

**CITY OF FONTANA
PLANNING COMMISSION
REGULAR MEETING
MAY 1, 2012**

A regular meeting of the City of Fontana Planning Commission was held on Tuesday, May 1, 2012, in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, California. Chairperson Garcia called the meeting to order at 6:02 p.m. The Planning Commission adjourned to closed session at 6:03 p.m. Chairperson Garcia called the meeting to order at 6:32 p.m. Following the Invocation given by Commissioner Cothran, the Pledge of Allegiance was led by Commissioner Hall.

CLOSED SESSION:

Attorney Silver stated that the Planning Commission met in Closed Session to discuss the following item with no reportable action.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION ; PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): Name of Case: Pioneer Properties v. City of Fontana; City of Fontana v. Lee P. Wetzel, Pioneer Properties, LP, San Bernardino County Superior Court, Case No. CIVDS 905670 (Consolidated with Case No. CIVDS 907318)

ROLL CALL

Present: Chairperson Garcia, Commissioners Cothran, Hall, Lee and Meyer
Absent: None

Also Present: Director Don Williams, AICP; Attorney Matthew Silver; Senior Planner Charles Fahie, AICP; Senior Planner Orlando Hernandez; Associate Planner Paul Gonzales; Assistant Planner Jon S. Dille; Senior Accountant Lynn Rogers; Assistant Engineer Kathy Weber; Planning Consortium Consultant Dean Brown; City Clerk Tonia Lewis; and Planning Commission Secretary Ysela Aguirre

MINUTES:

A motion was made by Commissioner Meyer and seconded by Commissioner Hall to approve the minutes of the April 17, 2012, Planning Commission Meeting. Motion was carried by a vote of 4-0-1 with Commissioner Cothran abstaining.

MINUTES:

APRIL 17, 2012

VOTE: 4-0-1

PUBLIC FORUM:

PF

Gary Rigby spoke on the timing of signal lights and was referred to Traffic Engineering staff present to address his questions.

Patricia Munoz spoke on the unethical treatment of campaign staff by Amos Young Jr.

**PATRICIA
MUNOZ**

CONSENT CALENDAR:

CC

None.

NONE

AGENDA INFORMATION:

AGENDA INFO

The Planning Commission reviewed an update of future City Council Agenda items for the May 8, 2012, and May 22, 2012, meetings for the Planning Commission's information; and an update of future Planning Commission items for the May 15, 2012, June 5, 2012, and June 19, 2012, meetings for the Planning Commission's information.

CC
MAY 8, 2012
MAY 22, 2012
PC
MAY 15, 2012
JUNE 5, 2012
JUNE 19, 2012

Senior Planner Orlando Hernandez provided a brief description of item No. 3 on the June 5, Planning Commission Agenda, Design Review Plan No. 12-004 Westech College. The project is located at the former Performing Arts Center on Sierra Avenue.

PUBLIC HEARINGS:

PH

1. A Public Hearing was opened regarding **2012/2013-2018/2019 Capital Improvements Program (CIP)**: Filed by the City of Fontana, to request that the Planning Commission receive a presentation on the Preliminary 2012/2013-2018-2019 Capital Improvement program (CIP), and make a finding that the CIP is in conformance with the goals and policies of the City's 2003 General Plan, located citywide. Staff presentation was given by Project Planner Lynn Rogers and staff recommended approval.

PH-1
2012/2013-
2018/2019
CIP

VOTE: 5-0

Discussion was held on replacing or retiring bonds for CFD #3 and the affect on streets and infrastructure in certain areas. Ms. Rogers will check with Mr. Moriarty and will provide that information at a later date.

Discussion was held on an anticipated start date for the construction of the Duncan Canyon interchange. The construction project is not funded and therefore no anticipated start date at this time.

Discussion was held on an anticipated start date on the signal at Bridle Path and Cherry/Oshwa. This project is budgeted and crews should begin work in five months.

Discussion was held on the "active" status of the major core interchange, project #3917, on page 12 of the staff report. The design of the project was started, but when redevelopment funding was taken away, construction has not been able to move forward.

Discussion was held on the status of low income housing projects. The project at Cypress Avenue and Valley Boulevard has three phases, with phase 1 and phase 2 completed and phase 3 is under construction now.

Discussion was held on traffic signals along Juniper Avenue and priority determination for traffic signal placement throughout the city. Measure I funding is being used for traffic signals.

Discussion was held on why there are two Merrill at Palmetto projects: "future" project #80019 and funded project #3276. Project #80019 may be a duplicate of #3276 and, if so, will be removed from the CIP.

The public hearing was closed.

A motion was made by Commissioner Lee and seconded by Commissioner Hall to: 1) Recommend that City Council adopt a Negative Declaration of environmental impact and a California Fish and Game De Minimis Impact Finding, and direct staff to file the Notice of Determination; 2) Find that the information and proposed projects identified in the 2012/2013-2018/2019 CIP are in conformance with the goals and policies of the 2003 General Plan; and 3) Recommend that the City Council adopt the 2012/2013-2018/2019 CIP. Motion carried by a vote of 5-0.

