

**CITY OF FONTANA
PLANNING COMMISSION
REGULAR MEETING
MARCH 6, 2012**

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

ROLL CALL

Present: Chairperson Meyer, Commissioners Cothran, Garcia and Lee

Absent: None.

Also Present: Director Don Williams, AICP; Attorney Matthew Silver; Senior Planner Shannon J. Casey, AICP; Senior Planner Orlando Hernandez; Assistant Planner Shawnika Johnson; Planning Intern Pamela Carmenates; Annexation Coordinator Cecilia Lopez-Henderson; City Clerk Tonia Lewis; and Planning Commission Secretary Ysela Aguirre

MINUTES:

MINUTES:

A motion was made by Commissioner Hall and seconded by Commissioner Lee to approve the minutes of the February 21, 2012, Planning Commission Meeting with the addition Commissioner Hall being noted as in attendance. Motion was carried by a vote of 4-0-1 with Commissioner Garcia abstaining.

FEB 21, 2012

VOTE: 4-0-1

PUBLIC FORUM:

PF

None.

NONE

CONSENT CALENDAR:

CC

None.

NONE

AGENDA INFORMATION:

AGENDA INFO

The Planning Commission reviewed an update of future City Council Agenda items for the March 13, 2012, and March 27, 2012, meetings for the Planning Commission's information; and an update of future Planning Commission items for the March 20, 2012, and April 3, 2012, meetings for the Planning Commission's information.

CC

MAR 13, 2012

MAR 27, 2012

PC

MAR 20, 2012

APR 3, 2012

PUBLIC HEARINGS:

1. A Public Hearing was opened regarding: **Design Review No. 11-006 (Planning Case No. 11-044)**: Filed by Crystal Ballesteros, Andresen Architecture, to request a Design Review to construct seven (7) apartment units on approximately 0.5 acres in the Multi-Family Residential (R-3) zone and within the Boulevard Overlay zoning district. The project site is an irregularly-shaped property consisting of one parcel (APN 0190-141-37) totaling approximately 0.5 adjusted gross acres and is located approximately 70 feet from the intersection of Malaga Street and Sierra Avenue, and having a frontage of approximately 174 feet on the west side of Sierra Avenue and a lot depth of approximately 145 feet. The site is further identified as 7870 Sierra Avenue. Staff presentation was given by Project Planner Pamela Carmenates, Planning Intern and Shannon Casey, AICP, Senior Planner and staff recommended approval

PH

PH-1
DR NO. 11-006
(PC NO.11-044)
VOTE: 5-0

Communication was received from Betty Diane Dyer regarding traffic concerns on Malaga street.

A memo was submitted at the dais to add Condition No. 91. on page E1-20 to read as follows: "To eliminate the negative fiscal impact on municipal services associated with this proposal, the project will be required to annex into an existing community facilities district (CFD) or to form a new community facilities district (CFD) for the purpose of financing the costs of maintenance and operation of the street lighting, landscaping, parks, parkways, and the removal or covering-over of graffiti. The City will determine which is more appropriate for the project, establishing a new district or annexing into an existing district. The district formation or annexation must be completed prior to the issuance of building permits."

Discussion was held on what level a ½ Bathroom is required to be located. The multifamily residential development footnote states that a restroom is required on the ground floor or the first floor living area. In this project, the bathroom is not required on first floor because the first floor is the garage.

Speaking for the applicant Doug Andresen stated that from a marketing standpoint the restroom on the first floor is a necessity. They would like to start the project soon.

Applicant read, understood and agreed to the conditions, including the addition of Condition No. 91.

Direction was given to staff to work with the applicant to provide a plan with a restroom on the first floor.

By consensus, the Planning Commission requested a condition be added rather than direction to staff.

Director Williams provided wording for condition No. 4N to be added as follows: "The applicant shall provide for a minimum one-half bath on either the first or second floor of each unit."

Applicant agreed to additional condition.

Chairperson Meyer commended the project on being a nice improvement on Sierra.

Discussion was held on applicant "lot splitting" the 72 foot strip of land with no problem.

Discussion was held on the gate opening and how the driveway issue was resolved. The City's Traffic Engineering Department has approved the plan and emergency vehicles have a way to get in and out.

Planner Casey stated that standard conditions (No. 73 and No. 74) require access to emergency vehicles.

Chairperson Meyer brought it to staff's attention that Condition No. 8 on page E1-10 of staff's report requires a "certified professional manager or management company" and therefore, Condition No. 12 should include "..or his representative".

