

**CITY OF FONTANA
PLANNING COMMISSION
REGULAR MEETING MINUTES
JUNE 18, 2013**

A regular meeting of the City of Fontana Planning Commission was held on Tuesday, June 18, 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 Slowik, the Pledge of Allegiance was led by Commissioner Meyer.

ROLL CALL

Present: Chairperson Garcia and Commissioners Cothran, Hall, Meyer and Slowik

Absent: None.

Also Present: Director Don Williams, AICP; Attorney Alison P. Gomer; Senior Planner Orlando Hernandez; Associate Planner Paul Gonzales; Associate Engineer Ricardo Garay; Housing Development Manager Brent Mickey; City Clerk Tonia Lewis; and Planning Commission Secretary Ysela Aguirre

PUBLIC COMMUNICATION:

PC

None.

NONE

CONSENT CALENDAR:

CC

A motion was made by Commissioner Hall and seconded by Commissioner Slowik to approve the minutes of the May 21, 2013, Planning Commission meeting. Motion passed by a vote of 4-0-1 with Commissioner Meyer abstaining.

**MAY 21, 2013
MINUTES
VOTE: 4-0-1
MEYER
ABSTAINED**

Chairperson Garcia welcomed City Council Member Jesse Sandoval to the Planning Commission meeting.

PUBLIC HEARINGS:

PH

A. A Public Hearing was opened regarding **Design Review No. 13-001.** A request filed by Tom Hodgins, Southern California Design LLC, 15635 Alton Parkway, Suite 300, Irvine, CA 92618. Applicant requests a site and architectural review of a multi-family residential 60-unit affordable housing complex and one (1) additional unit for an on-site manager. The project site is a rectangularly-shaped property consisting of two parcels (APN 0190-141-02 and -03) totaling approximately 4.8 gross acres, located on the east side of Juniper

PH A

DR NO. 13-001

VOTE: 5-0

Avenue, approximately 640 feet south of the intersection of Juniper Avenue and Miller Avenue, and having a frontage of approximately 331 feet on Juniper Avenue and having a depth of approximately 625 feet. The site is further identified as 7807 Juniper Avenue. Staff presentation was given by Project Planner Paul Gonzales, and staff recommended approval.

Staff has received multiple phone calls requesting information on how to sign up to get a unit.

Discussion held on the number of bedrooms in this project versus the first similar project.

Discussion held on the square footage of the units being below code requirements.

Discussion held on pedestrian access between two projects.

Discussion held on the standard policy regarding barbeque grills. Applicant agreed to not having the "barbeque on a stick".

Discussion held on this project being identical to the recent project on Sierra, but with a few more units.

Discussion held on the parking shelter dimensions.

Discussion held on the amenities that include pool, lounge, recreation room, tot lots, and work out stations.

Discussion held on the 55-year management agreement, the level of management, and the City's role/responsibility in the management of the property.

Policing Technician Ratcliffe spoke on the traffic concerns with the property to the south of this project.

Policing Technician Ratcliffe spoke on the applicant going above and beyond what is expected for security on this project with outstanding surveillance, video monitoring, and strict tenant policies. Applicant has been amazing and cooperative.

Policing Technician Ratcliffe is not aware of any negative experiences with the Toscano project.

Discussion held on the centralized laundry room meeting all requirements requested by the Police Department.

Discussion held on the difference between incentives and amenities on this project. Incentives allow the developer to relax some of the standards in order to make a viable project.

Discussion held on the alignment of the driveways between this project and the park across the street. Associate Engineer Garay stated that Engineering staff did not see any conflicts between the two driveways.

Speaking for the applicant, Tom Hodgins stated that this is a separate project than Toscano. The amenities/incentives offered by state law help the developer reduce costs; washers and dryers in each unit provide a long term maintenance risk. Applicant appreciated staff's work and thanked Planner Gonzales and department heads for taking a proactive approach to address all concerns. The developer has kept the project manageable to become an asset to the area; to constitute a new beginning, especially in areas that had issues in the past. The developer is hoping that this development helps eliminate the nuisance factor of the property to the south. The property manager makes sure calls are addressed and use the lease requirements to take care of any problem issues. The applicant thanked the City for the opportunity on this project and looks forward to getting it accepted.

Applicant has read, understood and agreed to the conditions of approval.

Discussion held on the applicant conforming to the 100 square foot variance for the patio on the first and second floor.

Discussion held on the merging of the two existing parcels into one.

Discussion held on the stained concrete flooring being used for sustainability and style.

Discussion held on the laundry carts being used in Toscano and hope that they work on this project also.

Discussion held on the pedestrian access between this project and the Toscano project. This is a stand-alone project.

Discussion held on "tween room" programming being specific to that age group.

Discussion held on the safety of the ceiling fans in a three bedroom unit that was very close to the top bunk. Applicant acknowledged the concern.

Discussion held on the money cards to be used in the laundry room; the cards can be reloaded at the management office. The laundry room will have set hours of operation to avoid midnight use.