2. A Public Hearing was opened regarding: **Conditional Use Permit**

No. 12-002: Filed by Ms. Jessica Jimenez, Swain Sign Inc., to request review and approval of a conditional use permit to erect a new electric message sign of approximately 24 square feet and install a new identification cabinet of approximately 75 square feet for Extra Space Storage. The project site is a rectangularly-shaped property consisting of one parcel (APN: 0251-211-19) of approximately 3.7 adjusted gross acres located on the south side of Valley Boulevard approximately 646 feet west of the northeast corner of the intersection of Valley Boulevard and Palmetto Avenue and having a frontage of approximately 165 feet and a depth of approximately 1,225 feet. The site is further identified as 17197 Valley Boulevard. Staff presentation was given by Project Planner Jon S. Dille and staff recommended approval.

PH-2

CUP NO: 12-002

VOTE: 5-0

Discussion was held on adding a condition to ensure Conditions of Approval are posted or visible on the site project.

Discussion was held on the current CUP being reviewed to ensure there is no conflict in any new conditions.

Discussion was held on the applicant not being permitted to advertise any business or service not on the site.

Speaking for the applicant, Jessica Jimenez, Swain Sign Inc., stated that she is comfortable with being limited on what is on the message board to the examples provided. Ms. Jimenes thanked Planner Dille.

Discussion was held on subsequent owners being subject to the same conditions, if they want changes, the new owner would have to come back to the Planning Commission to make a request.

Discussion was held on adding a condition to have conditions posted in the managing office.

Applicant read, understood and agreed to the conditions of approval and requested specific information on how the conditions are to be posted.

Discussion was held on a universal code on how often the sign can flash and it being imbedded in these conditions.

Attorney Silver provided wording for new condition No. 11: "The conditions of approval shall be posted in a location on the property in which it is readily visible to employees and agents of the business."

No communication was received for or against the project.

The public hearing was closed.

A motion was made by Commissioner Meyer and seconded by Commissioner Cothran to 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301, Class No. 1 (Existing Facilities), of the California Environmental Quality Act; and 2) Approve Conditional Use Permit No. 12-002, subject to the attached Findings and Conditions of Approval with the addition of Condition No. 11. Motion carried by a vote of 5-0.

3. A Public Hearing was opened regarding: Administrative Site Plan No. 12-003/Conditional Use Permit No. 12-001/ Planning

PH-3

ASP NO. 12-003

CUP NO. 12-001

PC NO. 12-005

Case No. 12-005: Filed by Saber Awad, to request an Administrative Site Plan (ASP) for site and architectural review for a new retail center and convenience store totaling 11,400 square feet of retail space. Additionally, an application for a Conditional Use Permit (CUP) has been submitted to establish the use of an automobile service station. The project site is a rectangularly-shaped property consisting of one parcel (APN 0191-231-44) totaling approximately 1.8 acres, and is located at the southwest

VOTE: 5-0

corner of Arrow Boulevard and Juniper Avenue, and having a frontage of approximately 285 feet on Arrow Boulevard and a frontage of approximately 280 feet on Juniper Avenue. The site is further identified as 16697 Arrow Boulevard. Staff presentation was given by Project Planner Paul Gonzales and staff recommended approval.

No communication was received for or against the project.

Discussion was held on adding a condition to specify that the faux molding and trim materials being used on the project building would be located 14 feet or higher on the building.

Discussion was held on underground utilities, standards and requirements. Engineer Weber stated that there are requirements by Edison that the applicant is made aware of when the permit is filed.

Discussion was held on signs on the gas station having to adhere to City Code and if there is a need to change it, they will have to come back to the Planning Commission for approval.

Speaking for the applicant, Saber Awad, thanked staff for their work. Applicant stated that there is no agreement with any oil company at this time.

Discussion was held on the Design Review of the sign being an across the counter approval; if the applicant chooses to change the architecture, color branding, lighting, etc. of the building, then the applicant would have to return to the Planning Commission for approval.

Discussion was held on the City Council's direction on signage for gas stations. Chairperson Garcia requested that the City Council's direction be shared with the Planning Commission. Director Williams will bring the information back to be shared at Planning Commission Workshop at a future date.

Applicant read, understood and agreed to the conditions of approval, including a condition to be added regarding the foam material to be used on the faux molding and Condition No. 5a to read as follows: "The conditions of approval shall be posted in a location on the property in which it is readily visible to employees and agents of the business."

Discussion was held on the applicant not requesting an alcohol license at this time and instead will have the new tenant apply for under his name.

Discussion was held on a concern of a previous project in the same area selling alcohol near a nearby school. The school is no longer in existence in the area and is no longer a concern.

The public hearing was closed.

A motion was made by Commissioner Lee and seconded by Commissioner Meyer to 1) Adopt the Negative Declaration, direct staff to file a Notice of Determination; and 2) Approve Administrative Site plan No. 12-003 and Conditional Use Permit No. 12-001 with the addition of a condition to be added regarding the foam material to be used on the faux molding and Condition No. 5a. Motion carried by a vote of 5-0.

