

**CITY OF FONTANA  
PLANNING COMMISSION  
REGULAR MEETING MINUTES  
MAY 7, 2013**

A regular meeting of the City of Fontana Planning Commission was held on Tuesday, May 7, 2013, in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, California. Chairperson Garcia called the meeting to order at 6:05 p.m. Following the Invocation given by Commissioner Cothran, the Pledge of Allegiance was led by Commissioner Slowik.

**ROLL CALL**

Present: Chairperson Garcia and Commissioners Cothran and Slowik

Absent: Commissioners Hall and Meyer

Also Present: Director Don Williams, AICP; Attorney Alison P. Gomer; Senior Planner Orlando Hernandez; Public Works Manager Dan West; Director of Engineering Ricardo Sandoval; Senior Engineer Noel Castillo; Resource Budget Officer Lynn Rogers; City Clerk Tonia Lewis; and Planning Commission Secretary Ysela Aguirre

**PUBLIC COMMUNICATION:**

PC

None.

NONE

**CONSENT CALENDAR:**

CC

A motion was made by Commissioner Slowik and seconded by Commissioner Cothran to approve the minutes of the April 2, 2013, Planning Commission meeting. Motion passed by a vote of 3-0.

**APRIL 2, 2013  
VOTE: 3-0**

The minutes of the April 16, 2013, Planning Commission Meeting will be moved to the May 21, 2013 Planning Commission meeting due to lack of quorum.

**APRIL 16, 2013  
CONTINUED TO  
MAY 21, 2013**

**PUBLIC HEARINGS:**

PH

- A.** 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 adopt a resolution recommending that the City Council adopt the Preliminary 2013/2014-2019/2020 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. Staff presentation was given by Project Planner Lynn Rogers and staff recommended approval.

**PH A  
2012/2013-  
2018/2019  
CIP**

**RESOLUTION  
NO. 2013-03  
VOTE: 3-0**

Discussion held on the total cost of various projects in the CIP report.

Senior Engineer Noel Castillo stated that the Senior Center parking lot project includes a back-up generator as this is a critical facility.

Discussion held on Vulcan Pit Flood Control Project and how the monies will be used. Public Works Manager Dan West explained that this project will provide a storm water collection pit, a recharge site for Chino Basin, and a recycling water center. Funding will also be provided by other agencies such as \$10 million grant from the State of California, Los Angeles County Flood Control, and IUA.

Discussion held on the total usage of the land to be determined at a later date.

Discussion held on pavement rehabilitation - costs, numbers, and growth – in comparison to surrounding cities. There are additional monies available as part of the Public Works Program for road improvements.

Discussion was held on the affect the loss of redevelopment funds has had on projects. There are three main projects that cannot be moved forward due to loss of funds.

Commissioner Slowik spoke on the significant negative impact on the City that the state's taking of redevelopment funds has had.

Discussion held on the City's share of some of the projects.

Discussion held on two median landscape projects – Foothill between Cherry and Hemlock and Jurupa between Sierra and Poplar.

Commissioner Slowik spoke on many of the park projects being extremely costly upfront and the possibility of alternate funding sources.

Commissioner Slowik spoke on the City spending within its means and doing a great job.

Chairperson Garcia welcomed Councilman Sandoval to the Planning Commission meeting.

The public hearing was closed.

A motion was made by Commissioner Slowik and seconded by Commissioner Cothran to adopt Planning Commission Resolution No.

2013-03, a resolution forwarding a recommendation to the City Council to: 1) Find that there will be no significant environmental impacts caused by this project, adopt a Negative Declaration pursuant to Section 15070 of the California Environmental Quality Act, and direct staff to file a Notice of Determination; 2) Find that the information and proposed projects identified in the 2013/2014-2019/2020 CIP are in conformance with the goals and policies of the 2003 General Plan; and, 3) Recommend that the City Council adopt the 2013/2014-2019/2020 CIP. Motion carried by a vote of 3-0.

