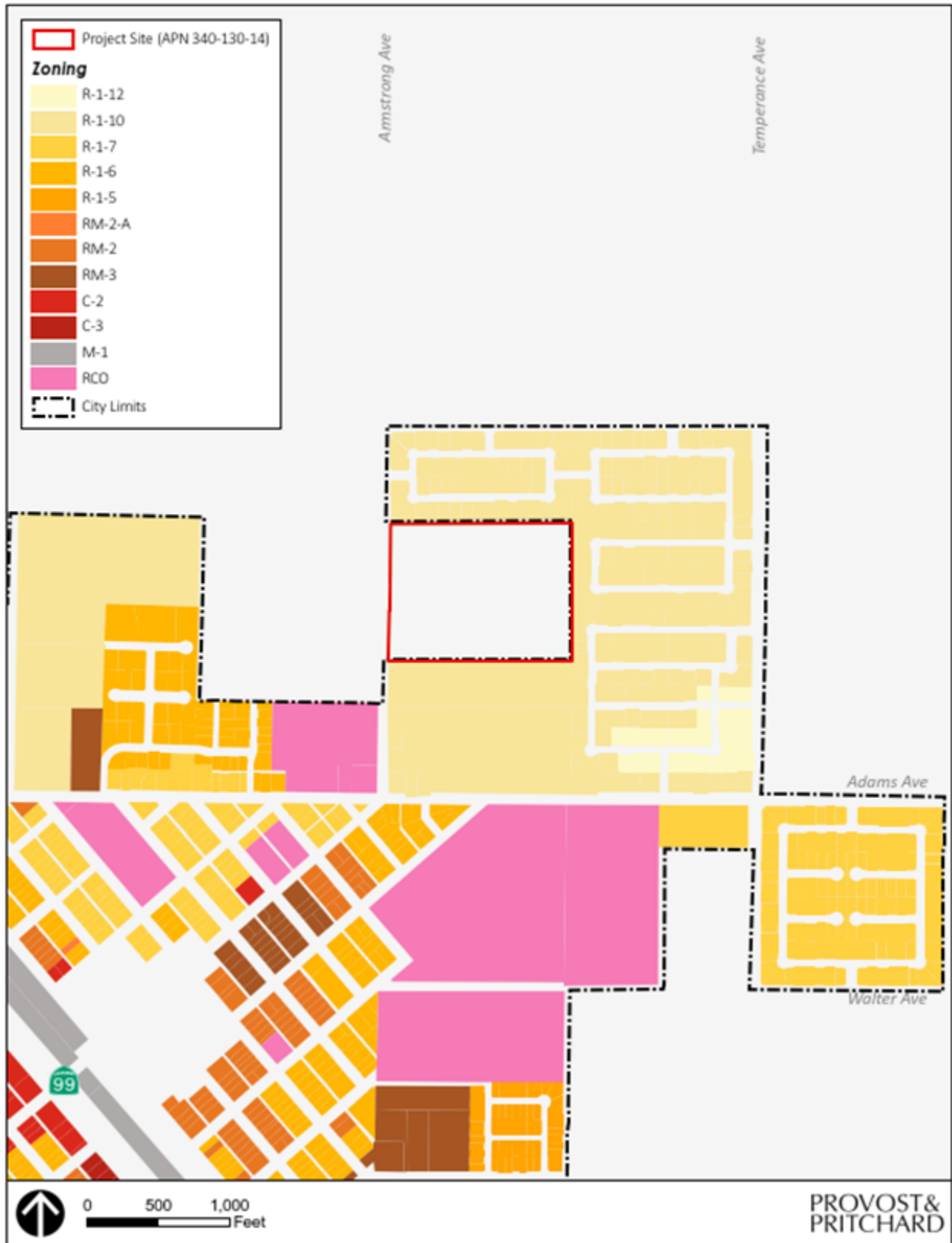


Figure 4: Zoning Map

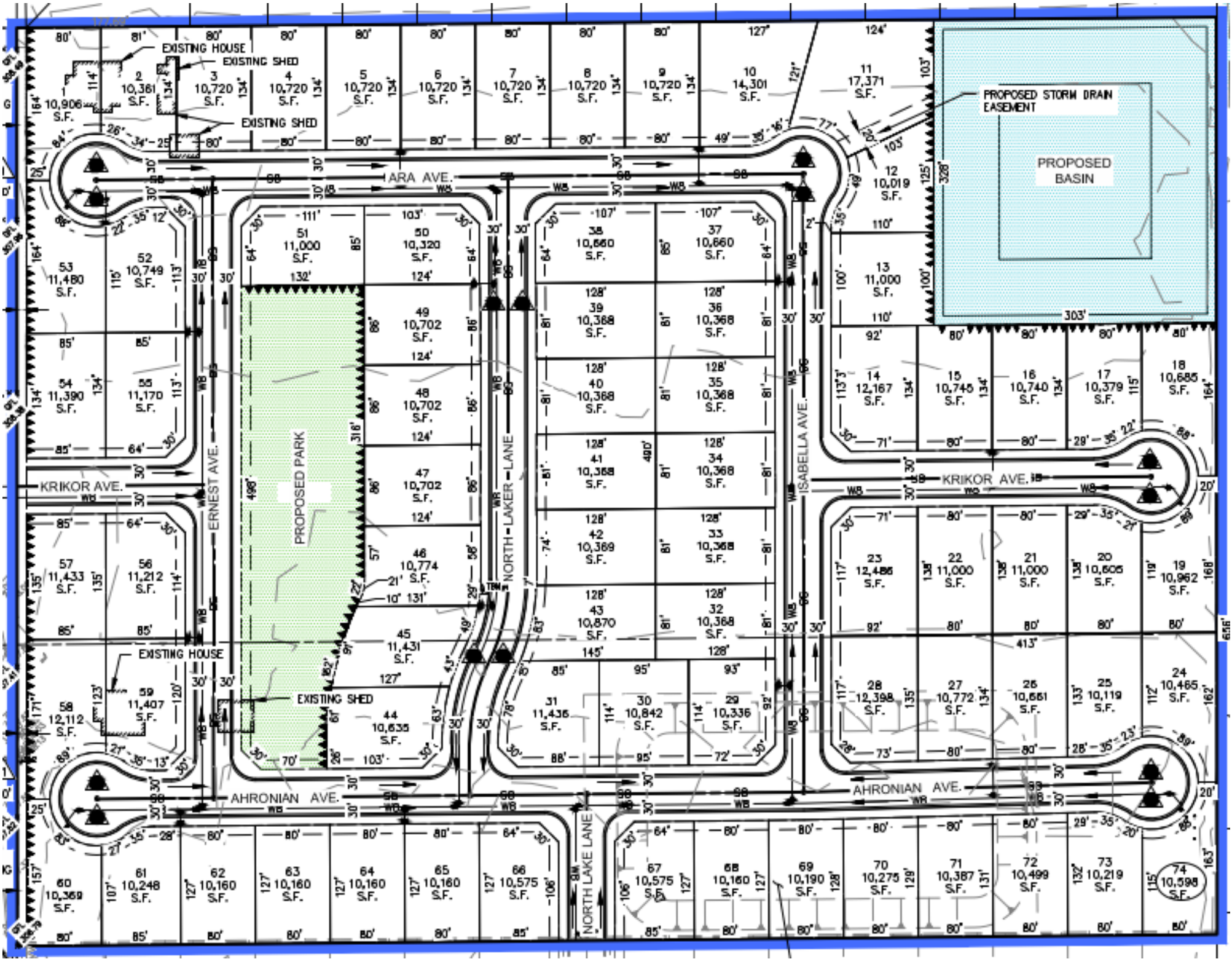


Figure 5: Tentative Map from Prior IS/MND



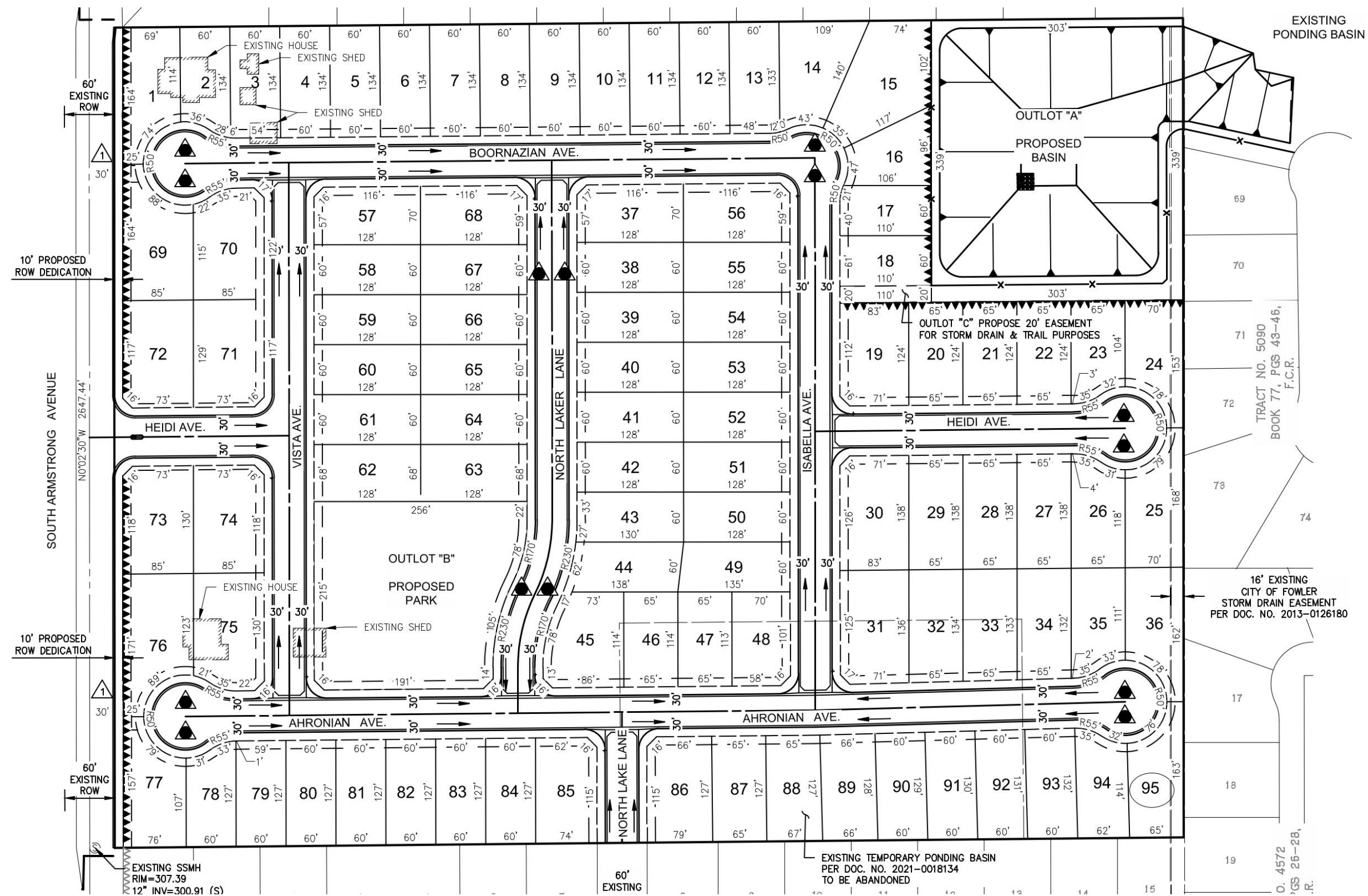


Figure 6: Revised Tentative Map

### 3.0 IMPACT ANALYSIS

The revised Project (see **Section 2.3**) has been reviewed and its potential environmental effects have been compared to those identified in the adopted IS/MND for the original Project. The following conclusions have been made, supported by evidence in the record.

