



**PLANNING COMMISSION OF THE CITY OF FOWLER
REVISED AGENDA
THURSDAY, MARCH 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. 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

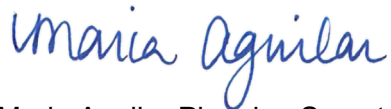
Persons accessing the meeting will have an opportunity to provide comments at appropriate times during the meeting. To speak during a public comment period, press *9 on your phone to raise your hand or click “raise hand” in the webinar. At the appropriate time, you will be prompted to unmute yourself,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

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 January 2, 2022, Planning Commission Meeting
5. RECOMMEND that the City Council of the City of Fowler accept the 2022 Annual Progress Report for the City of Fowler General Plan and Housing Element, and direct staff to submit the report to the California Office of Planning and Research (OPR), and the California Department of Housing and Community Development (HCD).
6. Actions pertaining to the reconsideration of Conditional Use Permit No. 19-02 for a request to construct a 34-room, two-story hotel and a 2,150-square foot residence, at 312 West Tuolumne Street (APN: 343-110-13).
 - a. ADOPT a categorical exemption pursuant to the California Quality Act (CEQA) Guidelines Section 15332.
 - b. APPROVE Resolution No. 686 approving Conditional Use Permit No. 19-02.
7. WORKSHOP on the APA California Conference
8. Commissioner Reports and Comments
9. Adjournment
10. Next Resolution No.: 687

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 February 27, 2023.



Maria Aguilar Planning Secretary

MINUTES OF THE PLANNING COMMISSION OF THE CITY OF FOWLER

Thursday, February 2, 2023

Chair Mellon called the meeting to order at 6:30 PM. Roll call was taken.

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

Commissioners Absent: None

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

3. Public Presentation

a. None

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

Motion made by Commissioner Hammer

Seconded by Vice Chair Kandarian

Ayes: Mellon, Kandarian, Hammer, Prado, Rodriguez

5. Reorganization of Planning Commission

a. ELECT Planning Commission Chairperson

Motion made by Commissioner Kandarian to elect Craig Mellon as Chairperson

Seconded by Commissioner Hammer

Ayes: Mellon, Kandarian, Hammer, Prado, Rodriguez

b. ELECT Planning Commission Vice Chairperson

Motion made by Commissioner Prado to elect Kevin Kandarian as Vice Chairperson

Seconded by Chair Mellon

Ayes: Mellon, Kandarian, Hammer, Prado, Rodriguez

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)**

Motion made by Commissioner Hammer

Seconded by Commissioner Rodriguez

Ayes: Mellon, Kandarian, Hammer, Prado, Rodriguez

Nays: None

Abstain: None

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.**

Motion made by Vice Chair Kandarian

Seconded by Commissioner Hammer

Ayes: Mellon, Kandarian, Hammer, Prado, Rodriguez

Nays: None

Abstain: None

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.**

Motion to deny by Commissioner Rodriguez citing to the concerns raised by the public regarding the negative impact to safety as a result of the project increasing the amount of traffic that will be generated in proximity to Marshall Elementary School.

Seconded by Commissioner Prado

Ayes: Mellon, Prado, Rodriguez

Nays: None

Abstain: Kandarian, Hammer

9. Commissioner Reports and Comments

No actions taken.

10. Adjournment

Motion made by Vice Chair Kandarian

Seconded by Commissioner Hammer

Motion carried by a voice vote at 7:56 PM



PLANNING COMMISSION OF THE CITY OF FOWLER

ITEM NO: 5

REPORT TO THE PLANNING COMMISSION

March 2, 2023

FROM DAWN E. MARPLE, City Planner

SUBJECT

Recommend that the City Council of the City of Fowler accept the 2022 Annual Progress Report for the City of Fowler General Plan and Housing Element, and direct staff to submit the report to the California Office of Planning and Research (OPR), and the California Department of Housing and Community Development (HCD).

RECOMMENDATION

Staff recommend the Planning Commission recommend that the City Council of the City of Fowler accept the 2022 Annual Progress Report for the City of Fowler General Plan and Housing Element, and direct staff to submit the report to OPR and HCD.

BACKGROUND

Staff has completed the Annual Progress Report for the City of Fowler General Plan and Housing Element for the calendar year of 2022 pursuant to Government Code Section 65400, which requires the City to prepare an Annual Progress Report addressing the status of the General Plan and progress made toward implementing its goals and policies, including the City's progress in meeting its share of regional housing needs. The progress report must be submitted by April 1 of each year to the City Council, OPR, and HCD.

The attached Annual Progress Report represents the City's development's activity for calendar year 2022.

General Plan. California Government Code Section 65300 requires each city and county to adopt a general plan for the physical development of the jurisdiction. The City of Fowler incorporated in 1908 and adopted its first comprehensive General Plan in 1976. In 2004, the City updated its original General Plan with revisions to the Land Use and Circulation chapters and the addition of an Economic Development chapter, which was the first update of the document since its adoption. The 2025 Fowler General Plan was adopted in June 2004 and contained the following chapters, which addressed all the required elements of a general plan in accordance with the Government Code at the time of adoption:

- Land Use
- Circulation
- Housing
- Economic Development
- Environmental Resources Management
- Public Facilities

General Plan Progress Report.

General Plan Update Progress:

Staff has continued to work towards the completion of the General Plan Update. A Draft 2040 General Plan Update and Draft Environmental Impact Report has been prepared and is anticipated to be presented to both the Planning Commission and the City Council in the Spring of 2023.

Development Approvals:

In 2022, staff processed several building permits and entitlement applications to facilitate the buildout of the General Plan. 90 residential building permits were issued and 3 industrial and commercial project entitlements were processed.

Economic Development:

Staff has been working diligently on efforts to promote economic development within the City. In 2022 the City of Fowler entered into a Disposition and Development Agreement (DDA) for the Fowler Christian Church to be developed into a mixed-use development. In addition to the DDA, the City continues to work with the Fresno County Economic Development Corporation (EDC) to site businesses in Fowler.

Housing Element. The Housing Element of the Fowler General Plan was more recently adopted in April of 2016, as required by the Government Code, and was updated as part of a coordinated effort with Fresno County and 12 of the 15 cities in Fresno County. The Multi-Jurisdictional Housing Element created a regional plan for addressing the housing needs of Fresno County. The General Plan incorporates the adopted Multi-Jurisdictional Housing Element by reference. The Housing Element is currently in the process of being updated, with completion anticipated to occur at the end of 2023. The updated Housing Element will cover a planning period from 2023 through 2031.

Fowler's RHNA for the current eight-year projection period from December 2015 through December 2023 is 524 housing units and is equivalent to an annual production rate of 66 units. A portion of Fowler's current RHNA goal (39%) is focused on the categories of Extremely-Low Income (ELI)

households, Very-Low (VLI) Income households, and Low Income (LI) households, as defined by HCD. These categories serve those households with the greatest housing need but are also the hardest to build because of the significant subsidies required to develop these homes.

In 2022, the City of Fowler processed 90 building permits for residential development. 89 of those were for single family dwelling units while the remaining 1 was for an accessory dwelling unit. Of the 90 units permitted 70 were in the Moderate category and 19 were in the Above Moderate category. Fowler has completed 436 units of its 524 housing unit allocation. As outlined in Table B of the General Plan Annual Progress Report Fowler has met its Moderate-Income category while still needing to develop housing units in the Very Low, Low and Above Moderate Categories.

ENVIRONMENTAL REVIEW

General Plan annual progress reports are exempt from the requirements of the California Environmental Quality Act (CEQA) as they do not meet the definition of a “Project” per CEQA Guidelines Section 15378.

FISCAL IMPACT

No fiscal impact is anticipated to result due to the acceptance of the 2022 General Plan Annual Progress Report.

CONFLICT OF INTEREST

Staff is not aware of any conflicts of interest.

Attachments

- 2022 General Plan Annual Progress Report



CITY OF **FOWLER**
California

GENERAL PLAN ANNUAL PROGRESS REPORT

GENERAL PLAN UPDATE

MARCH 2023

Prepared For:

CITY OF FOWLER PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
128 S. 5TH STREET
FOWLER, CA 93625

Prepared By:

PROVOST & PRITCHARD CONSULTING GROUP
445 WEST FIR AVENUE
CLOVIS, CA 93611



TABLE OF CONTENTS

Introduction.....	1
Purpose of this Report.....	1
2025 Fowler General Plan.....	1
Amendments.....	2
Annexations	2
General Plan Update.....	2
General Plan Update Objectives	2
Accomplishments.....	2
General Plan Implementation Progress.....	3
Land Use Element.....	3
Residential Projects.....	3
Commercial/Industrial Projects	4
Mixed Use Projects/Form Based Code Area	4
Circulation Element.....	4
Economic Development.....	5
Housing Element.....	5

ATTACHMENTS

ATTACHMENT A: HOUSING ELEMENT ANNUAL PROGRESS REPORT	A-1
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INTRODUCTION

PURPOSE OF THIS REPORT

California law requires each city and county to adopt a comprehensive, long-term General Plan to guide the physical development of the incorporated city and land outside city boundaries that bears a relationship to its planning activities (California Government Code Section 65300). The General Plan serves as a blueprint for future growth and development. As such, the plan contains policies and programs designed to provide decision makers with a solid foundation for land use and development decisions.

