

**CITY OF FONTANA
PLANNING COMMISSION
REGULAR MEETING MINUTES
JUNE 4, 2013**

A regular meeting of the City of Fontana Planning Commission was held on Tuesday, June 4, 2013, in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, California. Chairperson Garcia called the meeting to order at 6:08 p.m. Following the Invocation given by Commissioner Meyer, the Pledge of Allegiance was led by Commissioner Slowik.

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 Shannon Casey; Senior Planner Charles Fahie; Senior Planner Stephanie Hall; Assistant Planner Jon S. Dille; Assistant Planner Orlando Hernandez; Assistant Planner Dawn Rowe-Clement; Assistant Planner Salvador Quintanilla; Assistant Engineer Kathy Raasch; 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 May 7, 2013, Planning Commission meeting. Motion passed by a vote of 3-0-2 with Commissioners Hall and Meyer abstaining.

MAY 7, 2013
VOTE: 3-0-2

PUBLIC HEARINGS:

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A. A Public Hearing was opened regarding Tentative Parcel Map No. 19422. A request filed by Jose Carcelen, New Legacy Development Corporation, to subdivide a parcel of land, approximately 0.5 adjusted gross acres, into two lots for the purpose of single-family residential development. The parcels are proposed at approximately 10,563 square feet and 10,270 square feet respectively. The project will include a ten (10) foot wide by 68 foot long drainage easement from Parcel No. 2 across Parcel No. 1 to the right-of-way of San Bernardino Avenue. The project is a rectangularly-shaped property

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TPM NO. 19422

VOTE: 5-0

consisting of one parcel (APN: 0194-142-28) of approximately 0.5 adjusted gross acres and is located on the northeast corner of San Bernardino Avenue and Mango Avenue, and having a frontage of approximately 158 feet on the north side of San Bernardino Avenue and a frontage of approximately 133 feet on the east side of Mango Avenue. The site is further identified as 9691 Mango Avenue. Staff presentation was given by Project Planner Jon S. Dille and staff recommended approval.

Discussion held on the slope of the rear property. Due to the easement on the project, the property does not have to be raised and no retaining wall is required. The easement allows for drainage to San Bernardino Avenue.

Discussion held on the depth of the other buildings in the tract.

Speaking for the Applicant, Jose Carcelen, read, understood and agreed to the conditions of approval.

Speaking for the Applicant, Suresh Doddiah, SG Engineering Solutions, Inc., stated that the front lot will drain to Mango Avenue and the rear lot will drain to San Bernardino Avenue so there is no need for a retaining wall. The drainage will not impact the intersection of Mango and San Bernardino Avenue. The house will still be elevated and fit the neighborhood and surroundings.

A motion was made by Commissioner Meyer and seconded by Commissioner Hall to 1) Determine that the project is Categorically Exempt pursuant to Section No. 15315 (Class 15, Minor Land Divisions), direct staff to file a Notice of Exemption; and, 2) Approve Tentative Parcel Map No. 19422. Motion carried by a vote of 5-0.

B. A Public Hearing was opened regarding General Plan Amendment No 12-006, Zone Change No. 12-003 and Master Case No. 12-043.

A request filed by Fabricio Badiola, VCB Investments, for 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. Staff presentation was given by Project Planner Dawn Rowe-Clement and staff recommended

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**GPA NO. 12-006
ZC NO. 12-003
MC NO. 12-043**

**RESOLUTION
2013-04**

**VOTE: 5-0
DENIED**

approval.

Staff received various communications from residents within and outside of the project site.

Director Williams suggested that questions be translated by Salvador Quintanilla.

Discussion held on the calls received by staff; two were outside of the project area - one was opposed to the project and the other wanted to know why the project is splitting up the neighborhood. The person opposed to the project was in the audience.

One call received was interested in selling his property as residential. A community meeting was held and one person expressed wanting to remain industrial zoning; most attendees were seeking understanding and there was no opposition after the process was explained.

Discussion was held on residents within the radius of notification, but not necessarily affected by zone change. Residents fronting valley were not necessarily invited but the zone change process was explained.

Staff will correct a typo to the Master Case Number; it will be changed to 043.

Translations now provided by Orlando Hernandez.

Director Williams stated that the applicant is not present; although one applicant requested the change, the City of Fontana is requesting a zone change for the entire area.