Commissioner Hall commended the applicant on the project – the good looking amenities – but expressed concern with the quality of the concrete flooring. Applicant will address the preparation of the concrete to address the cracking concerns.

Discussion held on the property manager exchange program that Police Chief Rod Jones is implementing for property managers to inform each other of problem tenants. Captain Bob Ramsey, spoke on the Crime Free Multi Housing program that will provide training and information to property managers to better track and monitor problem tenants and avoid them bouncing around.

Discussion held on tenant parking availability. Applicant has been more than accommodating by providing 12 more stalls than required.

Discussion held on the 19 properties that are currently using the same property management company.

Discussion held on the applicants that are ready to move in once this project is approved. There is a market for tenants that want and need this type of project.

Discussion held on the first project not offering a one bedroom unit, but this project will provide them.

Housing Development Manager Brent Mickey spoke on the standing relationship with the property management company.

Discussion held on the applicants that will be residing in these units once approved. There is a waiting list of eligible tenants.

Steven Hernandez, Palm Communities, spoke on the tenants that could reside here instead of having to live in mental health facilities.

Commissioner Cothran commended the applicant for providing this project to the community.

Discussion held on the percentage of tenants that are current Fontana residents; history on this type of project indicates that the percentage is higher for residents not currently living in Fontana.

The Public Hearing was closed.

Commissioner Slowik noted some wording missing on page 2 of Condition No. 11; staff will correct it.

Commissioner Slowik commended the developer for being responsible and doing an excellent job on all of their projects. Sienna has received national recognition on its quality design.

A motion was made by Commissioner Hall and seconded by Commissioner Slowik to 1) Adopt the Mitigated-Negative Declaration, direct staff to file a Notice of Determination; and, 2) Approve Design Review No. 13-001. Motion carried by a vote of 5-0.

Director Williams commended the applicant for their team effort with staff on this project.

B. A Public Hearing was opened regarding Revocation of CUP 10-008

A request filed by City of Fontana, 8353 Sierra Avenue, Fontana, CA 92335, for Revocation of Conditional Use Permit (CUP) No. 10-008 for a truck driver training school. The project site is a rectangularly-shaped property consisting of two parcels (APN 0234-251-03 and -08) totaling approximately 1.9 gross acres, located on the north side of Washington Avenue, 560 feet east of the intersection of Washington Avenue and Redwood Avenue, and having a frontage of approximately 192 feet on Washington Avenue and a depth of approximately 425 feet. The site is further identified as 14796 Washington Avenue. Staff presentation was given by Project Planner Paul Gonzales and staff recommended approval.

PH A

DR NO. 13-001

VOTE: 5-0

Attorney Matthew Silver joined staff to report on the findings for revocation of the CUP.

Discussion held on whether the buildings are temporary or permanent. Attorney Silver stated that even if the buildings are not grounded, many have been out there for many years and by operation of time, they are considered permanent.

Attorney Gomer provided brief direction on the revocation process.

Director Williams indicated that staff and the applicant's attorney are present for any questions the Planning Commission may have. Staff is asking for findings to be approved, action taken by the Planning Commission may be appealed to the City Council.

Discussion held on the applicant's lack of intent to provide a driving school.

Commissioner Cothran visited the site and indicated it appeared to be a truck repair facility.

Speaking for the applicant, Bruce Cash, USI Consulting. The firm has represented the applicant on the original entitlement effort to place the property in the proper legal context at that time in 2009-2010. Skyway Truck Driving School and Skyway Trucking operate as a small business in California with fewer than 50 employees. Mr. Cash commended City staff for being responsive and their continued work with the property owner. Mr. Cash is requesting more time for the applicant to bring the property into compliance.

Chairperson Garcia spoke on the recent economic recession and its impact on this and other business in Fontana that have managed to comply with City requirements; it would be unfair to grant an extension to this applicant while other business have been law abiding and remained in compliance; to allow the applicant to continue to be out of compliance is unfair to other business in the city.

Discussion held on any of the conditions of approval that the applicant has met, there were none.

Discussion held on the applicant being absent on the seriousness of this revocation hearing tonight.

Discussion held on the applicant's ability to build on the property without permits and payment of fees during the economic downturn; there is no trust to approve an extension.

Discussion held on the truck repair activity being related to the truck driving school and not for third parties.

Discussion held on the applicant's continued violations and lack of action until criminal charges were pending; the ultimate responsibility is on the land owner's shoulders.

Discussion held on the truck repair activities being allowed in the current zoning, but not as part of this CUP.

Discussion held on the applicant being expected to comply with all conditions of approval as part of the approved CUP.

Attorney Silver stated that the truck repairs require a CUP that the applicant does not have; other current uses on the property i.e. truck terminal and truck storage are not permitted and are in fact prohibited.

Applicant's representative asked that a better use and/or relocation of the existing truck terminal business could be addressed in a compliance plan.

Discussion held on the legal dealings with the applicant and the need for the revocation to be approved to move forward in the process.