State law further requires each jurisdiction to complete an Annual Report on the General Plan that is submitted to the local planning agency (the City Council), to the State Office of Planning and Research, and to the California Department of Housing and Community Development (HCD; California Government Code Section 65400). This report must:

- Identify compliance with the State General Plan law and State General Plan Guidelines;
- Identify status of the General Plan and the process towards its implementation;
- Describe the City's progress in meeting its Regional Housing Needs Allocation (RHNA);
- Describe progress in addressing/removing governmental constraints to the maintenance, improvement, and development of housing; and
- Identify any surplus lands within the jurisdiction.

State law requires that the General Plan Annual Report be submitted by April 1 of each year and cover progress made during the previous calendar year (January through December). This Annual Report looks at the City's progress towards implementing its General Plan during the 2022 planning year and is completed for this April deadline.

2025 FOWLER GENERAL PLAN

The City of Fowler incorporated in 1908 and adopted its first comprehensive General Plan in 1976. In 2004, the City updated its original General Plan with revisions to the Land Use and Circulation chapters and the addition of an Economic Development chapter, which was the first update of the document since its adoption. The 2025 Fowler General Plan was adopted in June 2004 and contained the following chapters, which addressed all the required elements of a general plan in accordance with the Government Code at the time of adoption:

- Land Use
- Circulation
- Housing
- Economic Development
- Environmental Resources Management
- Public Facilities

The Housing Element of the Fowler General Plan was more recently adopted in April of 2016, as required by the Government Code, and was updated as part of a coordinated effort with Fresno County and 12 of

the 15 cities in Fresno County. The Multi-Jurisdictional Housing Element created a regional plan for addressing the housing needs of Fresno County. The General Plan incorporates the adopted Multi-Jurisdictional Housing Element by reference.

AMENDMENTS

The City of Fowler initiated the 2040 Fowler General Plan Update in 2018. The 2040 Fowler General Plan Update is anticipated to be adopted in Spring of 2023. No General Plan Amendments were approved in 2022.

ANNEXATIONS

The City requests that Fresno County refer all proposals for industrial development located within the City's Sphere of Influence (SOI) to the City for annexation. In cases where annexation is not feasible, the City may request that the County attach conditions of approval to such applications to ensure that the development will conform to City standards, will agree to annex when feasible, and will not be detrimental to future urban development. The City's SOI and phasing of annexation is used to provide for logical and efficient growth and prevent the premature conversion of agricultural land. Extension of urban services without annexation is discouraged. Residential land is annexed to the City as determined by growth management policies. Proposals for pre-zoning and annexation are rejected if they do not satisfy General Plan requirements relating to orderly and contiguous development and public services and facilities.

Activities

- Tentative Map No. 6381 facilitated the annexation of approximately 29 acres on the east side of the City, located on the east side of South Armstrong Avenue, between East Adams and East Hogan Avenues.

GENERAL PLAN UPDATE

Currently the City is in the process of a General Plan Update which looks ahead to the year 2040, making adjustments based on current issues and emergent trends, and positioning the City of Fowler for the next 20 years. It is anticipated that the General Plan Update and associated Environmental Impact Report will be completed in 2023.

General Plan Update Objectives

- Confirm the vision for the community,
- Provide clear goals and policies to support the community vision and guide decision-making,
- Prepare a plan to implement the goals and policies,
- Comply with state requirements and incorporate best planning practices, and
- Create a user-friendly General Plan.

Accomplishments

The City of Fowler completed the following General Plan Update activities:

- Planning Commission and City Council public workshops and study sessions on General Plan Land Use Alternatives
- Interactive Story Map

- Planning Commission and City Council public meetings to select a General Plan Land Use Alternative
- Drafted and reviewed new General Plan policies

The Interactive Story Map was developed as part of the public outreach component of the General Plan Update. The map, available on the City's website, provides information on the update and the proposed land use changes in both English and Spanish. The final component of the story map is an interactive land use map, which was used to collect parcel-specific comments about the proposed land use map. Although the comment period has closed, the map is still available for the public to access.

GENERAL PLAN IMPLEMENTATION PROGRESS

The following sections represent the progress the City has made towards implementing the actions of the current General Plan during this reporting period.

LAND USE ELEMENT

The Land Use Element assists in the orderly development of the community and designates general distribution of land for housing, business, public buildings and grounds, and other categories of public and private land use. The element also establishes standards of population density and building intensity. The General Plan provides Policies and Standards for each of the following land use types, which are summarized below.

Residential Projects

Four residential land use categories range in density from a maximum of 3 units per acre up to 21.8 units per acre. These categories are intended to identify areas which are acceptable for housing; clarify the overall type of housing to be developed within each category; and allow for a mixture of housing types, lot sizes, and affordability. Each residential category includes a unit per acre minimum and maximum density specified in a range of units per gross acre. Units per gross acre is used because it is easier to understand and convey. Types of housing include single family units, accessory dwelling units (ADUs), multiple family units including duplexes and apartments, and mobile homes.

Activities

- K. Hovnanian continued to build out Tract 5834 on the north side of South Avenue between South Sunnyside and South Stanford Avenues.
- KB Home continued to build out Tract 6188 around the northeast corner of East Adams and North Armstrong Avenues.
- Woodside Homes commenced building out Tract 6274 on the northwest corner of Sumner and Sunnyside Avenues.
- 115 building permits were issued for new residential construction.
- Five (5) ADUs were approved.

Commercial/Industrial Projects

Six categories also exist for commercial and industrial land use designations. Additionally, the City's General Plan locates new Neighborhood Commercial uses along major traffic ways in consolidated centers that utilize common access and parking for commercial uses and reserves the Community Commercial designation for the downtown and major community shopping areas. The General Commercial designation is located along arterial streets to provide commercial support for Fowler and nearby communities. Industrial land uses are generally found at the northern and southern edges of the City's SOI.

Activities

- Conditional Use Permit No. 22-09 approved a second drive-through lane for McDonald's.

Mixed Use Projects/Form Based Code Area

Mixed use residential uses are also conditionally permitted in Community Commercial locations where appropriate. Additionally, mixed use projects of 80 acres or more should prepare a specific plan incorporating land use, circulation, open space, and public facility issues for adoption by the City prior to approval of tentative tract maps, site plans, or use permits.

In 2013, the City of Fowler amended its zoning ordinance with the addition of Article 17, establishing the City's first form-based code (FBC) zone district. Form-based codes are a unique method of land use regulation which offers a more design-forward approach than traditional zoning. Form-based codes seek to provide a high-quality urban environment by using physical form as the organizing principle of regulation rather than the separation of land use, as seen in traditional zoning practice. The FBC zone is in the central portion of the City, bound by East Tuolumne Street on the north, South 5th Street on the east, and South 8th Street on the west.

Activities

- No activities were approved in the FBC zone.

CIRCULATION ELEMENT

The purpose of the Circulation Element is to provide for a safe, convenient, and efficient transportation system. The Circulation Element has been designed to accommodate anticipated transportation needs based on the land use element. In compliance with state law, all city and county general plans must contain a circulation element that designates future road improvements and extensions, addresses non-motorized transportation alternatives, and identifies funding options. The intent of the Element is to:

- identify transportation needs and issues within the City, as well as regional relationships that affect the transportation system;
- consider alternatives other than the single-occupant vehicle as essential in providing services and access to facilities; and
- establish policies that coordinate regional transportation planning circulation system with General Plan and area plan land use maps and provide direction for future decision-making.

Activities

- Street improvements were constructed and completed on Main Street from 3rd Street to Adams Avenue, and Vine Street from Golden State Boulevard to 4th Street.

- City Council approved a scope of work for conceptual designs of downtown streetscapes.
- The City was awarded a grant from Caltrans to complete the Bicycle, Pedestrian, and Trails Master Plan
- Construction of the Golden State Boulevard Bike and Pedestrian path project, between Adams and Clayton Avenues commenced.