- 1) **Aesthetics:** There are no scenic resources near the Project site. Although the individual lot sizes have been reduced to allow for additional lots, the overall area of land would remain the same. Construction would continue take place on the existing 29.04-acre lot. Building heights would not be increased. The revised Project would continue to be required to comply with standards and conditions that prevent substantial glare or light from affecting adjacent properties and/or rights-of-way. Effects of the revised Project do not differ from those of the original Project; impacts would remain less than significant.
- 2) **Agricultural and Forestry Resources:** The adopted 2021 IS/MND noted that the Project site was designated primarily as “Prime Farmland”, with a small section of “Farmland of Statewide Importance”, as shown on the Farmland Mapping and Monitoring Program maps. Both the original Project and the revised Project would convert land to nonagricultural use. The City of Fowler General Plan designates the Project site for Low Density Residential. Effects of the revised Project do not differ from those of the original Project; impacts would remain less than significant.
- 3) **Air Quality:** A CalEEMod Air Model was prepared with the original Project to analyze its effects on air quality. Results from the original CalEEMod for short-term construction and long-term operation are as follows:

**Table 3-1: Unmitigated Short-Term Construction-Generated Emissions of Criteria Air Pollutants**

Source	Annual Emissions (Tons/Year) <sup>(1)</sup>					
	ROG	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>x</sub>
2021	0.1327	1.3670	0.8770	0.2197	0.0597	0.0016
2022	0.2583	2.3675	2.3824	0.2142	0.1390	0.0044
2023	0.4928	1.7013	2.0144	0.1113	0.0845	0.0036
2024	0.2027	0.0086	0.0134	0.0007	0.0005	0.0000
Maximum Annual Proposed Project Emissions:	0.4928	2.3675	2.3824	0.2197	0.139	0.0044
SJVAPCD Significance Thresholds:	10	10	100	15	15	27
Exceed SJVAPCD Thresholds?	No	No	No	No	No	No

1. Emissions were quantified using CalEEMod Output Files Version 2020.4.0. Refer to [Error! Reference source not found.](#) for modeling results and assumptions. Totals may not sum due to rounding.



**Table 3-2: Unmitigated Long-Term Operational Emissions**

Source	Annual Emissions (Tons/Year) <sup>(1)</sup>					
	ROG	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>x</sub>
Maximum Annual Project Emissions:	0.9165	0.5017	3.0499	0.7551	0.2133	0.0076
<i>SJVAPCD Significance Thresholds:</i>	10	10	100	15	15	27
<i>Exceed SJVAPCD Thresholds?</i>	No	No	No	No	No	No

1. Emissions were quantified using CalEEMod Output Files Version 2020.4.0.

There would be no change for short-term construction emissions, but there would be a slight increase in emissions resulting from for long-term operations. Results from the revised CalEEMod long-term operation are as follows:

**Table 3-3: Unmitigated Long-Term Operational Emissions for revised Project**

Source	Annual Emissions (Tons/Year) <sup>(1)</sup>					
	ROG	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>x</sub>
Maximum Annual Project Emissions:	1.1766	0.6441	3.9154	0.9694	0.21738	0.0098
<i>SJVAPCD Significance Thresholds:</i>	10	10	100	15	15	27
<i>Exceed SJVAPCD Thresholds?</i>	No	No	No	No	No	No

1. Emissions were quantified using CalEEMod Output Files Version 2020.4.0.

A comparison of the CalEEMod output information indicates that neither the original Project nor the revised Project would exceed any applicable air quality standard for short-term or long-term emissions. As with the original Project, the revised Project would be required to comply with SJVPACD Regulation VIII (Fugitive PM<sub>10</sub> Prohibitions). Operations of the revised Project would be the same as those approved for the original Project. The impacts would remain less than significant.

- 4) **Biological Resources:** A biological resources desktop analysis was conducted on September 13, 2021 for the Project site. As part of a desktop analysis of potential original Project-related impacts to biological resources, on September 13, 2021, a thorough search of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) for published accounts of special status plant and animal species was conducted for the Malaga 7.5-minute quadrangle that contains the Project site in its entirety, and for the eight surrounding quadrangles. Although the revised Project would result in the addition of 21 more lots, physical disturbance of the Project site does not differ substantially between the original Project and the revised Project; therefore, the mitigation measures identified in the adopted 2021 IS/MND would continue to apply to the additional work and the revised Project would not require any additional mitigation. Therefore, impacts to biological resources would remain the same as analyzed and additional impacts would not occur.
- 5) **Cultural Resources.** Physical disturbance of the Project site does not differ substantially between the original Project and the revised Project. The revised Project remains subject to California Health and Safety Code Section 7050.5, Public Resource Code Section 5097.98, and CEQA Guidelines Section

15064.5, which prescribe actions to be taken upon the discovery of potential cultural resources. The impacts would remain less than significant.

- 6) **Energy.** The revised Project would continue to comply with the California Building and Energy Codes. Energy impacts would be less than significant.
- 7) **Geology/Soils:** The revised Project is located on the same site and is subject to the same standards of construction as the original Project. Impacts would remain less than significant.
- 8) **Greenhouse Gas Emissions:** According to the CalEEMod Air Model that was completed for the original Project, the initial development does not exceed any thresholds concerning Greenhouse Gas Emission (Appendix A). All emissions depicted in the Model are construction estimates. A revised Air Model was prepared for the revised Project. The revised Project would result in a slight increase in operational emissions of the facility, but these emissions would continue to remain under their applicable designated thresholds. Emissions resulting from construction would remain substantially the same as was determined in the original Project. Impacts would remain less than significant.
- 9) **Hazards & Hazardous Materials:** The original and revised Project does not involve land that is listed as a hazardous materials site pursuant to Government Code Section 65962.5 and is not included on a list compiled by the Department of Toxic Substances Control. The adopted 2021 IS/MND identified any use of hazardous materials during construction would be handled properly with the implementation of a Stormwater Pollution Prevention Plan and compliance with the latest Cal/OSHA regulations regarding regular maintenance and inspection of equipment, spill prevention, and spill remediation in order to reduce the potential for incidental release of pollutants or hazardous substances onsite. The revised Project would be required to follow the same regulatory requirements as determined in the adopted 2021 IS/MND. Impacts would remain less than significant.
- 10) **Hydrology and Water Quality:** The adopted 2021 IS/MND (Appendix A) determined that the site could be sufficiently supplied by the City of Fowler's water distribution system. The revised Project proposes to modify the original Project by increasing the amount of lots from 74 to 95. The addition of 21 single family lots would increase the consumption of water, but the increase would not cross the City's threshold, resulting in an inadequate water supply. The revised Project would result in the additional consumption of approximately 29,735 gallons of water per day (gpd). The total consumption of water from 95 single family residents (the revised Project) would be approximately 134,515 gpd. This amount of water would continue to be insignificant and would not significantly lower the groundwater table of the aquifer or interfere substantially with the recharge of the underground aquifer. All regulatory requirements applicable to the original Project (Stormwater Pollution Prevention Plan, Waste Discharge Requirements, grading plan) would remain in effect for the revised Project. The impacts would remain less than significant.