Applicant agreed to the additional wording to Condition No. 12.

Speaking in favor of the project, Joseph Longo, stated that this plan would help the area. Mr. Longo addressed several problems he had with the project including trash being pushed to the property on the north; west view having the same façade consideration as Sierra; the use of heavy equipment possibly caving in the unretained wall; and lighting shining into Fontana Village; and the location of trash bins to existing Fontana Village building.

Speaking in opposition to the project, Betty Diane Dyer, thanked and appreciated her calls being returned. Ms. Dyer addressed the traffic hazard created by cars speeding down Malaga Street to avoid Sierra traffic.

Speaking in opposition to the project, Art Gutierrez, spoke regarding

traffic and requested property from the apartments be used to create a median.

Chairperson Meyer requested information from staff on the following issues:

- Status of the common wall. Planner Casey replied that there are plans for a new 6 foot high wall to replace current wall.
- Architectural design. Planner Casey replied that the plans require 360 degree “architecture” on all buildings with the same treatments and accents on front and rear.
- Traffic on Malaga. Planner Casey has spoken to Traffic Engineering and the plan is to install speed limit signs and speak to the Police Department for enforcement.
- Trash bin location. Planner Casey stated that the trash bin enclosure will be near the south end of the property near an empty lot and will require a quality design covering.
- Conditions on Lighting. Planner Casey stated that by City code, there will not be any direct illumination of any adjacent property and all the lighting is all provided at ground level and will be the same height as the proposed wall.
- Trash being pushed back and forth between lots. Planner Casey will communicate with Code Enforcement to look into this.

Discussion was held on requiring a sidewalk for pedestrian safety. Traffic Engineering is not requiring any additional mitigation.

The public hearing was closed.

A motion was made by Commissioner Hall and seconded by Commissioner Lee to 1) Determine that the project is Categorically Exempt pursuant to Section 15332, In-fill Development) of the California Environmental Quality Act and direct staff to file a Notice of Exemption; and 2) Approve Design Review No. 11-006 with the addition of Condition No. 4N, Condition No. 91 and the addition of wording to Condition No. 12. Motion carried by a vote of 5-0.

2. A Public Hearing was opened regarding: Promenade Specific Plan Amendment Planning Case No. 11-008/Specific Plan Amendment No. 11-001, and General Plan Amendment No. 12-002: Filed by Forestar Fontana, LLC, to request adoption of a resolution recommending that the City Council: 1) Determine that the Final Environmental Impact Report (FEIR) (SCH No. 2004071046) certified for the Promenade Specific Plan and the proposed Addendum to the FEIR have adequately identified the impacts associated with Specific Plan Amendment No. 11-001 and General Plan Amendment No. 12-002; 2) Adopt a resolution approving General Plan Amendment No. 12-002, amending the land use designation of approximately 36.5 adjusted gross acres of land currently designated as General Commercial (C-G) to Medium Density Residential (R-M), and change the text in Chapter 3 of the Land Use Element to allow detached residential single-family lots of 3,600 square feet within a Specific Plan; and, 3) Adopt an ordinance approving Specific Plan Amendment No. 11-001 to eliminate a total of 666 attached multi-family residential units to be replaced with 391 single-family detached units and to reduce the total commercial area from 778,500 square feet to 675,000 square feet. The project site is a rectangularly-shaped property consisting of 49 parcels totaling approximately 120 gross acres bordered by Juniper Avenue to the west, Sierra Avenue to the east, Baseline Avenue to the south, and South Highland Avenue to the north and traversed east to west by Walnut Avenue creating two distinct and separate project sites. The northern site has a frontage of approximately 1,700 feet along Sierra Avenue and an approximate depth of 1,240 feet. The southern site has a frontage of approximately 5,500 feet along Sierra Avenue and an approximate depth of 1,240 feet. Staff presentation was given by Project Planner Orlando Hernandez and staff recommended approval.

Chairperson Meyer disclosed that he met individually with the applicant with no reportable action.

Chairperson Hall disclosed that she met individually with the applicant with no reportable action.

Commissioner Garcia disclosed that he met individually with the applicant with no reportable action.

Commissioner Cothran disclosed that he met individually with the applicant with no reportable action.

Planner Hernandez introduced Renee Escario from ICF International, the Environmental Consultant.