ECONOMIC DEVELOPMENT

Fowler's economic strength comes from its residents, businesses, schools, community organizations, and government. Economic development efforts within the City work to expand resources for those groups. General Plan policies that foster infrastructure improvements, downtown preservation, and business friendly practices guide City leaders to enhance the quality of life and economy in Fowler.

Activities

- The City continues to work with the Fresno County Economic Development Corporation (EDC) to site businesses in Fowler.

HOUSING ELEMENT

The Housing Element is an important State-mandated requirement of the General Plan. The Housing Element establishes comprehensive goals, policies, and programs to meet a jurisdiction's share of the RHNA. The Housing Element establishes a comprehensive policy framework to implement Fowler's residential strategies and outlines the City's plan for meeting community housing needs. The determination of regional housing need begins with the HCD and California Department of Finance (DOF), which first calculates statewide housing needs based upon population projections and regional population forecasts used in preparing regional transportation plans. The Statewide need is then distributed to regional Councils of Government (COGs) throughout California, who work with cities and counties within their purview to assign each jurisdiction its share of the RHNA. The RHNA itself is divided into five income categories that encompass all levels of housing need. RHNA goals are measured by the number of housing units entitled and/or permitted by a local jurisdiction in a given timeframe.

The City of Fowler is a member of the Fresno County Council of Governments (Fresno COG), which is composed of the 15 cities and the unincorporated areas of Fresno County. Fresno COG is responsible for distributing the RHNA to the local governments through an allocation methodology that is consistent with development and growth patterns. Fowler's RHNA for the current eight-year projection period from December 2015 through December 2023 is 524 housing units and is equivalent to an annual production rate of 66 units. A large portion of Fowler's current RHNA goal (39%) is focused on the categories of Extremely-Low Income (ELI) households, Very-Low (VLI) Income households, and Low Income (LI) households, as defined by HCD. These categories serve households with the greatest housing need but are also the hardest to build because of the significant subsidies generally required to develop these homes.

The City Council elected to participate in the preparation of a Multi-Jurisdictional Housing Element (MJHE) with the cities of Clovis, Coalinga, Huron, Kerman, Kingsburg, Mendota, Parlier, Reedley, San Joaquin, Sanger, Selma, and the unincorporated areas of Fresno County as part of the Fresno Multi-Jurisdictional 2015-2023 MJHE.

The Housing Element is currently in the process of being updated, with completion anticipated to occur at the end of 2023. The updated Housing Element will cover a planning period from 2023 through 2031.

Activities

- In accordance with Section 65400 of the California Government Code, the City is required to prepare an annual report on the status and progress in implementing the City's Housing Element using forms and definitions adopted by the Department of Housing and Community Development. The completed forms for the 2022 calendar year are attached in Attachment A to this report.

ATTACHMENT A: HOUSING ELEMENT ANNUAL PROGRESS REPORT

CITY OF FOWLER
ANNUAL PROGRESS REPORT

Jurisdiction	Fowler
Reporting Year	2022 (Jan. 1 - Dec. 31)
Planning Period	5th Cycle 12/31/2015 - 12/31/2022

ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

Note: "*" indicates an optional field
Cells in grey contain auto-calculation formulas

Table A
Housing Development Applications Submitted

Project Identifier					Unit Types		Date Application Submitted	Proposed Units - Affordability by Household Incomes							Total Approved Units by Project	Total Disapproved Units by Project	Streamlining	Density Bonus Law Applications		Application Status	Notes	
1					2	3	4	5							6	7	8	9	10		11	12
Prior APN*	Current APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SFA,SFD,2 to 4,5+ ADU,MH)	Tenure R=Rentier O=Owner	Date Application Submitted- (see instructions)	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Total PROPOSED Units by Project	Total APPROVED Units by project	Total DISAPPROVED Units by Project	Was APPLICATION SUBMITTED Pursuant to GC 65913.4(b)? (SB 35 Streamlining)	Did the housing development application seek incentives or concessions pursuant to Government Code section 65915?	Were incentives or concessions requested pursuant to Government Code section 65915 approved?	Please indicate the status of the application.	Notes*
Summary Row: Start Data Entry Below								0	0	0	0	0	0	22	0	28	4	0				
	343-280-21	615 W Fresno St		22-0001	ADU	R	1/20/2022					1				1	1		No	No	N/A	Approved
	343-162-12	113 S 9th Street		22-0010	2 to 4	O	3/3/2022							2		2			No	No	N/A	Pending
																0						
																0						
	343-122-08	211 N 6th Street		22-0021	ADU	R	5/31/2022					1				1	1		No	No	N/A	Approved
																0						
	345-200-63	2201 E Michelle Ave		22-0043	ADU	R	9/23/2022					1				1			No	No	N/A	Pending
	343-260-42	513 S 6th Street		22-0044	ADU	R	10/6/2022					1				1			No	No	N/A	Pending
	343-072-05	404 N 6th Street		22-0045	ADU	R	10/7/2022					1				1	1		NO	No	N/A	Approved
	340-130-14	626 S 5th Street	revised tentative map 1	22-0055	SFD	O	12/7/2022							20		20			NO	No	N/A	Pending
	340-314-07	801 E Skylar	ADU	22-0056	ADU	R	12/12/2022					1				1	1		No	No	N/A	Approved
																0						
																0						
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																0						

Sanitation	Projet
Reporting Year	2022 (Ann. 1 - Dec. 31)
Planning Period	5th Cycle (10/2021 - 12/2022)

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Note: "-" indicates an optional field
Cells in gray contain auto-calculation formulas

Table A2 Annual Building Activity Report Summary - New Construction, Entitled, Permits and Completed Units																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
Project Identifier				Unit Types		Affordability by Household Incomes - Completed Entitlement						Affordability by Household Incomes - Building Permits						Affordability by Household Incomes - Certificates of Occupancy						Streamlining	Infill	Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions		Term of Affordability or Deed Restriction	Demolished/Destroyed Units		Density Bonus				Notes																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
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Prior AMN	Current AMN	APN	Block Address	Project Name	Local Jurisdiction	Unit Category (SFD, SFD 2+1, C-U, ADU, etc.)	Permit Status	Very Low Income Deed Restricted	Very Low Income Non Deed Restricted	Low Income Deed Restricted	Low Income Non Deed Restricted	Moderate Income Deed Restricted	Moderate Income Non Deed Restricted	Above Moderate Income	Entitlement Date Approved	# of Units Issued Entitlements	Very Low Income Deed Restricted	Very Low Income Non Deed Restricted	Low Income Deed Restricted	Low Income Non Deed Restricted	Moderate Income Deed Restricted	Moderate Income Non Deed Restricted	Above Moderate Income	Building Permits Submitted	# of Units Issued Building Permits	Very Low Income Deed Restricted	Very Low Income Non Deed Restricted	Low Income Deed Restricted	Low Income Non Deed Restricted	Moderate Income Deed Restricted	Moderate Income Non Deed Restricted	Above Moderate Income	Certificates of Occupancy or other forms of readiness (see instructions) Data Input	# of Units Issued Certificates of Occupancy or other forms of readiness (see instructions)	How many of the units Exceeding Low Income?	Was Project SDC 8915.4(b)(7) (See 8915.4(b)(7) for more info)	Info Input? Y/N	Assistance Programs for Each Development (see instructions)	Deed Restriction Type (see instructions)	For units affordable without financial assistance or deed restrictions, explain how the facility determined the units (if affordable in perpetuity (see instructions))	Term of Affordability or Deed Restriction (years) (if affordable in perpetuity enter 1000)	Number of Demolished/Destroyed Units	Demolished/Destroyed Units Owner or Renter	Total Density Bonus Applied to the Project (Percentage Increase in Total Minimum Allowable Units or Total Maximum Allowable Units Over Floor Area)	Number of Other Amenities, Concessions, Waivers, or Other Modifications Given to the Project (Excluding Parking Waivers or Parking Reductions)	List the incentives, concessions, waivers, and modifications (Excluding Parking Waivers or Parking Reductions)	Did the project receive a reduction or waiver of parking standards? (Y/N)	Notes																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
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Jurisdiction	Fowler
Reporting Year	2022 (Jan. 1 - Dec. 31)
Planning Period	5th Cycle 12/31/2015 - 12/31/2023

ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.
Please contact HCD if your data is different than the material supplied here

Table B															
Regional Housing Needs Allocation Progress															
Permitted Units Issued by Affordability															
		1	2										3	4	
Income Level		RHNA Allocation by Income Level		2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level	
Very Low	Deed Restricted	123	-	-	-	-	-	-	-	-	-	-	-	-	
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-	-	123	
Low	Deed Restricted	83	-	-	-	-	-	-	-	-	-	-	-	-	
	Non-Deed Restricted		-	-	-	-	-	-	-	-	1	-	1	82	
Moderate	Deed Restricted	75	-	-	-	-	-	-	-	-	-	-	-	-	
	Non-Deed Restricted		-	-	5	-	22	46	76	70	-	-	219	-	
Above Moderate		243	-	-	64	27	34	29	9	34	19	-	216	27	
Total RHNA		524													
Total Units				-	-	69	27	34	51	55	110	90	-	436	232
Progress toward extremely low-income housing need, as determined pursuant to Government Code 65583(a)(1).															
		5											6	7	
		Extremely low-income Need		2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date	Total Units Remaining	
Extremely Low-Income Units*		62		-	-	-	-	-	-	-	-	-	-	62	

*Extremely low-income housing need determined pursuant to Government Code 65583(a)(1). Value in Section 5 is default value, assumed to be half of the very low-income RHNA. May be overwritten.