- 11) **Land Use and Planning:** The revised Project would continue to not physically divide an established community as the Project site is located in the City of Fowler and is adjacent to existing residential neighborhoods. The City of Fowler 2025 General Plan Update land use diagram designates the Project site as Low Density Residential, and the County of Fresno Zoning Ordinance designates the Project site as AE-20. The revised Project proposes to amend the originally proposed zoning designation from the R-1-10 zone district to the R-1-7 (Single Family Low Density Residential) zone district to accommodate 21 additional lots. According to the City of Fowler 2025 General Plan Update, the proposed zone district of R-1-7 is incompatible with the existing land use designation of Low Density Residential. The proposed R-1-7 zone district is compatible with the Medium Low Density Residential land use designation. The Medium Low Density Residential land use designation has a required density range of 3.7-5.5 units/acre. Although the R-1-7 Zone District is incompatible with the Low Density Residential land use designation, the revised Project's density would be 3.30 units/acre which is just under the maximum allowed density, slightly over two fifths than what is required as the minimum for Medium Low Density Residential. Therefore, with the proposed density of 3.30 units/acre, the revised Project would have a less than significant impact and would maintain the determination of less than significant as identified in the adopted 2021 IS/MND. There would be no additional impacts.
- 12) **Mineral Resources:** The revised Project is located on the same site as the original Project. There would be no impact.
- 13) **Noise:** The operations proposed by the revised Project are the same as those proposed under the original Project. The impacts would remain less than significant.
- 14) **Population/Housing:** Using the average household size in Fowler of 3.15, the revised Project would potentially generate 66 additional people. Although, the revised Project would generate more people, the increase would not be substantial, resulting in a significant impact. As mentioned in the adopted 2021 IS/MND, the demolition of two existing homes would not result in the need for construction of replacement housing elsewhere. Furthermore, two households does not result in a substantial number of persons or housing. The revised Project would continue to result in a less than significant impact.
- 15) **Public Services:** The revised Project would not substantially increase the need for fire and police protection. As described under Population and Housing, the revised Project would not substantially increase population; therefore, schools and parks would not be impacted, nor would there be a need for additional housing. There would be no impact.
- 16) **Recreation:** As mentioned in Population and Housing, the revised Project would not substantially increase population; therefore, the revised Project would not result in potentially significant impacts to recreational facilities. Impacts would continue to result in less than significant, as determined in the adopted 2021 IS/MND.

- 17) **Transportation/Traffic.** The revised Project would continue to take access from Armstrong Avenue and all internal streets and related improvements would continue to comply with City standards. The revised Project would continue to introduce additional local streets consistent with the City's Circulation Element and all roads would continue to be built according to City of Fowler Street Design Standards. The revised Project would not increase Vehicle Miles Traveled, and it would remain consistent with the General Plan. Impacts are consistent with the adopted 2021 IS/MND.
- 18) **Tribal Cultural Resources:** The City did not receive a response to its solicitation of comments pursuant to Assembly Bill (AB) 52 during preparation of the IS/MND. An addendum to an IS/MND does not necessitate additional Tribal correspondence. Implementation of the revised Project would not alter impacts to tribal cultural resources. Impacts are consistent with the adopted 2021 IS/MND. There would be no additional impacts to tribal cultural resources and the mitigation listed in the adopted 2021 IS/MND would continue to apply to the revised Project.
- 19) **Utilities/Service Systems:** The revised Project proposes 21 additional lots for single-family residences. This revised Project would increase demand for water or sewer, but substantially compared to the adopted 2021 IS/MND. All regulatory requirements applicable to the original Project (Stormwater Pollution Prevention Plan, Waste Discharge Requirements, grading plan) would remain in effect for the revised Project. Selma-Kingsburg-Fowler County Sanitation District (SKF) has indicated that it can accommodate future growth because of the planned capacity expansion to 6.0-9.0 million of gallons per day of treatment capacity. Both the original Project and the revised Project would divert storm water into a percolation pond located in the northeast region. Production of solid waste would increase, but the American Avenue Disposal site maintains capacity to manage the revised Project. The revised Project would comply with all federal and State efforts to reduce the amount of solid waste going to landfills, including Assembly Bill 939. Impacts would remain less than significant.
- 20) **Wildfire:** The Project site is not located within or near a State Responsibility Area or a Very High Fire Hazard Severity Zone. There would be no impact.
- 21) **Mandatory Findings of Significance:** The analysis conducted in the adopted 2021 IS/MND results in a determination that the original Project, with incorporation of mitigation measures where applicable, would have a less than significant effect on the environment. The potential for impacts to biological resources, cultural resources, and tribal cultural resources from the construction and operation of the original Project would be less than significant with the incorporation of the mitigation measures discussed in the adopted 2021 IS/MND. Accordingly, the revised Project would involve no potential for significant impacts through the degradation of the quality of the environment, the reduction in the habitat or population of fish or wildlife, including endangered plants or animals, the elimination of a plant or animal community or example of a major period of California history or prehistory. The inclusion of 21 additional single family lots would not change the results of the analysis and remain consistent with the findings in the adopted 2021 IS/MND.

## **4.0 SUMMARY AND FINDINGS**

Based on the comparisons provided above, the revised Project would not generate any new significant impacts or a substantial increase in the severity of impacts previously identified in the IS/MND; therefore, no additional mitigation measures are required. The revised Project would not: a) result in increased impacts, either short-term or long-term related to degradation of the environment; b) result in increased cumulative impacts; or c) result in increased substantial adverse effects on human beings, either directly or indirectly, provided all mitigation measures previously adopted are implemented for the revised Project.

Therefore, it is the determination of this Addendum that the impacts of the revised Project have already been adequately analyzed in the adopted 2021 IS/MND for the original Project, and that mitigation measures adopted in the adopted 2021 IS/MND are applicable to the revised Project, as they would have been if the revised Project had been analyzed by the adopted 2021 IS/MND. The minor technical changes of the revised Project as set forth in this Addendum together with the adopted 2021 IS/MND constitute an adequate environmental document pursuant CEQA.

The adopted 2021 IS/MND and Mitigation Monitoring Program remain valid and in force for the revised Project, and no additions or changes to them are necessary.