PH-2
PROMENADE
SP AMEND
PC NO.11-008
SP AMEND
NO. 11-001
GP AMEND
NO. 12-002

RESOLUTION
NO: PC 2012-02

VOTE: 5-0

Planner Hernandez noted modifications to the staff report on this project as follows:

The amended document excluded one parcel, the existing Loveland Sunrise Apartments, which needs to be included as part of the Specific Plan. The exhibits also need to illustrate that the Loveland Sunrise Apartments are part of the Specific Plan.

The total number of units in the table on page E2-03 should be 526, not 391 for the proposed Specific Plan - which includes 55 multifamily units under planning area No. 5 and the existing 80 units from Loveland Sunrise Apartments.

On page E2-05, the second paragraph should read "Planning areas No. 6, No.7 and No. 8"; the second "area No. 9" should be deleted.

Communication was received in writing from residents in support of the project.

Discussion was held on the commercial corner being made residential with Planner Hernandez stating that staff was given direction to change the corner to multifamily due to the proximity of the senior apartments which are sensitive use and also from Housing Development which indicated that the corner would support an additional 55 multifamily units.

Discussion was held on the water storage area being included in the Specific Plan with Planner Hernandez stating that it can remain out of the land use map.

Discussion was held on providing access to the walkway and neighborhood park from the existing apartments to this project to allow those residents to access the park or the commercial center. Planner Hernandez stated that it is a possibility.

Speaking for the applicant, Jo Faris, Forestar Fontana, provided a conceptual presentation of the project. Ms. Faris commended Planner Hernandez and Director Williams for their work.

Ms. Faris introduced the team present with her tonight including Ray Allard; Baxter Miller, Joel Morris, and Steve Cameron.

Discussion was held on language changes for the pool and possible amenities.

Discussion was held on the Tentative Map having the corner area designated commercial, residential or activity center with applicant stating that it may not be part of the Tentative Map application: Planning Area No. 5 would be submitted under separate application.

Applicant will work with staff on the designation of planning area No. 5.

Applicant read, understood and agreed to the conditions including changes made by staff.

No member of the audience spoke in favor or opposition.

The public hearing was closed.

Director Williams commended Planner Hernandez and applicant for their collaborative hard work and staff supports the entire plan with hopes to move it forward for City Council approval.

Discussion was held on changing the language regarding amenities in paragraph one of page E2-5 “ which may include, but is not limited to...” to “...which will include, but is not limited to..” as applicant has insisted there will be a pool.

Commissioner Lee appreciates the effort that has gone into this plan.

Commissioner Hall noted a typographical error to the word “ADDRESSED” on Attachment No. 5

Discussion was held on requiring planters in the median. This is not required of the applicant, but City Engineering Department will check into it.

Discussion was held regarding the access points in planning area No. 5.

Discussion was held on including the Sunrise Apartments in the Specific Plan. Director Williams will provide a Directors report to add the Sunrise Apartments to the Promenade Specific Plan.

A motion was made by Commissioner Hall and seconded by Commissioner Garcia to 1) Forward a recommendation to the City Council to determine that the Final environmental Impact Report (FEIR) (SCH No. 2004071046) certified for the Promenade Specific Plan, the Addendum to the FEIR and the Supplemental Greenhouse Gas Assessment to the FEIR have adequately identified the impacts associated with Specific Plan Amendment No. 11-001 and General Plan Amendment No. 12-001 and that no previously reviewed impacts have

changed, adopt the addendum to the FEIR, and direct staff to file a Notice of Determination; and 2) Adopt Resolution No. 12-02 forwarding a recommendation to the City Council to adopt an ordinance approving a Specific Plan Amendment No. 11-001 and a resolution approving General Plan Amendment No. 12-0014 with the addition of the Sunrise Apartments to the Promenade Specific Plan. Motion carried by a vote of 5-0.

Chairperson Meyer confirmed with Commissioner Hall that she has reviewed all of the materials and information to be able to participate in Public Hearing No. 3.

A recess was called at 8:01 p.m.

**RECESS
8:01 PM**

The meeting was called to order at 8:14 p.m.