Note: units serving extremely low-income households are included in the very low-income RHNA progress and must be reported as very low-income units in section 7 of Table A2. They must also be reported in the extremely low-income category (section 13) in Table A2 to be counted as progress toward meeting the extremely low-income housing need determined pursuant to Government Code 65583(a)(1).

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will only include units that were permitted since the start of the planning period. Projection Period units are in a separate column.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

Jurisdiction	Fowler	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Note: "*" indicates an optional field
Cells in grey contain auto-calculation formulas

Table C																	
Sites Identified or Rezoned to Accommodate Shortfall Housing Need and No Net-Loss Law																	
Project Identifier				Date of Rezone	RHNA Shortfall by Household Income Category				Rezone Type	Sites Description							
1				2	3				4	5	6	7	8		9	10	11
APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Date of Rezone	Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income	Rezone Type	Parcel Size (Acres)	General Plan Designation	Zoning	Minimum Density Allowed	Maximum Density Allowed	Realistic Capacity	Vacant/Nonvacant	Description of Existing Uses
Summary Row: Start Data Entry Below																	

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Jurisdiction		Fowler	
Reporting Year		2022	(Jan. 1 - Dec. 31)
Table D			
Program Implementation Status pursuant to GC Section 65583			
<p style="text-align: center;">Housing Programs Progress Report</p> <p>Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.</p>			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
1: Regional Collaboration on Housing Opportunities	To ensure that regional housing needs are met collaboratively within Fresno County	Ongoing	The City of Fowler continues to participate in the Countywide Housing Element Technical Committee which collaborates on implementation including infrastructure challenges, homelessness, and fair housing.
2: Review Annexation Standards in Memorandum of Understanding	To remove barriers in the development of affordable housing	2023	The City of Fowler will work with Fresno County to review standards for annexation contained in the Memorandum of Understanding between the County and city as they may effect affordable housing. MOU standards require that a minimum of 50% of annexation areas have an approved development plan. Because annexation is therefore dependent on developers with “shovel ready” projects, the ability of cities to prezone land for affordable housing is limited.
3: Provision of Adequate Sites	Provide for a variety of housing types and ensure that adequate sites are available to meet RHN	Ongoing	The City created an inventory of undeveloped land resources in 2021 and will upload the inventory to the City's website.
4: Monitoring of Residential Capacity (No Net Loss)	To monitor and control the removal of needed housing units from the housing stock	Ongoing	The City of Fowler will continue to complete their Annual Progress Reports and participate in the RHNA allocation efforts beginning in 2023 to ensure that there is no net loss in land zoned for residential development.
5: Lot Consolidation and Lot Splits	To promote efficient use of land for residential development pursuant to the Subdivision Map Act	Ongoing	As part of the inventory of residential land resources the City will identify opportunities for lot consolidation or lot splitting by the end of 2019. SB 2 funds are being used to update the subdivision ordinance to make it more user-friendly and further facilitate residential development.
6: Water and Wastewater Capacity	To remove obstacles from the development of affordable housing	Ongoing	The City will continue to map water and wastewater capacity concerns. The City completed a water model in 2020 which identified areas of concern related to water capacity. The City procured a DWR grant to construct a new well on the west side of the City.

7: Affordable Housing Incentives	To provide incentives for the development of affordable housing	Ongoing	The City of Fowler will update their Density Bonus Ordinance as part of the ongoing comprehensive Zoning Ordinance update.
8: Farmworker Housing	To support and encourage the development of housing specifically aimed at farmworkers	Ongoing	The City will continue to work with the Fresno Housing Authority and Self-Help Enterprises in seeking grant funds for farmworker housing.
9: Preserving Assisted Housing	Annually monitor the status of assisted housing stock that may be at risk of converting to market rate.	Ongoing	The City assisted the Fresno Housing Authority in their efforts to obtain tax credit allocation for their Walnut Grove apartment complex. The Magill Terrace project was completed in 2019. The Walnut Grove apartment complex was remodeled in 2020. The City will continue to monitor their progress.
10: Accessory Units (Second Units)	To facilitate construction of affordable housing units	Ongoing	The City has amended their Accessory Dwelling Unit (ADU) ordinance to be compliant with new state law. City staff will be conducting an ADU education program in 2022. Informational flyers will be available at City Hall.
11: Zoning Code Amendments	To amend the Zoning Code to address a variety of housing options, including special needs groups	Within one year of HE adoption with annual reviews	The City of Fowler will update their Density Bonus Ordinance as part of the ongoing comprehensive Zoning Ordinance update.
12: Monitoring Planning and Development Fees	To ensure fees do not unduly constrain housing development	Ongoing	The City will continue to monitor their development fees each January.
13: Code Enforcement	To enforce substandard abatement and reinstate the City's Home Improvement Grant Program.	Ongoing	The City will continue to look for grant programs to assist property owners to bring their homes into compliance with City codes. The City reinstated the code enforcement division in 2019.
14: First-Time Home Buyer Resources	To pursue and disseminate available resources to the public	Ongoing	The City will continually update their website to include available homebuyer resources. The City applied for a PLHA grant to provide first-time homebuyers with funding for closing costs and other similar expenses.
15: Energy Conservation	To promote energy conservation in housing rehabilitation.	Ongoing	The City continues to support PG&E programs that provide energy efficiency rebates and implements the Building codes that support and encourage alternative energy.
16: Housing Choice Vouchers	To disseminate information, refer interested households to the Housing Authority, and encourage landlords to participate.	Ongoing	The City will continually update their website to include available homebuyer resources including information on the Housing Choice Voucher Program.
17: Fair Housing	To assist in promoting fair resources available in the region	Ongoing	The City will continually update their website and work with the Fair Housing Council of Central Valley and the Fresno Housing Authority to provide education to lenders, real estate professionals, and the community at large to promote fair housing services available in the region.

Jurisdiction	Fowler	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table E									
Commercial Development Bonus Approved pursuant to GC Section 65915.7									
Project Identifier				Units Constructed as Part of Agreement				Description of Commercial Development Bonus	Commercial Development Bonus Date Approved
1				2				3	4
APN	Street Address	Project Name ⁺	Local Jurisdiction Tracking ID ⁺	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Description of Commercial Development Bonus	Commercial Development Bonus Date Approved
Summary Row: Start Data Entry Below									

Jurisdiction	Fowler
Reporting Period	2022 (Jan. 1 - Dec. 31)
Planning Period	5th Cycle 12/31/2015 - 12/31/2023

NOTE: This table must only be filled out if the housing element sites inventory contains a site which is or was owned by the reporting jurisdiction, and has been sold, leased, or otherwise disposed of during the reporting year.

Note: "+" indicates an optional field
Cells in grey contain auto-calculation formulas

ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

Table G						
Locally Owned Lands Included in the Housing Element Sites Inventory that have been sold, leased, or otherwise disposed of						
Project Identifier						
1				2	3	4
APN	Street Address	Project Name ⁺	Local Jurisdiction Tracking ID ⁺	Realistic Capacity Identified in the Housing Element	Entity to whom the site transferred	Intended Use for Site
Summary Row: Start Data Entry Below						

Jurisdiction	Fowler	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

NOTE: SB 9 PROJECTS ONLY. This table only needs to be completed if there were lot splits applied for pursuant to Government Code 66411.7 OR units constructed pursuant to 65852.21.

Units entitled/permitted/constructed must also be reported in Table A2. Applications for these units must be reported in Table A.