This Addendum determines that none of the conditions described in CEQA Guidelines Section 15162 requiring preparation of a subsequent Negative Declaration have occurred and thus the adopted 2021 IS/MND as modified by this Addendum satisfied the requirements of CEQA for the Revised Tentative Map No. 6381 Project.

**Attachment A: Original Initial Study and adopted Mitigated Negative Declaration and Mitigation Monitoring Program (MMRP)**

**RESOLUTION NO. 684  
RESOLUTION BEFORE THE PLANNING COMMISSION  
OF THE CITY OF FOWLER  
COUNTY OF FRESNO, STATE OF CALIFORNIA**

---

**RESOLUTION RECOMMENDING APPROVAL OF  
ZONING ORDINANCE AMENDMENT (REZONE) NO. 22-55**

---

**WHEREAS**, a zoning ordinance amendment application has been submitted requesting rezoning of R-1-7 (One Family Residential – 7,000 square foot minimum lot size) zoning for APN 340-130-14 encompassing approximately 29.04 acres north of the northeast corner of East Adams and North Armstrong Avenues (“Property”); and

**WHEREAS**, the applicant intends to subdivide the Property and construct 95 single-family homes (“Project”); and

**WHEREAS**, the Property is currently zoned R-1-10 (One Family Residential – 10,000 square foot minimum lot size); and

**WHEREAS**, the subject application was reviewed for compliance with the Fowler Municipal Code; and

**WHEREAS**, the Planning Commission reviewed the proposal and conducted a duly noticed public hearing at a regular meeting on February 2, 2023; and

**WHEREAS**, the City prepared an Addendum to the Mitigated Negative Declaration on the basis that the proposed project will not have significant adverse effects on the environment with the adoption of a Mitigated Negative Declaration in accordance with requirements of CEQA; and

**WHEREAS**, the Planning Commission reviewed and considered the proposed Zoning Ordinance Amendment No. 22-55, as well as the staff report, Addendum, Initial Study/Mitigated Negative Declaration, and all evidence presented at the public hearing, including oral and written public testimony on the Project, and those records and documents related to the Project determined to be necessary to make an informed decision, which are incorporated herein by this reference.

**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 Zoning Ordinance Amendment No. 22-55 is consistent with the Fowler General Plan.
2. That adopting Zoning Ordinance Amendment No. 22-55 is in the best interests of the surrounding neighborhood and the City of Fowler.



3. To adopt Zoning Ordinance Amendment No. 22-55, as shown on Exhibit “A”, to rezone the Property as R-1-7 (One Family Residential – 7,000 square foot minimum lot size).

\_\_\_\_\_  
Chairman of the Planning Commission

Attest:

\_\_\_\_\_  
Secretary of the Planning Commission

I, Maria Agular, Secretary of the Planning Commission, do hereby certify that the foregoing resolution was adopted at a meeting of the Planning Commission of the City of Fowler, on the motion of Commissioner \_\_\_\_\_ and second by Commissioner \_\_\_\_\_ on the 2nd day of February 2023 by the following vote:

AYES: Commissioners: \_\_\_\_\_

NAYS: Commissioners: \_\_\_\_\_

ABSTAIN: Commissioners: \_\_\_\_\_

ABSENT: Commissioners: \_\_\_\_\_

Exhibit "A"  
Zoning Ordinance Amendment No. 22-55

ORDINANCE NO. 2023-\_\_

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. 340-130-14

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 indicate Assessor's Parcel No. 340-130-14 as R-1-7 (One Family Residential – 7,000 square foot minimum lot size) as indicated in Exhibit "A" attached hereto.

SECTION 2. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 3. 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 \_\_\_\_\_, 2023, and was adopted at a regular meeting of said Council held on \_\_\_\_\_, 2023, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Daniel T. Parra, Mayor

ATTEST:

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

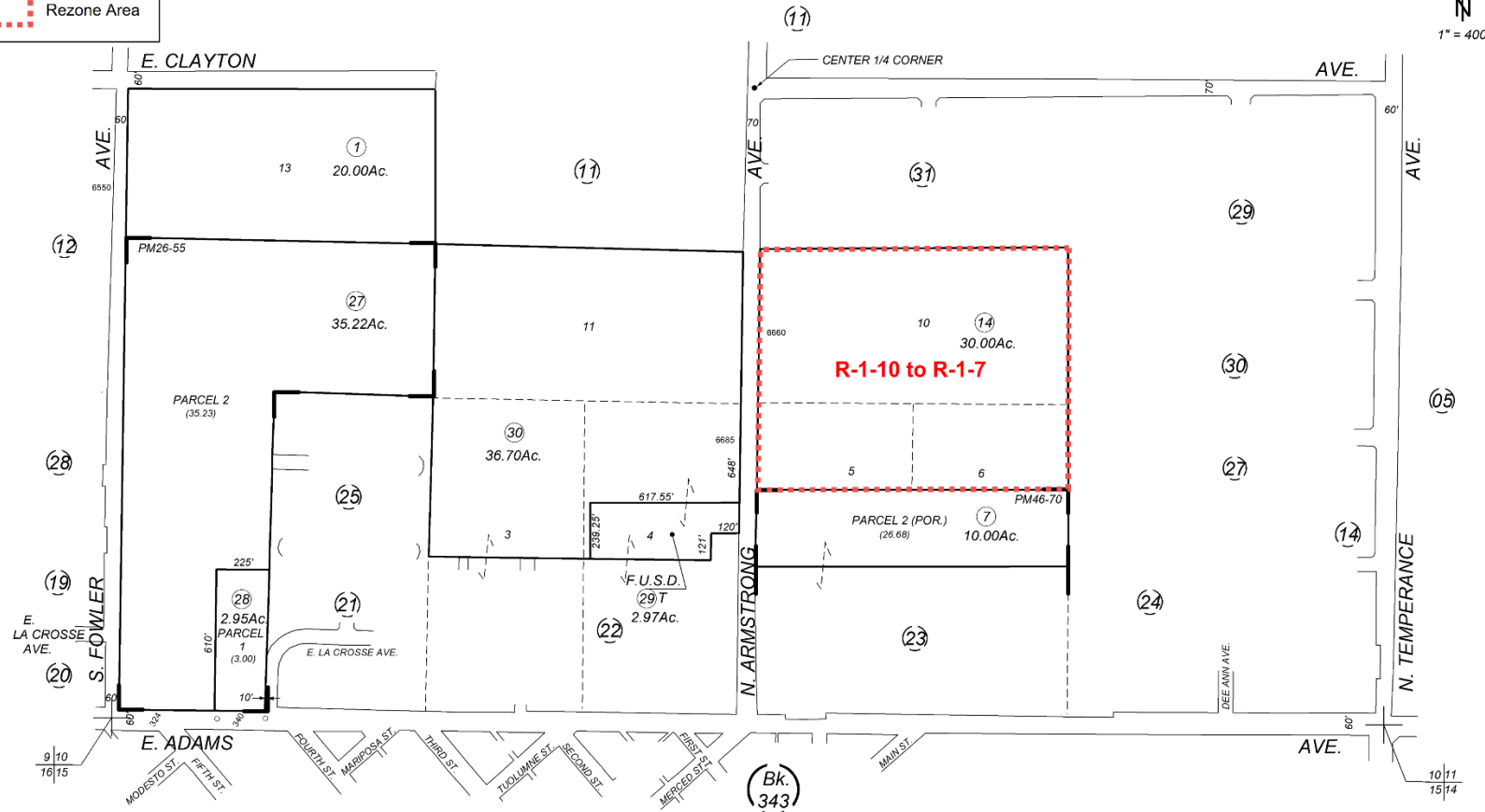
## Exhibit "A"