4. A Public Hearing was opened regarding: **General Plan Amendment No. 11-002/Zone Change No. 11-002 and Design Review No. 11-003**: Filed by the City of Fontana, to request Adoption of a resolution recommending that the City Council: 1) Certify the Central Park Final Environmental Impact Report (FEIR) and associated Statement of Overriding Considerations, Mitigation and Monitoring Program, and adopt the required findings; 2) Adopt a resolution approving General Plan Amendment No. 11-002, a request to amend the land use designation of approximately 4.4 adjusted gross acres of property from Medium Density Residential (R-M) to Public Facilities (P-PF) and approximately 3.3 adjusted gross acres of property from Single-Family Residential (R-SF) to Public Facilities (P-PF); 3) Adopt an ordinance approving Zone Change No. 11-002, a request to change the zoning district of approximately 4.4 adjusted gross acres of property from Medium Density Residential (R-2) to Public Facilities (P-PF) and approximately 3.3 adjusted gross acres of property from Single-Family Residential (R-1) to Public Facilities (P-PF); and, 4) Approve Design Review No. 11-003, for the construction of three soccer/football fields, a tot lot, restrooms and a concession stand. The project site is an irregularly-shaped property consisting of seven parcels (APNs: 0191-071-02, -03, -26, -27, -50, -52, and -54) totaling approximately 13.7 acres located on the west side of Cypress Avenue, approximately 500 feet south of Upland Avenue and extending west to Oleander Avenue and having an approximate frontage of 330 feet along Cypress Avenue and an approximate frontage of 205 feet along Oleander Avenue. Staff presentation was given by Project Planner Orlando Hernandez and staff recommended approval.

PH-4
GPA NO. 11-002
ZC NO. 11-002
DR NO. 11-003

CONTINUED

VOTE: 5-0

Planner Hernandez clarified that the staff report states that the air quality was found to be an unavoidable adverse impact, but the only unavoidable adverse impact found was the noise.

Discussion was held on Conditions 22 and 26 on page E4-16 of the staff report not applying to this project and being removed.

Discussion was held on the 6 foot wall along the northern border of the project being a sound barrier for parking lot noise and noise from activities.

Discussion was held on the number of parking stalls and possible overflow onto neighborhood streets. Planner Hernandez stated that the project meets the existing criteria for required parking spaces and does not include the 114 spaces already allocated for the community center and 50 spaces available at Seville Park which is adjacent to the project.

Discussion was held on solar lighting along the bike trail. Staff is currently looking at lighting along the trail.

Gary Rigby spoke on a power pole easement on his property and how the project will affect that easement. Planner Hernandez stated that this is an issue that has not been brought up before and will have to be reviewed further.

Staff recommended continuing this item for further review.

Winston Escobar spoke on the lighting of the PE trail and hoping this project brings more lighting to the trail.

The public hearing was closed.

A motion was made by Commissioner Meyer and seconded by Commissioner Lee to continue this item to the June 5, 2012, Planning Commission meeting. Motion carried by a vote of 5-0.

OTHER COMMISSION BUSINESS:

OCB

None.

NONE

STAFF REPORTS:

SR

None.

NONE

DIRECTOR REPORT:

DR

None.

NONE

<u>COMMISSION COMMENTS:</u>	COMMENTS
Commissioner Hall thanked Director Williams for his assistance in helping her get more familiar with the planning process.	HALL
Commissioner Hall has enjoyed the growth and helping the community at large.	
Commissioner Lee wished everyone a good evening.	LEE
Commissioner Cothran thanked the Rotary Club, the Exchange Club as well as Mr. Delgado's masonry class at AB Miller High School for making and installing 186 markers in the Memorial Rose Garden.	COTHRAN
Commissioner Cothran thanked the Rotary Club and the members of the Latter Day Saints for their work on the Pepper Street house. There were over 100 volunteers in the month of April that renovated the property and the grounds.	
Commissioner Meyer shared that the California Department of Finance's latest population estimates show Fontana continues to grow from 2011-2012. Fontana has added 1.1% more people to our population, for a total of 199, 898.	MEYER
Commissioner Meyer wished everyone a good evening.	
City Clerk Lewis reminded everyone of the upcoming prayer breakfast to be held on Thursday, May 3, 2012, from 7:30 to 9:30 a.m. at the Jessie Turner Health and Fitness Center. Reservations can still be made by calling her at (909) 854-8054.	LEWIS
City Clerk Lewis reminded everyone of the Fontana Days Parade on Saturday, June 2, 2012, and applications are still being taken.	
Chairperson Garcia wished everyone a good evening.	GARCIA
<u>PUBLIC FORUM</u>	PF
NONE.	NONE

ADJOURNMENT

By consensus, the Planning Commission adjourned at 8:29 p.m. to a workshop on the Airport Land Use Compatibility Plan with the City of Ontario presenting in the City Hall Council Chambers then to the regularly scheduled Planning Commission Meeting of May 15, 2012, in the City Hall Council Chambers, located at 8353 Sierra Avenue, Fontana, California at 6:00 p.m.

**ADJOURN
8:29 P.M.**

Ysela Aquirre
Commission Secretary



Peter Garcia
Chairperson