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

NOTE: + indicates an optional field

Cells in grey contain auto-calculation formulas

Table I										
Units Constructed Pursuant to Government Code 65852.21 and Applications for Lot Splits Pursuant to Government Code 66411.7 (SB9)										
Project Identifier				Project Type	Date	Unit Constructed				Notes
1				2	3	4				
APN	Street Address	Project Name ⁺	Local Jurisdiction Tracking ID ⁺	Activity	Date	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Notes
Summary Row: Start Data Entry Below										

Jurisdiction	Fowler	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

NOTE: STUDENT HOUSING WITH DENSITY BONUS ONLY. This table only needs to be completed if there were student housing projects WITH a density bonus approved pursuant to Government Code 65915(b)(1)(F)

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Note: "+" indicates an optional field
Cells in grey contain auto-calculation formulas

Table J														
Student housing development for lower income students for which was granted a density bonus pursuant to subparagraph (F) of paragraph (1) of subdivision (b) of Section 65915														
Project Identifier				Project Type	Date	Units (Beds/Student Capacity) Approved							Units (Beds/Student Capacity) Granted Density Bonus	Notes
1				2	3	4							5	6
APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SH - Student Housing)	Date	Very Low- Income Deed Restricted	Very Low- Income Non Deed Restricted	Low- Income Deed Restricted	Low- Income Non Deed Restricted	Moderate- Income Deed Restricted	Moderate- Income Non Deed Restricted	Above Moderate- Income	Total Additional Beds Created Due to Density Bonus	Notes
Summary Row: Start Data Entry Below														

Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	1
Moderate	Deed Restricted	0
	Non-Deed Restricted	70
Above Moderate		19
Total Units		90

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

Units by Structure Type	Entitled	Permitted	Completed
SFA	0	0	0
SFD	1	89	119
2 to 4	0	0	0
5+	0	0	0
ADU	3	1	0
MH	0	0	0
Total	4	90	119

Housing Applications Summary	
Total Housing Applications Submitted:	8
Number of Proposed Units in All Applications Received:	28
Total Housing Units Approved:	4
Total Housing Units Disapproved:	0

Use of SB 35 Streamlining Provisions	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

Units Constructed - SB 35 Streamlining Permits			
Income	Rental	Ownership	Total
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	0	0	0

Cells in grey contain auto-calculation formulas

Jurisdiction	Fowler	
Reporting Year	2022	(Jan. 1 - Dec. 31)

<div>ANNUAL ELEMENT PROGRESS REPORT</div> <div>Local Early Action Planning (LEAP) Reporting</div> <div>(CCR Title 25 §6202)</div> <div>Please update the status of the proposed uses listed in the entity's application for funding and the corresponding impact on housing within the region or jurisdiction, as applicable, categorized based on the eligible uses specified in Section 50515.02 or 50515.03, as applicable.</div>					
Total Award Amount	\$ - <small>Total award amount is auto-populated based on amounts entered in rows 15-26.</small>				
Task	\$ Amount Awarded	\$ Cumulative Reimbursement Requested	Task Status	Other Funding	Notes

Summary of entitlements, building permits, and certificates of occupancy (auto-populated from Table A2)

Completed Entitlement Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	3
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		1
Total Units		4

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	1
Moderate	Deed Restricted	0
	Non-Deed Restricted	70
Above Moderate		19
Total Units		90

Certificate of Occupancy Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	92
Above Moderate		27
Total Units		119



PLANNING COMMISSION OF THE CITY OF FOWLER

ITEM NO: 6

REPORT TO THE PLANNING COMMISSION

March 2, 2023

FROM DAWN E. MARPLE, City Planner

SUBJECT

Actions pertaining to the reconsideration of Conditional Use Permit No. 19-02 for a request to construct a 34-room, two-story hotel and a 2,150-square foot residence, at 312 West Tuolumne Street (APN: 343-110-13).

- a. ADOPT a categorical exemption pursuant to the California Quality Act (CEQA) Guidelines Section 15332.
- b. APPROVE Resolution No.686 approving Conditional Use Permit No. 19-02.

RECOMMENDATION

Staff recommend the Planning Commissions approve Resolution No. 686 to approve Conditional Use Permit (CUP) Application No. 19-02, subject to the conditions of approval, and finding that the Project is exempt from CEQA pursuant to CEQA Guidelines Section 15332.

The decision of the Planning Commission is final, unless appealed. The Planning Commission is empowered to grant CUPs, impose reasonable conditions upon granting approval, and to deny CUPs provided their decision is supported by findings explaining the Planning Commission's analysis.

BACKGROUND

The Planning Commission held three (3) public hearings on the aforementioned Conditional Use Permit. The first two (2) hearings resulted in a request to refer back to staff for the following reasons: revised site plan, revised elevations, and feedback from the City's new Chief of Police. These requests were fulfilled. On November 3, 2022, the Planning Commission technically denied the Conditional Use Permit without findings by not formally taking an action. (Two (2) failed motions were made.) An appeal

was made by the applicant to the City Council. The City Council, on a 4-1 vote, overturned the Planning Commission's technical denial and referred the application back to the Planning Commission.

The subject parcel is zoned C-2 (Community Commercial), within the Highway Beautification (HB) Overlay District, and is planned for Community Commercial land uses by the City of Fowler General Plan. The site, approximately 0.89 acres, is currently vacant and is located on the north side of West Tuolumne Street between State Route 99 and North 10th Street (APN 343-110-13). Hotel and residential uses are subject to a Conditional Use Permit in accordance with Section 9-5.1105 of the Fowler Zoning Ordinance. Residential uses in the C-2 zone district must be placed above or to the rear of the permitted use, and are subject to the RM-3 zone district standards.

The Project's public street frontage along Tuolumne Street is not normal. The half of Tuolumne Street opposite of the project was vacated in 2006 as part of the La Quinta Inn project in order to accommodate its parking lot and circulation behind the hotel. Despite lacking half of the typical street, the Project has sufficient street width to accommodate the proposed traffic. The California Building Code ensures that noise levels inside the rooms will not exceed 45 decibels, a standard that has to be met for residential homes as well. Furthermore, staff has conditioned the project to install a stop sign at the intersection of Tuolumne Street and 10th Street to reduce vehicular conflicts. Additionally, the project proposes to vacate a portion of Tuolumne Street to remove the existing half cul-de-sac. A separate application for the vacation will be required to be submitted for City Council consideration.

The Development Review Committee reviewed the Project and approved the building elevations subject to the recommendations outlined in the attached letter dated, March 23, 2022. The proposed elevations can be found under Figure 5. In addition to the Development Review Committee, staff has verified that the project conforms to the higher quality aesthetic requirements under the Highway Beautification Overlay ordinance.

CONDITIONAL USE PERMIT FINDINGS

Findings are required to be made, whether the action is to approve or deny. As all findings must be made in order to approve a Conditional Use Permit, a denial must make at least one of the findings in the negative (and must provide findings for all) and supported by substantial evidence.

The zoning ordinance requires the City Council to make the following findings for approval of a CUP:

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

Conditional Use Permit Application No. 19-02 is proposed on approximately 0.89 acres and the proposed site is adequate size and shape to accommodate all of the proposed uses as it complies with all setbacks, and parking aisle and stall dimension requirements. The project, as conditioned, will accommodate turning movements for the largest expected vehicle for each proposed use. The site will accommodate the uses pursuant to the Fowler Zoning Ordinance.

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

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

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

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

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

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

ENVIRONMENTAL FINDINGS

The City, as the Lead Agency under the California Environmental Quality Act (CEQA) determined that the proposed project is categorically exempt from CEQA through a Class 32 In-Fill Development exemption. (CEQA Guidelines § 15332.) The Project meets the conditions required for the exemption, specifically:

- (a) The Project is consistent with the City's applicable general plan policies and zoning regulations and designations.
- (b) The Project Site is located within the incorporated city limits and is less than five (5) acres, and is surrounded by urban uses. The Project Site is approximately 0.89 acres.
- (c) The Project Site is located on the north side of West Tuolumne Street between State Route 99 and North 10th Street on a vacant lot. The site provides no value as a habitat for endangered, threatened, or rare species.
- (d) The Project will not exceed VMT or Air District thresholds. Water quality will not be impacted as runoff will be directed to existing retention basins. The placement of the building between SR 99 and existing residences will cause a reduction in noise levels.
- (e) The Project Site is located of the City where it can be adequately served by the City's utilities and public services.

CONFLICTS OF INTEREST

Staff are not aware of any potential conflicts of interest.