-NOTE-  
This map is for Assessment purposes only.  
It is not to be construed as portraying legal  
ownership or divisions of land for purposes  
of zoning or subdivision law.

SUBDIVIDED LAND IN POR. SEC. 10, T.15S., R.21E., M.D.B.& M.

*Tax Rate Area*  
4-000 95-001  
4-010  
4-026

**340-13**



Norris Colony - Plat Bk. 2, Pg. 28  
Parcel Map No. 4038 - Bk. 26, Pg. 55  
Parcel Map No. 86-1 - Bk. 46, Pg. 70

Assessor's Map Bk. 340 - Pg. 13  
County of Fresno, Calif.

Note - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles

**RESOLUTION NO. 685**  
**RESOLUTION BEFORE THE PLANNING COMMISSION**  
**OF THE CITY OF FOWLER**  
**COUNTY OF FRESNO, STATE OF CALIFORNIA**

---

**RESOLUTION RECOMMENDING APPROVAL OF**  
**REVISION TO TENTATIVE TRACT MAP NO. 6381**

---

**WHEREAS**, Tentative Tract Map No. 21-0015 (also known as “Tentative Tract Map No. 6381”) was previously submitted for 29.04 acres (APN 340-130-14) located north of the northwest corner of East Adams and North Armstrong Avenues (“Property”) and approved by the City Council in January of 2022; and

**WHEREAS**, the applicant intends to revise Tentative Tract Map No. 6381 to increase the number of lots from 74 to 95 single-family lots, and construct 95 single-family homes (“Project”); and

**WHEREAS**, the subject application was reviewed for compliance with the Fowler Municipal Code; and

**WHEREAS**, City staff recommend the Planning Commission approve the revision to Tentative Tract Map No. 6381 as shown on Exhibit “A” and subject to the Conditions of Approval attached as Exhibit “B”; and

**WHEREAS**, the Planning Commission reviewed the proposal and conducted a duly noticed public hearing at a regular meeting on February 2, 2023; and

**WHEREAS**, the City prepared an Addendum to the Mitigated Negative Declaration on the basis that the proposed project will not have significant adverse effects on the environment with the adoption of a Mitigated Negative Declaration in accordance with requirements of CEQA; and

**WHEREAS**, the Planning Commission reviewed and considered the proposed Zoning Ordinance Amendment No. 22-55, as well as the staff report, Addendum, Initial Study/Mitigated Negative Declaration, and all evidence presented at the public hearing, including oral and written public testimony on the Project, and those records and documents related to the Project determined to be necessary to make an informed decision, which are incorporated herein by this reference.

**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. The revision to Tentative Tract Map No. 6381 as shown on Exhibit “A” should be approved, subject to the Conditions of Approval attached as Exhibit “B”.
2. The proposed map is consistent with applicable general and specific plans.
3. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
4. The site is physically suitable for the type of development proposed.
5. The site is physically suitable for the proposed density of development.
6. The design of the subdivision, or the proposed improvements, are not likely to cause substantial environmental damage or substantially and avoidably injure a fish or wildlife habitat.
7. The design of the subdivision, or type of improvements, are not likely to cause serious public health problems.
8. The design of the subdivision, or the type of improvements, will not conflict with easements acquired by the public at large for access through, or use of, the property within the proposed subdivision.
9. These findings could not be made without the Conditions of Approval attached as Exhibit “B”.

\_\_\_\_\_  
Chairman of the Planning Commission

Attest:

\_\_\_\_\_  
Secretary of the Planning Commission

I, Maria Aguilar, Secretary of the Planning Commission, do hereby certify that the foregoing resolution was adopted at a meeting of the Planning Commission of the City of Fowler, on the motion of Commissioner \_\_\_\_\_ and second by Commissioner \_\_\_\_\_ on the 2nd day of February 2023 by the following vote:

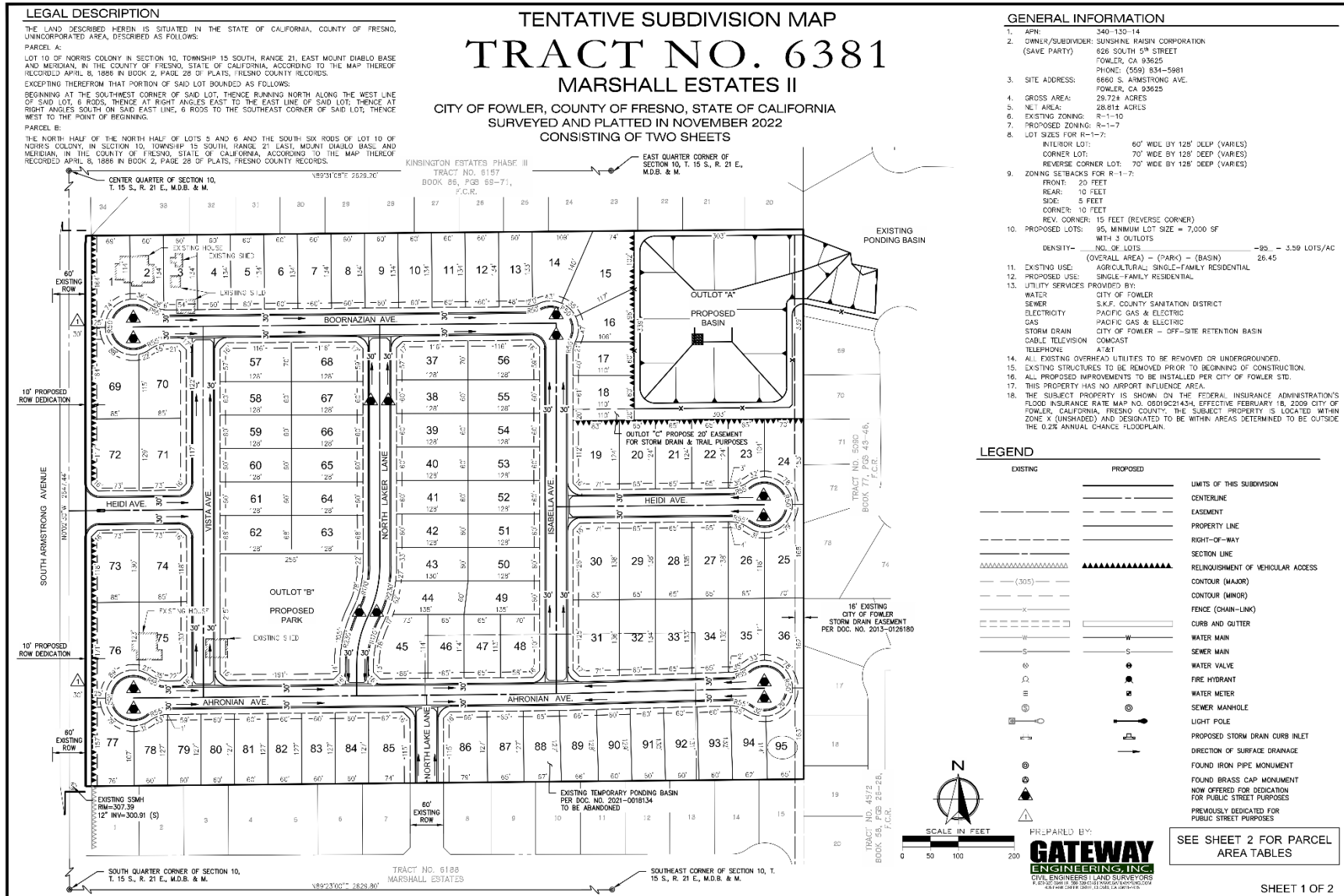
AYES: Commissioners: \_\_\_\_\_

NAYS: Commissioners: \_\_\_\_\_

ABSTAIN: Commissioners: \_\_\_\_\_

ABSENT: Commissioners: \_\_\_\_\_

# Attachment A – Revised Tentative Tract Map No. 6381





## Attachment B – Conditions of Approval

### **General**

1. All conditions of the applicant shall be conditions of approval, except as further modified below, and subject to modifications to conform to applicable City Standards.
2. The design and improvement of the subdivision shall conform to Titles 1 through 15 of the City of Fowler Subdivision Ordinance and to the City of Fowler Standard Specifications ("Standard Specifications"), unless otherwise specified in these conditions.
3. The applicant shall enter into a subdivision agreement with the City if the final map is recorded prior to completion of the off-site improvements.
4. The applicant pays all fees as required by existing ordinances and schedules.
5. All water wells and septic systems that served the property shall be abandoned pursuant to City, County, and State standards.
6. The applicant shall relinquish all rights and privileges associated with all previously approved tentative tract maps on the subject properties.
7. Applicant shall consent to and facilitate annexation of the subject project into the City's Landscape and Storm Drainage Maintenance District or a Community Facilities District.
8. As many energy-conserving features as possible shall be included in the project. Examples include, but are not limited to, increased wall and ceiling insulation, natural gas fireplaces, electrical and natural gas outlets installed around the exterior of the units to encourage use of electric yard maintenance equipment and gas-fired barbeques, and each home wired for computers/internet and electronic meter reading.
9. To reduce construction noise, construction contracts shall require that all equipment be maintained according to the manufacturers' specifications, and that noise-generating equipment be equipped with mufflers.
10. Hours of construction shall be limited to the hours of 6:00 am to 7:00 pm, Monday through Saturday.
11. The developer shall provide concrete pads and walkway within the side yards adjacent to garages for the placement of trash/recycling containers behind the rear yard fences/gates. All trash/recycling containers shall be placed out of public view except on the days of collection. The developer shall disclose this requirement to the future homeowners within the subdivision.
12. Crosswalks shall be provided within the proposed streets to ensure pedestrian safety in areas determined by the City Engineer, Public Works Director and Community Development Director and these crosswalks shall be decorative such thermoplastic pavement striping and/or stamped and colored concrete.
13. Projects shall include all street lights, street signs, stop signs, and other designated by the City for street call names and traffic control. All signs shall be provided per City Municipal Code and shall be in like kind constructed on adjacent streets.
14. The developer shall obtain Rule 9510 (Indirect Source Review) approval from the San Joaquin Valley Air Pollution Control District (SJVAPCD) prior to commencement of construction activities.
15. The developer shall obtain Dust Control Plan approval from SJVAPCD prior to commencement of grading activities.
16. Construction of the Project shall comply with the adopted Mitigation Monitoring and Reporting Program.

### **Design Review**

17. Development of the tentative tract map shall be in accordance with Fowler Municipal Code Section 9-5.1605, Single-Family Residential Subdivision Design Criteria.
18. The developer shall work with the Fowler Unified School District to provide adequate transportation routes such as a local pedestrian or bike paths, or local bus service, within or along the Armstrong frontage.
19. Culs-de-sac nearest South Armstrong Avenue shall be open-ended as feasible for pedestrian access.
20. The developer shall submit a site plan that demonstrates compliance with the Single-Family Residential Subdivision Design Criteria. The site plan shall provide elevations, floor plans, building envelopes for varied setbacks, landscaping, and other information necessary to demonstrate compliance with these criteria, the Site Plan Review Ordinance, and other applicable City codes. The site plan shall be approved before issuance of the first building permit. To the extent the tentative or final map demonstrates compliance with these criteria, the site plan may reference the maps.
21. The developer shall provide front yard landscaping prior to the issuance of the certificate of occupancy.