The Public Hearing was closed.

A motion was made by Commissioner Hall and seconded by Commissioner Meyer to 1) Determine that the project is Categorically Exempt pursuant to Section 15321, Class 21 (Enforcement Actions by Regulatory Agencies) of the California Environmental Quality Act (CEQA), direct staff to file a Notice of Exemption; and, 2) Revoke Conditional Use Permit No. 10-008 based on the findings enumerated in this staff report, and specifically: that 1) the applicant has failed to proceed with a good faith intent to commence upon the proposed use pursuant to the approved CUP and ASP; 2) the new and continued existence of numerous violations of the FCC and public nuisances on the subject property; and, 3) the applicant's violations of the conditions of approval in the CUP and incorporated ASP. Motion carried by a vote of 5-0.

NEW BUSINESS

NB

None.

NONE

DIRECTOR COMMUNICATIONS:

DC

- A. The Planning Commission reviewed an update of future City Council Agenda items for the June 25, 2013, and July 23, 2013, meetings for the Planning Commission's information; and an update of future Planning Commission items for the July 2, 2013, and July 16, 2013, meetings for the Planning Commission's information.

**CC AGENDA
JUNE 25, 2013
JULY 23, 2013
PC AGENDA
JULY 2, 2013
JULY 16, 2013**

Director Williams and Chairperson Garcia did not get an opportunity to discuss possible Workshop agenda items for July 2, 2013, and with no items on the agenda, the Planning Commission meeting of July 2, 2013, was cancelled.

**JULY 2, 2013
CANCELLED**

Discussion held on item No. 1 of the July 23, 2013, City Council meeting. Williams to move forward with a recommendation to deny the zone change. The original applicant has not responded to any City communication. Engineering staff has met regarding the traffic issues raised at the Planning Commission meeting, one is being addressed. Staff will prepare a report for City Council with comments on how the

**CC ITEM NO. 1
JULY 23, 2013**

issues raised are being addressed. Director Williams will check on the status of the nuisance the trucking firm is causing.

COMMISSION COMMENTS:

COMMENTS

Commissioner Hall appreciates input and information provided by staff to make informed decisions.

HALL

Commissioner Cothran congratulated John McMillan the new Fontana Rotary Club President.

COTHRAN

Commissioner Meyer thanked Commissioner Cothran and Mr. Allard for a good program.

MEYER

Commissioner Meyer commended Mrs. Cothran on her three years as president of the Fontana Woman's Club.

Commissioner Meyer wished everyone a good evening.

Commissioner Slowik attended Concerts in the Park and thanked Community Services staff for the events that bring the community together.

SLOWIK

Commissioner Slowik attended the Car Show and thanked Community Services staff for their hard work on the events that provide an opportunity for the community to get out.

Commissioner Slowik spoke on the events and programs the Friends of the Library offer at the Lewis Library and Technology Center.

Commissioner Slowik spoke on the "Under the Sea" exhibit on display at the Koehler Gallery. For information, contact Becky Peck 951.805.9017.

Commissioner Slowik spoke on the Art Gallery's intention to acquire a potter's wheel designed for access by wheelchair bound.

Commissioner Slowik congratulated Becky Peck on being named President of the Woman's Club and congratulated Lena Cothran on her three years of service.

Commissioner Slowik thanked Steve Dietz and congratulates John McMillan.

Commissioner Slowik reminded residents of the Fontana Unified School District special recall election on July 16, 2013.

Commissioner Slowik wished Janice Rutherford, Tonia Lewis, and Don Lewis happy birthday.

City Clerk Lewis wished her husband a happy birthday.

LEWIS

City Clerk Lewis thanked everyone for participation in the Fontana Days event.

City Clerk Lewis commended Community Services staff without whom there would not be all the programs available.

Director Williams sent thoughts and prayers to Richard Brooks.

WILLIAMS

Chairperson Garcia attended closing ceremonies for Fontana Community Little League and expressed appreciation to all the volunteers of league, especially the parents who participated.

GARCIA

Chairperson Garcia stated that the project approved this evening is right across the street from Bill Martin Park and hopes that residents take advantage of what it has to offer.

PUBLIC FORUM

PF

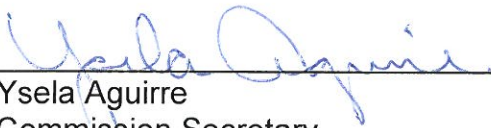
None.

NONE

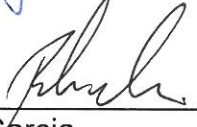
ADJOURNMENT

**ADJOURN
8:43 P.M.**

By consensus, the Planning Commission adjourned at 8:43 to the Regular Planning Commission meeting on July 16, 2013, at 6:00 p.m. in the Grover W. Taylor W. Taylor City Council Chambers located at 8353 Sierra Avenue, Fontana, California.



Ysela Aguirre
Commission Secretary



Peter Garcia
Chairperson