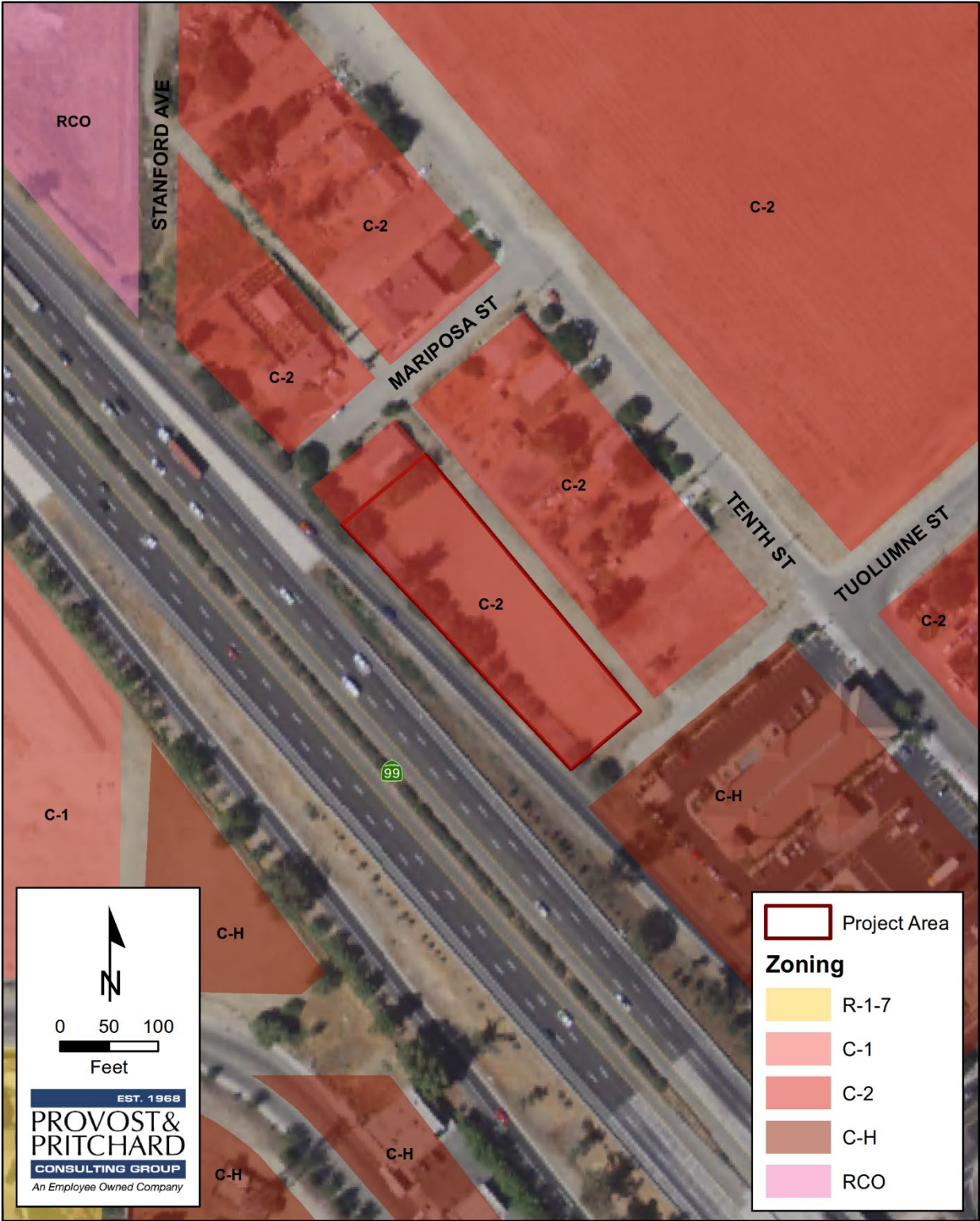
Attachments:

- Figure 1 – Aerial Photo
- Figure 2 – Zoning Map
- Figure 3 – General Plan Land Use Map
- Figure 4 – Site Plan
- Figure 5 – Elevations
- Planning Commission Resolution No. 686
- Exhibit A – Conditions of Approval
- Design Review Committee Letter

Figure 1 – Aerial Photo

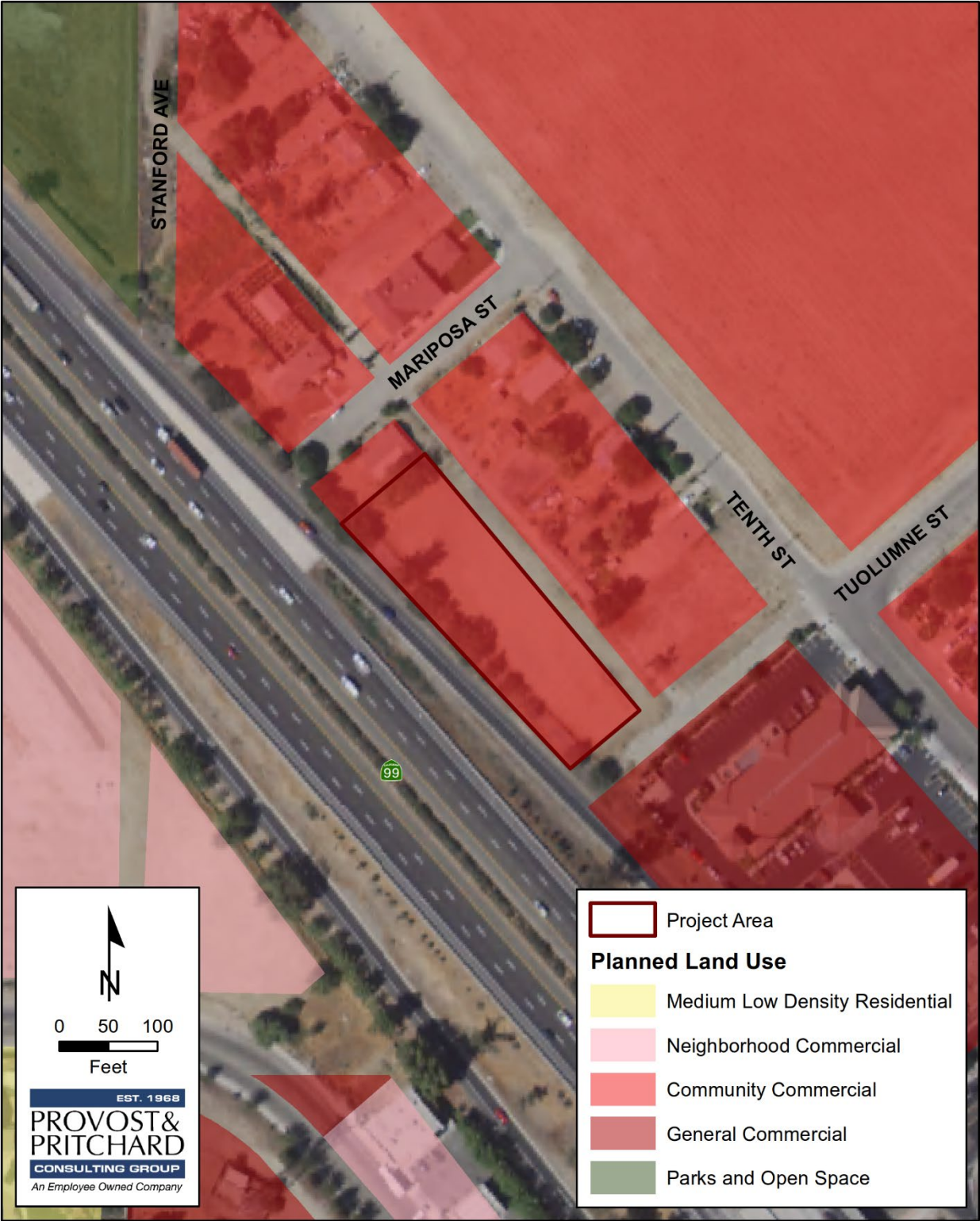


Figure 2 – Zoning Map



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Figure 3 – General Plan Land Use Map