Victor Vollhardt stated he was not opposed to the project. He stated that his basic philosophy is it that if is your property you do with it what you want. He lives in the surrounding area and has gone through five parts of annexations, and has been opposed to each one. He cautioned on treating the Valley Blvd. frontage different than other areas. He spoke on legal non conforming use and grandfathering. He spoke on a sound wall for properties fronting the freeway being part of the Department of Transportation's study to avoid having signs visible from the residences. He spoke on the Cypress Ave. overpass creating two different areas. He asked if the residents are getting what they want and if they are getting heard. He is not in opposition to what the one homeowner wants to do, he is just not happy with how it is being handled. He thought most feel they have not received a fair shake since annexation.

Gabriel Ramirez spoke in opposition to the project. He has heard rumors that he will be bought out. He grew up in the area and his parents bought their home in the 1950's. Many are being affected. He asked what happens to those residents that run a business if the zone change is approved. He asked what residents get from the zone change, what is the benefit to them, and spoke on many accidents on Valley Blvd.

Discussion with the speaker was held with clarification that Valley's zoning is not being changed as part of this project. Mr. Ramirez is asking for the zoning to remain commercial.

Discussion held on an estimate of how many houses were purchased after 2006 due to the commercial zoning.

Linda Dockery spoke in favor of the project. She has lived in the area for 53 years. She commented on the Fontana Police Department taking two hours to respond to emergencies. She has no problem with changing the zoning to residential, but asked to consider property owners' preferences. She does not live in the zone change area, but has some neighbors that have been there as long as she has and it is a close knit community. She commented on the dangers of not have a signal or stop sign at Oleander Ave.

Esther Millan spoke in opposition to the project. Her parents purchased their home in 1954 and recently, she and her husband moved back in with them. She stated that the applicant requested she sign a petition to change zoning so that he could sell his home because he currently could not sell because of the zoning. She has spoken to her mortgage lender and insurance broker regarding being able to rebuild if the zoning change was approved. She understands that if the zoning is light industrial, then only a commercial business could be rebuilt, but was told by her insurance agent that there would be no problem with rebuilding. She believed that her property would be worth more if it is zoned light industrial.

Director Williams provided information on rebuilding as follows: government loans require that the use of the rebuilt dwelling be consistent with zoning. City Code allows for a building that is destroyed up to 75% of its value to be rebuilt even if it is a non-conforming use; if it is 100% destroyed, it cannot be rebuilt unless its use is consistent with zoning. Typically, banks require a letter that indicates that the dwelling can be rebuilt and the letter is consistent with City Code.

Director Williams stated that industrial projects consists of 100,000 to 200,000 acres, a developer would need to purchase all lots on this 13.7 acres to make an industrial building. Large industrial parcels are worth more money, but developers do not compensate for the building as they only want the land.

Now that accurate information was provided to Mrs. Millan, she confirmed that she is still opposed to the zone change.

Discussion was held on the approximate cost of residential zoned property versus industrial zoned property.

Director Williams asked the Planning Commission to direct staff to work with real estate brokers regarding the value of these properties for light industrial use.

A recess was called at 8:03 p.m.

The meeting reconvened at 8:17 p.m.

Agustin Villafuerte spoke in opposition to the project. He asked what happens to those that live on Valley Blvd and want to reconstruct. He commented that since being annexed, there have been problems with law enforcement and parking has been taken away.

Rick Gomez spoke in opposition to the project. He stated that residents know their land is worth more as commercial. He has lived in the area almost 40 years and it is great property for commercial. He asked if it was changed to residential would they be getting gutters, streets, and lights; if not, there is no benefit to them. He asked if it is changed, to do what is right and provide sewers for residents.

Director Williams stated that he is not aware of any proposed improvements to streets, lights, etc. and added that this project will change the zoning to what it had in the county. There are no negative or positive monetary value changes.

Director Williams asked the Planning Commission to consider directing staff to request information from brokers regarding the property value of residential versus commercial zoning in the project parcels.

Director Williams stated that one of the benefits of this project is the ability to sell or refinance or reconstruct with no restrictions due to zoning.

RECESS
8:03 PM

RECONVENED
8:17 PM

Ericka Espejel spoke in opposition to this project. She asked if the zoning is changed to residential would there be sidewalks, sewers, lights, and street improvements; and if the City of Fontana will be taking this neighborhood seriously. Ms. Espejel stated that it depends on what the benefits of rezoning are if she will be opposed or in favor of this project; if nothing is changing, just leave it how it is.

Director Williams stated that the Public Works Departments has surveyed each annexed island and has inventoried what the needs were for each island. All expenses for the improvements are in the CIP budget.