**RECONVENE
8:14 PM**

3. A Public Hearing was opened regarding: **Southwest Industrial Park (SWIP) Specific Plan Project Specific Plan No. 09-002, Zone Change No. 09-004, General Plan Amendment No. 09-009, and Final Environmental Impact Report (EIR State Clearinghouse No. 2009091089) (Continued from 2-7-12)**: Filed by the City of Fontana to request adoption of a resolution recommending that the City Council: 1) Certify the Southwest Industrial Park Specific Plan 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. 09-009 to change the land use designations on-site to match the Southwest Industrial Park Specific Plan; 3) Adopt an ordinance approving Zone Change No. 09-004, changing the zoning to match the Specific Plan; and, 4) Adopt an ordinance approving Specific Plan No. 09-002 (Southwest Industrial Park Specific Plan) to create nine (9) land use districts with approximately 3,111 acres of industrial, manufacturing, office, commercial, research and development, and flex-tech development. The approximately 3,111 acre project site is an irregularly-shaped property bordered by Mulberry Avenue and the Fontana Gateway Specific Plan area to the west, Citrus Avenue to the east, Jurupa Avenue to the south, and Interstate 10 to the north and also including two small irregularly-shaped areas just north of the freeway. A portion of property (approximately 472 acres) included in the SWIP Specific Plan located in the northwest corner of the project is currently in unincorporated San Bernardino County. Staff presentation was given by Project Planners Shannon J. Casey, AICP and Shawnika Johnson staff recommended approval.

**PH-3
SWIP
SPECIFIC PLAN
NO. 09-002
ZONE CHANGE
NO. 09-004
GPAMEND
NO. 09-009
FEIR**

**CONTINUED TO
APRIL 3, 2012**

VOTE: 5-0

Communication was received at the dais today from law-firm Sheppard Mullin in opposition to the project.

Staff addressed comments in communication received.

Communication was received from Thatcher Engineering and Associates, Inc. in support of the project.

Communication was received from Jose Carcelen in support of the project.

Speaking on behalf of the project, Attorney Avila of Best, Best and Krieger stated that staff had responded and issues were addressed to comments submitted last month by Sheppard Mullin.

Discussion was held on San Bernardino County development standards and City development standards. The county is to take the City's standards into account for any property within the City's sphere of indulgence. Any cases that go before the county commission are submitted to the City for review. Cecilia Lopez-Henderson spoke on Pre-Annexation Agreements. Property owners must meet City standards if they are to hook up to the City sewer system. Through a Memorandum of Understanding, any portion of sales tax generated by properties in that area must be spent by the county in that area.

Discussion was held on residential trucking districts being zoned for single family homes and the City making good on commitments to look at those pre-existing non-conforming uses.

Discussion was held on this project being stakeholder driven.

Speaking on behalf of Lee Wetzel, Ferrline Wetzel and Pioneer Properties, Dan Bane of law-firm Sheppard Mullin, spoke in opposition to the project. Mr. Bane spoke on issues not addressed by the EIR and not corrected as of the previous staff report and recommendation.

Speaking in favor of the project Mike James. Thanked staff for changes made. Mr. James noted a typographical error to the year of the date noted on page E3-12, it should be 2011, not 2012. Chairperson Meyer directed staff to speak with Mr. James to answer his questions.

Attorney Silver provided information on legal non-conforming use.

Chairperson Meyer remarked that there was a difference in the tone of the letters received from Sheppard Mullin last time and this time; the language in the first letter were not appropriate for a firm with their reputation. That tone was not evident in tonight's letter. Staff is good about working with people with the goal of making a recommendation that can be passed to the City Council and satisfies many people in many ways. Chairperson Meyer asked Mr. Bane if some more recent case law that was applicable to questions or concerns could be cited.

Mr. Bane appreciated the comments and apologized.

Mr. Bane noted that all case law cited was current.

Discussion was held on truck terminals/storage areas being allowed. This project will now allow those uses in the City where they were not allowed before. With the expansion of Citrus and Cherry Avenues, it is anticipated that the kinds of uses allowed are going to be increased.

Discussion was held on issues raised in the letter received today to be addressed; having a strong and complete response; and item being continued indefinitely. It is anticipated that this item will be recommended to the City Council to be approved or denied.

Chairperson Meyer commented that once action is taken by the Planning Commission, comments can still be taken.

The public hearing was closed.

A motion was made by Commissioner Cothran and seconded by Commissioner Lee to continue the project to April 3, 2012, to allow time to respond to comments. Motion carried by a vote of 5-0.

OTHER COMMISSION BUSINESS:

OCB

2012 Election of Chairperson, Vice-Chairperson and Secretary.

ELECTION OF
OFFICERS

The one-year term runs through March 6, 2013.

Chairperson Meyer expressed gratitude for serving as Chairperson for the past three years.

CHAIR
GARCIA

Chairperson Meyer nominated Commissioner Garcia to serve as Chairperson. Commissioner Cothran seconded. Commissioner Garcia accepted the nomination. Commissioner Garcia was voted Chairperson by a vote of 5-0.