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Figure 4 – Site Plan

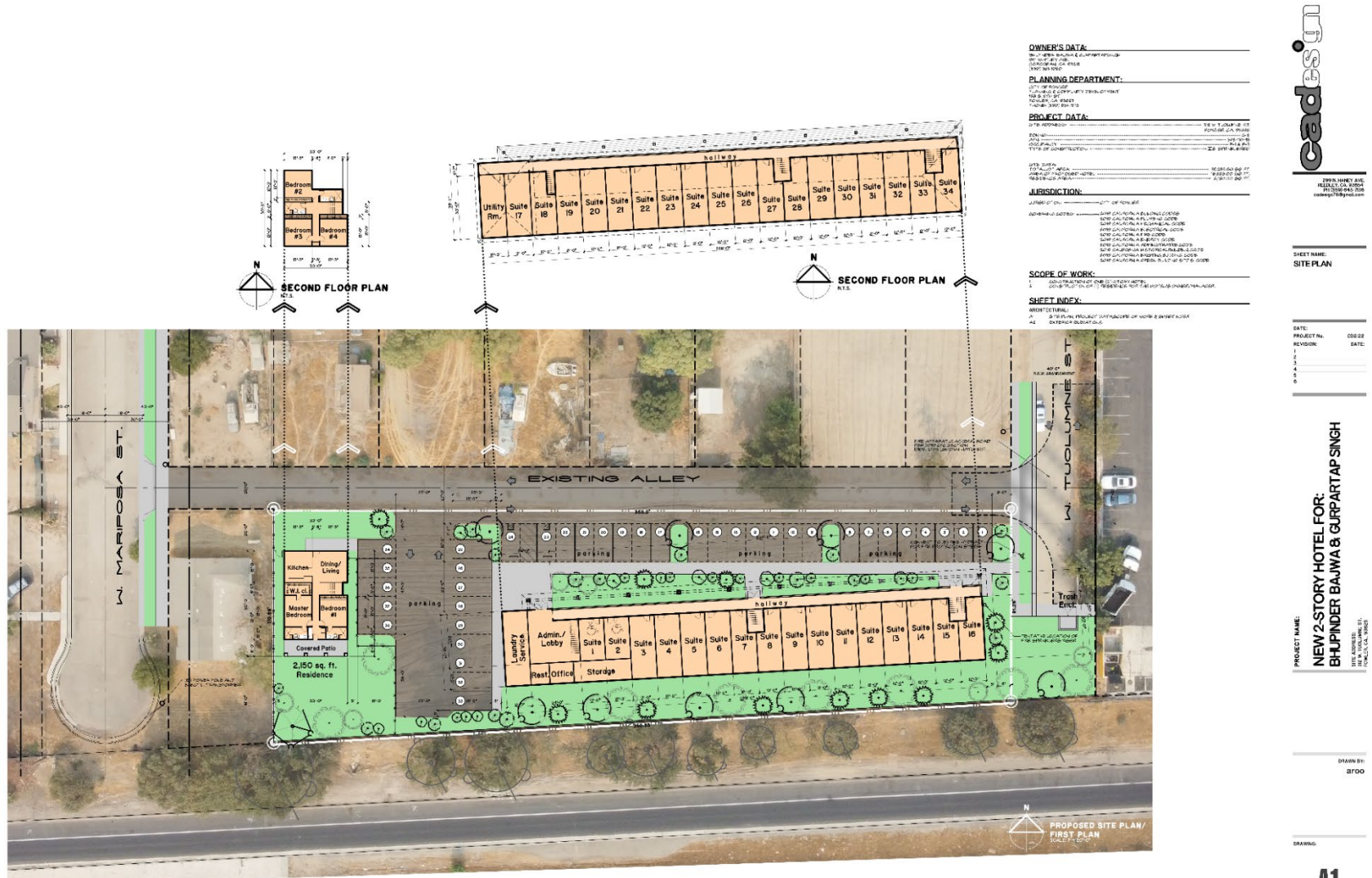


Figure 5 – Elevations



RESOLUTION NO. 686

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOWLER,
COUNTY OF FRESNO, STATE OF CALIFORNIA APPROVING CONDITIONAL USE
PERMIT NO. 19-02, AND TO ADOPT A CATEGORICAL EXEMPTION PURSUANT
TO CEQA GUIDELINES SECTION 15332.**

WHEREAS, the City received an application for Conditional Use Permit 19-02 to allow for the establishment of the proposed Bajwa Project (“Project”) in a C-2 zone district, on an approximately 0.89-acre parcel (APN: 343-110-13) at 312 West Tuolumne Street, located on the north side of West Tuolumne Street between State Route 99 and North 10th Street; and

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

WHEREAS, the Project requires approval of a Conditional Use Permit in accordance with Article 25 of the Fowler Zoning Ordinance; and

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

WHEREAS, the Planning Commission of the City of Fowler, on October 1, 2020, requested a revised site plan and elevations; and

WHEREAS, the Planning Commission of the City of Fowler, on October 6, 2022, requested new elevations and that the applicant meet with the new Chief of Police; and

WHEREAS, the Planning Commission of the City of Fowler, on November 3, 2022, technically denied the Project; and

WHEREAS, the applicant submitted an appeal of the Planning Commission’s decision on November 10, 2022; and

WHEREAS, the City Council of the City of Fowler, on February 7, 2023, overturned the Planning Commission’s technical denial and referred the item back to Planning Commission; and

WHEREAS, a public hearing notice was duly published informing the public that the appeal would be considered for approval at the Planning Commission meeting held on March 2, 2023 at 6:30 p.m.; and

WHEREAS, the Planning Commission reviewed the proposed Conditional Use Permit together with the Categorical Exemption at the Regular Meeting on March 2, 2023; and

WHEREAS, the Planning Commission, after reviewing and considering the staff report,

categorical exemption, and all evidence presented at the Planning Commission's regular meeting on March 2, 2023, including oral and written public testimony on the Project and the Categorical Exemption, and which is herein incorporated by this reference, did make the following findings with regard to the Conditional Use Permit 19-02 for the Project:

1. The site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by the Zoning Ordinance.
2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use. No significant effects on the surrounding street system are anticipated.
3. The proposed use will have no adverse effect upon abutting property or the use thereof.
4. The conditions established by the Planning Commission and attached to this Resolution for Conditional Use Permit 19-02 are deemed necessary to protect the public health, safety and general welfare.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Fowler:

1. Adopts a Class 32 categorical exemption from further environmental review pursuant to CEQA Guidelines Section 15332.
2. Approve Conditional Use Permit No. 19-02, subject to the conditions contained in Attachment "A."

PASSED, APPROVED AND ADOPTED this 2nd day of March 2023, at a regular meeting of the Planning Commission of the City of Fowler by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Craig Mellon, Chair

ATTEST:

Maria Aguilar, Secretary of the Planning Commission

ATTACHMENT “A”
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 19-02
(TUOLUMNE STREET)

General Conditions

1. Approval of this conditional use permit and the associated site plan shall be valid for a period not to exceed one year from the date of approval unless a building permit for the facility described herein has been issued by the Building Department and construction is being diligently pursued. The owner may request an extension of up to one additional year via written request to the Planning Department submitted not less than thirty days prior to expiration of this approval. As there are two (2) buildings on the site, once a building permit is facilitated for one of the proposed buildings construction of the second building will not be held to any time limits.
2. Development of the site shall be in substantial conformance with these conditions or the direction of the Planning Commission, including:
 - A. The majority of parking stalls shall be arranged between the hotel building and the alley.
 - B. The residence shall be placed on the property furthest from Tuolumne Street.
 - C. Access to the property shall be taken only from the alley.
3. Any free standing or occupancy signs are subject to review and approval by the Director by means of a separate Sign Review process.
4. All conditions shall be satisfied prior to occupancy approval for any portion of the project. Failure to comply with all conditions of approval shall be grounds for the imposition of penalties, suspension of the permit, modification of the permit, or revocation of the permit.
5. The operator shall keep the exterior premises free of trash and debris. Graffiti shall be removed or covered within 48 hours of its discovery by the applicant, manager, or any employee.
6. Any business operating on the site and all contractors or sub-contractors working in the City must obtain a business license from the Finance Department at Fowler City Hall.
7. The operator shall report applicable sales tax revenue to the State.
8. All lighting shall be hooded and directed to not shine towards adjacent properties and public streets.
9. Drive aisles shall be kept unobstructed at all times. Vehicles shall not block driveways.
10. A copy of these conditions must be kept on the premises and be shown to any requesting City official. Failure to comply with all conditions of approval shall be grounds for the imposition of penalties, modification of the permit, or revocation of the permit.

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

Hotel Property Development Standards

13. All provisions of the C-2 (Community Commercial) zone district shall apply.
14. The maximum building height shall be fifty (50) feet.
**Please provide elevations of all buildings to the Planning Department for review and approval prior to submittal for building permits.
15. The minimum distance between a dwelling and another structure shall be ten (10) feet.

Aesthetics

16. The Development Review Committee reviewed Conditional Use Permit Application No. 19-02 on March 22, 2022 and approved the submitted elevations with the recommendations outlined in the attached letter, dated March 23, 2022.