Chairperson Garcia requested staff take a look at the safety issues the residents spoke of. Director Williams will bring information back to a future Planning Commission meeting.

Yolanda Calderon spoke in opposition to the project. She has been a resident since 1957. Her concern is the access to 18-wheelers, will City Code be upheld to avoid 18-wheelers in residential zoning. She understands that whenever zoning was changed to residential that it included sidewalks, curbing, and sewers. She would appreciate a sound wall. She stated that there is an illegal trucking company on Oleander and Washington operating without a permit-the County previously denied a permit. She stated that a realtor told her in 2009 that her house is not of value, but the land is.

Director Williams stated that the sound wall is a County and Caltrans project. He asked Mrs. Calderon to speak with engineering staff.

Eliseo Castro Mansano asked what would happen if the majority of the community is opposed to the project. Chairperson Garcia replied that the Planning Commission is taking all comments into consideration including the report given by staff report and will make a recommendation to the City Council for approval or denial.

Linda Dockery asked if some residents were denied permits to improve their property because of the proposed zone change. Staff replied that typically those types of permits would not be denied, as long as there was no intensification to a pre-existing non-conforming status. Director Williams added that City Code also defines improvements that are permitted. Director Williams requested staff speak with Mrs. Dockery.

The Public Hearing was closed.

Commissioner Meyer commended all the speakers that came forward during the public hearing.

Discussion held on the possibility for staff to investigate an overlay. Director Williams stated that it is possible, but there is no funding available.

Director Williams asked the Planning Commission to make a determination to support or not support staff's recommendation and staff would be comfortable with either decision.

Discussion held on treating the entire area as one instead of splitting it up into separate zoning districts. Homes on Valley Blvd. were originally looked at for inclusion in the zone change, but the existing commercial zone makes sense as Valley Blvd. acts as a frontage road with lots of traffic. Parcels that do not front on Valley Blvd. do not have that advantage.

Commissioner Cothran appreciates staff's work on this project; this project was brought forward as a result of one resident's request that was not in accordance with residents present tonight.

Commissioner Hall stated that she will make a decision based on input from residents.

Chairperson Garcia stated that the Planning Commissioner's thoughts are consistent and the community wants it to stay as it is.

Director Williams clarified what the recommendation would be by the Planning Commission if they are not supporting staff's recommendation, but the project will not be stopped tonight, but move forward to the City Council for a final decision on the zone change.

A motion was made by Commissioner Cothran and seconded by Commissioner Hall to deny the staff recommendation in support of the project for approval, to deny adoption of the Negative Declaration, and to adopt and forward a resolution to the City Council recommending denial of General Plan Amendment No. 12-006 and Zone Change No.12-003. Motion passed by a vote of 5-0.

A motion was made by Commissioner Meyer and seconded by Commissioner Hall to extend tonight's Planning Commission meeting to 10:30 p.m. Motion passed by a vote of 5-0.

C. 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

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MCA NO. 13-002

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.

**RESOLUTION
2013-05**

**VOTE: 4-0-1
HALL
ABSTAINED**

No member of the audience spoke in favor or opposition.

The Public Hearing was closed.

Commissioner Meyer has reviewed video of previous Planning Commission meetings where this item was discussed and is prepared to make a decision on this item.

Planner Hernandez stated that the definition of the word "applicant" was added to the code.

Commissioner Slowik thanked staff for working on this item to make the process easier for staff and applicants.

Discussion held on the expected number of participants. A requirement can be added to the ordinance to provide an estimate of participants.

A motion was made by Commissioner Slowik and seconded by Commissioner Hall to adopt PC Resolution No. 2013-05 a resolution forwarding a recommendation to the City Council: 1. To approve a General Rule Exemption pursuant to Section 15061 (b) (3) of the California Environmental Quality Act and direct staff to file a Notice of Exemption; and, 2. To adopt Municipal Code Amendment, (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. Motion passed by a vote of 4-0-1 with Commissioner Hall abstaining.

D. A Public Hearing was opened regarding Zoning Code Amendment (ZCA) No. 13-002, Chapter 30, Article II, Division 12, Home Occupation Permit. A request by the City of Fontana to adopt a resolution recommending that the City Council approve ZCA No. 13-002, an amendment to Chapter 30, Article II Division 12 (Home Occupation Permit) of the Fontana City Code. The amendment will allow Cottage Food Operations as a permitted use in the residential zoning district with the approval of a home occupation permit. Staff presentation was given by Project Planner Stephanie Hall and staff recommends approval.