VICE
LEE

SECRETARY
COTHRAN

Chairperson Meyer nominated Commissioner Lee to serve as Vice Chair. Commissioner Garcia seconded. Commissioner Lee accepted the nomination. Commissioner Hall nominated Commissioner Cothran. Commissioner Cothran declined the nomination. Commissioner Lee was voted Vice-Chairperson by a vote of 5-0.

Commissioner Lee nominated Commissioner Cothran to serve as Secretary. Commissioner Hall seconded. Commissioner Cothran accepted the nomination. Commissioner Cothran was voted Secretary by a vote of 5-0.

March 20, 2012, Planning Commission meeting potentially adjourned to April 3, 2012, due to lack of quorum.

Due to lack of quorum on March 20, 2012, the next regularly scheduled Planning Commission meeting will be cancelled. Tonight's meeting will adjourn to the April 3, 2012, regularly scheduled Planning Commission Meeting.

**MARCH 20
2012
PC MEETING
CANCELLED**

The meeting will not be adjourning to the League of California Cities Planners Institute and Mini Expo because it does not constitute a meeting (per the Brown Act).

STAFF REPORTS:

SR

NONE.

NONE

DIRECTOR REPORT:

DR

NONE.

NONE

COMMISSION COMMENTS:

COMMENTS

Commissioner Hall had not comments.

HALL

Commissioner Garcia congratulated and welcomed Commissioner Hall.

GARCIA

Commissioner Garcia thanked fellow Commissioners for their trust in selecting him as Chairperson.

Commissioner Lee congratulated Commissioner Garcia.

LEE

Commissioner Lee thanked the Commissioner for her selection to Vice Chairperson.

Commissioner Lee asked that tonight's meeting be adjourned in memory of Elizabeth Knott, long time active community member.

Commissioner Cothran sent condolences to the family of Hershel Swedlove owner of Morris Automotive. Hershel represented the best of Fontana and asked that tonight's meeting be adjourned in his memory.

COTHRAN

Chairperson Meyer thanked Supervisor Rutherford for appointing him to this Commission eight years ago and former Mayor Nuaimi and Mayor Warren for continuing his appointment.

Chairperson Meyer looks forward to the many projects coming forward.

City Clerk Lewis announced that the Fontana Parade applications are available and being accepted.

City Clerk sent condolences on behalf of the Exchange Club to the family of Elizabeth Knott. Elizabeth Knott was a former School Board and Woman's Club member who gave so much to the community,

Commissioner Cothran announced the Miss Fontana Pageant on Saturday, March 17, 2012, at 6:30 p.m. at Steelworkers' Auditorium. There are 47 participants.

COTHRAN

Commissioner Cothran thanked Rotolo Chevrolet for hosting a mixer last Friday night that gave everyone an opportunity to meet the Miss Fontana contestants.

Director Williams thanked Chairperson Meyer for his three years of service.

Director Williams congratulated the new Planning Commission officers.

Director Williams thanked the Commissioners for their time on the Planning Commission.

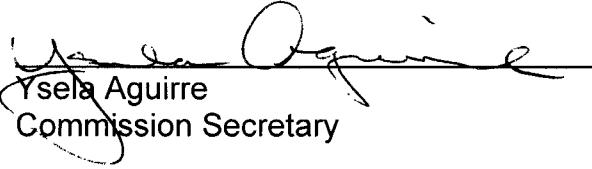
PUBLIC FORUM

NONE.

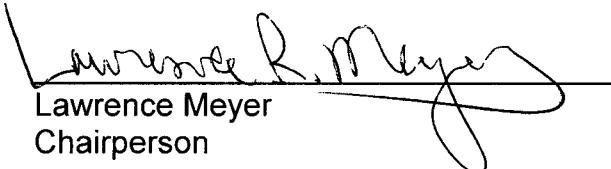
**PF
NONE**

ADJOURNMENT

By consensus, the Planning Commission cancelled the regular Planning Commission meeting of March 20, 2012; continued the public hearing items from the March 20, 2012 meeting to the April 3, 2012 meeting, and adjourned in memory of Elizabeth Knott and Hershel Swedlove at 9:35 p.m. to the regularly scheduled Planning Commission Meeting of April 3, 2012, in the City Hall Council Chambers, located at 8353 Sierra Avenue, Fontana, California at 6:00 p.m.

**ADJOURN
9:35 P.M.**

Ysela Aguirre
Commission Secretary



Lawrence R. Meyer
Chairperson