Residential Dwelling Property Development Standards

17. The residence shall comply with the site area, coverage and yard requirements of the RM-3 (Multi-Family Residential) zone district.
18. The minimum front yard shall be fifteen (15) feet. Any mechanical equipment, including fixed pool equipment such as pumps, filters, diving boards and slides, shall not be located within the front yard or less than five (5) feet from an adjoining side property line.
19. The minimum rear yard shall be ten (10) feet. Where construction involves more than one (1) story, the rear yard shall be increased by three (3) feet for each additional story.
20. The minimum side yard shall be five (5) feet, subject to the following conditions:
 - A. On a reverse corner lot, the side yard adjoining the street shall be not less than fifteen (15) feet.
 - B. On a corner lot, the side yard adjoining a street shall be not less than ten (10) feet.
 - C. The side yard shall be increased by three (3) feet for each additional story over one (1) story; provided, however, that the side yard on the street side of a corner lot need not be greater than five (5) feet.
 - D. A side yard providing access to more than one (1) unit shall be not less than ten (10) feet.

Highway Beautification Overlay Standards

21. All provisions of the Highway Beautification Overlay District shall apply.

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

Off-Street Parking and Loading Standards

27. One (1) parking space shall be provided for each guest room, plus one (1) space for each employee on the maximum shift. No additional parking spaces are required for the caretaker residence.
28. Prior to the issuance of a building permit verification of the required number of parking stalls shall be determined adequate by the Planning Department.
29. Improvements shall include handicap parking stalls and an ADA accessible sidewalk providing access to the front door of the buildings the parking lot serves. These spaces shall meet the State standards.
30. All parking areas shall have adequate ingress and egress to and from a street or alley. Sufficient room for turning and maneuvering vehicles shall be provided on the site. Bumper rails or other barriers shall be provided where needed for safety or to protect property, as determined by the City.
31. Entrances and exits to parking lots and other parking facilities shall be provided only at locations approved by the City.
32. Each parking space shall not be less than 20-feet in length and 9-feet in width, exclusive of aisles and access drives, except that up to thirty (30) percent of all spaces may be provided for compact cars and such spaces not less than 9-feet in width and 16-feet in length, and marked for compact cars.
33. Parking lot lighting shall be deflected away from abutting sites so as not to cause annoying glare.

34. No commercial repair work or servicing of vehicles shall be conducted at a parking site.
35. In accordance with Section 9-5.2007 of the Fowler Zoning Ordinance, at all points along streets or sidewalks (excepting points of access to the parking lot or area), a concrete curb or timber barrier not less than 6-inches high shall be installed and maintained.
36. In accordance with Section 9-5.2008 of the Fowler Zoning Ordinance, any plan for off-street parking facilities shall be accompanied by a landscape plan. All off-street parking facilities shall conform with the following standards:
 - A. A plot plan indicating the location of all landscaping.
 - B. Not less than five percent (5%) of a parking lot comprising of up to twenty (20) parking spaces shall be landscaped and continually maintained.
 - C. Not less than ten percent (10%) of a parking lot comprising of more than twenty (20) parking stalls shall be landscaped and continuously maintained.
 - D. Not more than ten (10) consecutive parking stalls shall be allowed without an approved landscaped tree well of twenty (20) square feet or more.

Landscaping Standards

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

Selma-Kingsburg-Fowler County Sanitation District Comments

41. The proposed commercial development is estimated at 20-30 Equivalent Single-Family Residences (ESFR's). The actual ESFR's would be determined as the project may progress.
42. Submit detailed Floor and Plumbing Plans of the building for a sewer evaluation.
43. Install a 6-inch minimum SS lateral with cleanout and box at the property line.
44. Install industry standard sewer backflow device on the 6-inch sewer service. Backflow device shall be installed on-site and maintained by the property owner.
45. Complete and submit the attached commercial sewer connection application.
46. The building shall be metered separately from landscaping.
47. Applicant to pay for the sewer connection permit prior to issuance of the building permit.

Public Works/Fire Department Comments

48. Submit a site plan showing sewer connections and improvements.
49. Submit a site plan depicting fire hydrant locations.

50. Submit a site plan depicting the Fire Department connections (FDC) and backflow devices on both proposed buildings.

Police Department Comments

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

Engineering Conditions (Dated September 22, 2022)

General:

52. All proposals of the applicant shall be conditions of approval, except as further modified below, and subject to modifications to conform to applicable City Standards.
53. The applicant shall pay all fees as required by existing ordinances and schedules. The fees to be paid shall be those in effect at the time of payment.
54. Applicant shall apply for and pay all fees associated with proposed vacation of Tuolumne Street adjacent to the site.

Circulation:

55. Applicant shall pay the Regional Traffic Mitigation Fee to the Fresno Council of Governments.
56. Applicant shall pay its proportionate share of the traffic impacts as identified in the SW Area traffic impact study or the City traffic impact fee, whichever is greater.
57. Applicant shall complete frontage improvements along Tuolumne Street from the project site to 10th Avenue including curb, gutter, sidewalk, streetlights, and landscaping (street trees with grates).
58. Parking stalls shall conform to the City's improvement standards.
59. Applicant shall provide 'No Parking' signs on both sides of Tuolumne Street from 10th Avenue to the project site.
60. Applicant shall reconstruct the alley along the east boundary of the site. Alley shall be 20 feet wide and conform to Fowler Improvement Standards.

Grading and Drainage:

61. A Grading and Site Improvement Plan for the proposed on-site improvements shall be submitted for review and approval by the City Engineer. Applicant shall obtain a Grading and Site Improvement Permit once plans are approved.
62. Parking lot shall be paved with asphalt or concrete, shall be properly lit and landscaped and shall comply with the Fowler Improvement Standards.
63. Drainage shall be directed to the City drainage basin at the terminus of 10th Avenue north of Mariposa Street. Drainage calculations prepared by a registered civil engineer shall be submitted demonstrating the basin and conveyance system has sufficient capacity to accommodate project drainage. Any improvements to the existing storm drainage

infrastructure necessary to convey the project drainage to the drainage basin shall be the responsibility of the applicant.

Landscaping:

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

Water:

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

Sewer:

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

Utilities:

74. Applicant shall work with PG&E and other utilities for the preparation of a utility plan, subject to review and approval by the City Engineer. All new services to the building shall be underground and be completed such that no street surface will need to be reopened for service. No new utility poles are allowed.
75. The existing pole located on site (SE corner) shall be removed and services connected to the pole shall be relocated underground.

Irrigation:

76. A landscaping and irrigation plan be prepared and submitted for review by the City Engineer for proposed on-site and off-site (within the City right-of-way) landscaping.

Landscape and irrigation shall be low water consumption designs consistent with AB 1881 and City of Fowler ordinances.

Other:

77. The applicant shall provide a City standard trash enclosure capable of housing bins for general trash and recyclables with concrete slab and masonry wall.
78. A minimum 36" masonry wall shall be constructed along the west property line abutting the freeway.
79. Approval of this Project is for the benefit of the Applicant. The submittal of applications by Applicant for this Project was a voluntary act on the part of the Applicant not required by the City. Therefore, as a condition of approval of this Project, the Applicant agrees to defend, indemnify and hold harmless the City of Fowler and its agents, officers, consultants, independent contractors and employees ("City") from any and all claims, actions or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the Project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "Claim").

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

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

Signature of Applicant: _____

Dated: _____



CITY OF FOWLER PLANNING & COMMUNITY DEVELOPMENT

California

March 23, 2022

Bob Bajwa
935 Whitley Avenue
Corcoran, CA 93212
Email: corcoraninn@yahoo.com

SUBJECT: Development Review Committee- March 22, 2022 – Item 5-B

Dear Mr. Bajwa:

On March 22, 2022 the City of Fowler Development Review Committee met to review your plans for the construction of a 34-room hotel and one detached residential dwelling unit. Please see the requested changes below.

- Add architectural relief on the southeast elevation using decorative elements.
- Flip the utility room and add windows to that portion of the façade.
- Place the lobby on the corner and add windows to that portion of the façade.
- On the freeway façade add banding or some type of wrapping decorative element. Use decorative lighting and/or awnings.
- Angle the building to follow the lot line.
- Add carriage lights to the sign on the freeway side.
- Add brick design elements.
- Comply with parking lot shading to break up the parking area.

In accordance with the Fowler Zoning Ordinance, Section 9-5.16.02 – Development Review Committee (DRC), the decision of the DRC shall be a recommendation to the Commission for those applications that require Commission action. For applications that do not require Commission action, the decision of the DRC shall be a recommendation to the Director.

The Director of the Community Development Department, in accordance with the procedures established in Article 16 of the Fowler Zoning Ordinance, has reviewed your application with the Development Review Committee and has recommended approval with the above changes.

Sincerely,
City of Fowler

Dawn E. Marple, City Planner
dmarple@ci.fowler.ca.us or dmarple@ppeng.com

cc Thomas Gaffery, Community & Economic Development Director
Fred Vasquez, Building Official
Maria Aguilar, Permits Technician