B. A Public Hearing was opened regarding **General Plan Amendment No. 12-006, Zone Change Application No. 12-003 and Master Case No. 12-043**: Filed by Fabricio Badiola, VCB Investments, to request General Plan Amendment No. 12-006 to amend the General Plan Land Use Map of approximately 13.7 acres of land designated General Commercial (C-G) and Light Industrial (I-L) to Single-Family Residential (R-SF) and Public Facilities (P-PF); Zone Change No. 12-003 is a request to change the Zoning District Map on the same property from General Commercial (C-2) and Light Industrial (M-1) to Single-Family Residential (R-1) and Public Facilities (P-PF). The proposed project area consists of approximately 80 parcels located south of Valley Boulevard, north of Washington Avenue, between Cypress Avenue and Oleander Avenue.

PH B  
GPA NO. 12-006  
ZONE CHANGE  
APP NO. 12-003  
MC NO. 12-043

CONTINUED TO  
JUNE 4, 2013

Due to an error in the legal noticing required for this project, the item will need to be re-noticed. Staff intends to re-notice the item for the regularly scheduled Planning Commission meeting of June 4, 2013.

C. Conditional Use Permit No. 11-008 and Administrative Site Plan No. 11-019

PH C  
CUP NO. 11-008  
ASP NO. 11-019

The applicant has withdrawn the project.

WITHDRAWN

D. A Public Hearing was opened regarding **Municipal Code Amendment (MCA) No. 13-002**: Filed by the City of Fontana, to request that the Planning Commission adopt a resolution recommending that the City Council approve MCA No. 13-002, an amendment to Chapter 15, Article XIX (Food Truck Permit) and Chapter 17, Article IV (Stopping, Standing and Parking) of the Fontana City Code. The amendment will define and establish regulations to allow Food Truck Events. Staff presentation was given by Project Planner Orlando Hernandez and staff recommended approval.

PH D  
MCA NO. 13-002  
CONTINUED  
VOTE: 3-0

Discussion held on restrictions on where events will be held; will be determined at permit application time.

Discussion held on how to differentiate between food trucks and catering trucks - most catering trucks deliver food to an event, these trucks will prepare and cook the food. A taco truck would be part of this ordinance.

This ordinance is not directing itself to regular "taco trucks", it is for trucks that are regulated and permitted by the county health department.

Discussion held on this ordinance being unlike the cottage food law that is being imposed by the state, in this case, the county chose to open up this industry to allow cities to address food truck events.

Discussion held on the three year provision allowing the applicant a lot of flexibility to set up shop anywhere over that three year time period.

Director Williams stated that this permit will allow one permit that covers a multiple week event – such as Concerts in the Park; the intent was to save wear and tear on having the applicant repeatedly come back for a recurring but limited basis.

Discussion held on adding the word "intermittent" to discourage food trucks taking over a spot and becoming areas for lunch.

Discussion held on applicants wanted to serve alcohol still needing to go through the ABC licensing process.

Discussion held on the use of a CUP for these events.

Discussion held on the police department monitoring the events.

Discussion held on when a food truck would be permitted under a TUP or CUP versus a vendor falling under this ordinance i.e. Rotary, Fontana Days, etc. A TUP would not approve a food truck vendor.

Director Williams stated that food truck vendors are required to get a permit from each county; this ordinance mirrors what the county does with food trucks.

Commissioner Slowik thanked County Supervisor Rutherford for seeing business opportunities in the county with this ordinance and each individual city can decide if they are allowing food trucks.

Discussion held on making some modifications to the county ordinance to be used in the City.

Discussion held on the term of the permit for food trucks. Director Williams will support a lesser duration, although the intent was to not have vendors come in continually to get a permit.

Discussion held on food truck vendors wanting to be out and about as much as they can; and the impact on brick and mortar business that have more fees and expenses.

Director Williams will take the Planning Commission's recommendations to the City Council.

Chairperson Garcia asked staff to modify the ordinance to be more in line with its intent, address the sale of alcohol – to make it clear that ABC rules apply.