### **Final Map:**

22. A right to farm covenant shall be recorded prior to recordation of the final map.
23. The minimum frontage of each lot shall comply with the City of Fowler Zoning Ordinance.
24. The lots adjacent to Armstrong Avenue shall have no direct vehicular access to said streets.
25. Street right of way and pedestrian/utility easements shall be dedicated to the City of Fowler as indicated on the tentative map.
26. Street names shall be verified by City staff prior to finalizing the final map. Street names shall be consistent with streets along similar alignments throughout the City and with policies in effect at time of Final Map.

### **Circulation:**

27. Developer shall construct frontage improvements along Armstrong Avenue including curb, gutter, 5-foot sidewalk, LED street lighting and landscaping. A pavement overlay may be required beyond the centerline to provide for a smooth transition. Transition grade greater than 4 percent will not be allowed. The street section shall be striped for two-way traffic and approved by the City of Fowler.
28. Additional street right-of-way shall be dedicated such that an 80-foot right of way is provided along Armstrong Avenue.
29. Local street pavement section shall be a minimum of 2.5 inches of hot mix asphalt over 5 inches of Class II aggregate and verified by a project soils report.
30. Traffic and street signs shall be installed by the Owner/Developer per City requirements.
31. Developer shall construct a pedestrian path through the proposed storm drain basin property connecting Tracts 5090 and 6381. Path shall be minimum 8-foot wide and shall include hard surfacing, landscaping, accessible ramps at street terminations, landscaping, and lighting. Developer shall dedicate right-of-way or easements as necessary to facilitate the path.

### **Water:**

32. A looped water system be developed within the subdivision and be tested and accepted by the City of Fowler Public Works Department. Each parcel shall be equipped a water meter/box

- approved by the Public Works Director.
33. All interior water mains shall be an 8-inch water main and loop within each phase of development. The completed interior water system shall be connected to the 12-inch water mains in the major collector street.
  34. Fire hydrants shall be installed at 300-foot intervals at the locations specified by the Fire Chief and City Engineer.
  35. Two water sample stations shall be installed within the subdivision at the locations specified by the Public Works Director.

**Sewer:**

36. The developer shall comply with the conditions set forth by Selma-Kingsburg-Fowler Sanitation District and pay all associated fees.

**Grading and Drainage:**

37. A grading and drainage plan shall be submitted for review and approval by the City Engineer. The developer shall obtain a grading permit for all on-site grading work.
38. The developer's engineer shall provide drainage calculations for the subdivision. A temporary basin located north of the tract is proposed. The proposed drainage basin area shall be capable of retaining drainage associated with Tract 6188 and Tract 6381 during a 100-year storm event and shall be graded to become contiguous with the basin constructed with Tract 5090. Additionally, perimeter chain link fencing between the two properties shall be modified to accommodate and surround the ultimate basin configuration. Basin fencing abutting lots shall include privacy slats (tan color). A 20-foot wide storm drain easement shall be located adjacent to and immediately south of Lot 18 and dedicated to the City as a storm drain easement.
39. Piping shall be installed within the subdivision to facilitate abandonment of the drainage basin in the Ahronian tract such that the drainage from this basin can be directed through the tract to the larger regional basin in Tract 5090.
40. Developer shall abandon and backfill the temporary basin constructed with Tract 6188 subject to recommendations of a geotechnical report.
41. The developer's engineer shall submit a storm drain plan and hydraulic calculations showing location of inlets, manholes, and pipelines (including sizing) to City Engineer for review and approval prior to preparation of improvement plans.
42. The developer shall obtain an NPDES permit from the Regional Water Quality Control Board. The plan shall provide for the mitigation of soil erosion from the project site during the construction and warranty periods and be submitted to the City prior to the start of construction. Developer shall supply City with the approved SWPPP and WDID number.
43. As a part of the mitigation measures for soil erosion, the developer shall be responsible for street sweeping during the one-year warranty period.

**Aesthetics:**

44. A landscape and irrigation plan shall be submitted for review and approval by the City Engineer for the areas along the frontage of South Armstrong Avenue.
45. A 6-foot-high decorative block wall shall be constructed between residential lots and the proposed park area. Block walls shall be treated with an approved anti-graffiti coating and/or screened with vines as approved by the City Engineer.
46. Developer shall coordinate with existing property owners where new lots abut existing

- residences to repair or replace fences between the two properties. Each lot shall have a street tree planted along its frontage.
47. Dedicate and construct a minimum of 0.00646 acres per single-family detached residential lot. Proposed improvements shall include benches, play structure with shade, concrete flatwork and landscaping as approved by the City Engineer.
  48. In accordance with General Plan Policy 4.3-16 and Fowler Municipal Code Section 9-5.1605-K, a minimum of 5% (57,935 square feet) of the project site shall be developed with usable open space which could include common recreation areas, mini-parks, common green belts/recreation trails, and landscaping. Such open space shall be maintained by assessment district, landscape/lighting district, homeowners' association, or other appropriate maintenance entity. Open space proposed to be developed and dedicated as a park shall count toward the subdivision's Quimby Act obligation above.

**Utilities:**

49. All existing overhead utilities adjacent to the subdivision shall be undergrounded such that not overhead poles remain between the north boundary of Tract 5090 and the south boundary of Tract 6188.
50. The developer shall provide a street light plan for review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. Streetlights shall be provided by the developer and maintained by the City pursuant to PG&E rate schedule LS2C.
51. Developer shall work with PG&E for the preparation of a utility plan, subject to the review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. All work shall be completed such that no street surface need be reopened for service.

**Irrigation:**

52. Any irrigation pipelines maintained by CID shall be relocated outside of the street right of way, except at street crossings. Any irrigation lines that must remain in service shall be reconstructed with rubber gasket reinforced concrete pipe.
53. All abandoned irrigation lines serving the property shall be removed.

**Hold Harmless and Indemnification Condition:**

54. Hold Harmless and Indemnification Condition. Approval of this Project is for the benefit of the Applicant. The submittal of applications by the 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, and for any and all costs, attorney's 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 decides to independently defend a Claim, the Applicant shall be responsible for City's attorney's fees, expenses of litigation and costs for that independent defense. 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: \_\_\_\_\_

Date: \_\_\_\_\_