Commissioner Cothran asked for information on what is done at the Bel Air swap meet. Staff will check.

Discussion held on this permit being discretionary and not a land use permit, so if an ABC license gets assigned to the applicant, it is not for a fixed establishment.

Discussion held on who the applicant will be, the truck owner, land owner, etc.

Discussion held on food truck events being held on private land and not in public right of way.

Discussion held on bonding and insurance responsibility. The applicant would be responsible to provide proof of insurance with an affidavit from the land owner allowing the event.

Commissioner Slowik presented copies of suggested corrections and revisions.

Commissioner Cothran suggested continuing this item in light of the numerous corrections and revisions presented by Commissioner Slowik.

Public hearing was closed.

A motion was made by Commissioner Cothran and seconded by Commissioner Slowik to continue this item to the June 4, 2013, Planning Commission meeting to provide staff to address alcohol sales at food truck events, clarify the one to three year time frame, food trucks on private land or public right of way, who the applicant would be, insurance

responsibility, and decision of permits. Motion carried by a vote of 3-0.

## **NEW BUSINESS**

**NB**

None.

**NONE**

## **DIRECTOR COMMUNICATIONS:**

**DC**

- A. The Planning Commission reviewed an update of future City Council Agenda items for the May 14, 2013, and May 28, 2013, meeting for the Planning Commission's information; and an update of future Planning Commission items for the May 21, 2013, meeting for the Planning Commission's information.

**CC AGENDA  
MAY 14, 2013  
MAY 28, 2013**

**PLANNING  
AGENDA  
MAY 21, 2013**

Director Williams commented that the Compass Blueprint report will be presented to the City Council.

## **COMMISSION COMMENTS:**

**COMMENTS**

Commissioner Cothran announced that there are 80 participants in the Miss Fontana Pageant.

**COTHRAN**

Commissioner Cothran requested that tonight's Planning Commission meeting be adjourned in memory of Barbara Edmiston, a long time Fontana resident.

Commissioner Slowik congratulated the Fontana Community Senior Center Senior Prom King and Queen.

**SLOWIK**

Commissioner Slowik spoke on the Kaiser Hospital Grand Opening that was a great event and that the doors opened today.

Commissioner Slowik spoke on the Stand Up Speak Up event that will be held on Saturday, May 11, 2013.

Commissioner Slowik spoke on the Relay for Life event that will be held May 18 and 19, 2013.

Commissioner Slowik spoke on the City having two outlets for art - the Koehler Gallery which hosted the student art show and the Art Depot – both provide an opportunity for students to display their art.

Commissioner Slowik spoke on having the opportunity to know Dorothy Grant and attending Dorothy grant's funeral services.

Commissioner Slowik asked for recognition of Staff Sergeant Robert

Thomas Jr. on his service to our country.

Chairperson Garcia wished everyone a good evening.

**GARCIA**

Director Williams announced that the next workshop on ABC licensing will be held after the regular Planning Commission meeting.

**WILLIAMS**

**WORKSHOP**

Orlando Hernandez extended an invitation from the Fontana Healthy Program to the Planning Commissioners to attend a conference on childhood obesity the second week of June in Long Beach, California. Commissioners will be emailed more information.

**HERNANDEZ**

**PUBLIC FORUM**

**PF**


None.


**NONE**

**ADJOURNMENT**

**ADJOURN  
8:20 P.M.**

By consensus, the Planning Commission adjourned in memory of Barbara Edmiston and in recognition of Staff Sergeant Robert Thomas Jr. at 8:20 to a Closed Session to be held on May 21, 2013, at 5:30 p.m. in the Executive Conference room located at 8353 Sierra Avenue, Fontana, California, followed by the Regular Planning Commission meeting at 6:00 p.m. in the Grover W. Taylor City Council Chambers, located at 8353 Sierra Avenue, Fontana, California.

  
Ysela Aguirre  
Commission Secretary

  
Peter Garcia  
Chairperson