PH D

**ZCA NO. 13-002
CHAPTER 30
ARTICLE II
DIVISION 12
HOME
OCCUPATION
PERMIT**

No member of the audience spoke in favor or opposition.

**RESOLUTION
2013-06**

The Public Hearing was closed.

VOTE: 5-0

Commissioner Slowik thanked staff and the attorney for their work on providing additional information on this item; the closed session with the attorney provided a level of comfort to make a decision on this item.

A motion was made by Commissioner Meyer and seconded by Commissioner Slowik to adopt PC Resolution No. 2013-06, a resolution forwarding a recommendation to the City Council: 1) Finding that there will be no significant environmental impacts caused by this project; therefore, Notice of Exemption has been prepared pursuant to Section 15061 (b) (3) (General Rule Exemption), of the California Environmental Quality Act; and, 2) To adopt Zoning Code Amendment, (ZCA) No. 13-002, an amendment to Chapter 30, Article II Division 12 (Home Occupation Permit) of the Fontana City Code. Motion passed by 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 11, 2013, and June 25, 2013, meetings for the Planning Commission's information; and an update of future Planning Commission items for the June 18, 2013, meeting for the Planning Commission's information.

**CC AGENDA
JUNE 11, 2013
JUNE 25, 2013**

Director Williams stated that there will not be any items on the July 2, 2013, Planning Commission meeting and the Planning Commission may decide to cancel that meeting at the June 18, 2013, Planning Commission meeting.

**PC AGENDA
JUNE 18, 2013**

COMMISSION COMMENTS:

COMMENTS

Commissioner Slowik thanked Lina and Phil Cothran for their leadership and planning of the Miss Fontana Pageant that had a record 63 young ladies competing.

SLOWIK

Commissioner Slowik thanked the entire city staff for their work on the Fontana Days Half Marathon; he also thanked the runners, walkers, Police Department, vendors that provided the lunch, Chamber of Commerce for the event on Friday, and all the sponsors.

Commissioner Slowik thanked the bands that performed at the Fontana Days Event and Calvary Chapel for their support; and he thanked City Clerk Lewis, the Fontana Exchange Club and the 100 Years Committee.

Commissioner Slowik thanked Sammy Hagar and his family for their participation in the Fontana Days Event.

Commissioner Slowik sat in on MYAC meeting, the MYAC members are an inspiration to community.

Commissioner Slowik will attend the MYAC installation and awards dinner this week.

Commissioner Slowik reminded everyone of the important election of July 16, 2013.

Commissioner Slowik requested that tonight's Planning Commission meeting be adjourned in memory of Margaret Bulik, a member of the Italian Catholic Federation; Margaret was married to Jack Bulik Sr. and was an original member in 1952.

Commissioner Hall thanked staff for their hard work and dedication to provide information to help the community with new developments. Each decision made is a challenge and taken whole heartedly. We are doing what we need to do in the best interest of the community.

HALL

Commissioner Hall enjoyed and participated in the half-marathon; she challenged colleagues and none accepted, but she successfully finished! She thanked former mayor Frank Scialdone for his support in the race.

Commissioner Hall will not be present at the June 18, 2013 Planning Commission meeting as she will be attending the Childhood Obesity Conference in Long Beach, California.

Commissioner Hall wished everyone a good evening.

Commissioner Meyer congratulated Commissioner Hall on running the race.

MEYER

Commissioner Meyer congratulated Tonia Lewis on her organization of the successful Fontana Days Event.

Commissioner Meyer was honored to welcome Sacred Heart youth into the Catholic membership as they were confirmed.

Commissioner Meyer wished everyone a good week.

Commissioner Cothran announced that Tonia Lewis organized her final Fontana Days Event. She has done an excellent job of it and he appreciates it.

COTHRAN

Commissioner Cothran spoke on the very successful Miss Fontana Pageant, which the Rotary Club worked for 6 months to plan this event. The Rotary Club is shooting for 100 ladies to participate on stage next year. The preparation of the event was very memorable and included Mayor Warren speaking to the participants on leadership.

Commissioner Cothran announced that Kayla Hockman was crowned Miss Fontana and Alexandria Alaman was crowned Miss Teen Fontana; he was amazed at all of the fine young people in the community.

Commissioner Cothran thanked the City Council for their support on the Miss Fontana Pageant.

Commissioner Cothran invited the Planning Commissioners as his guests to the Chamber of Commerce installation dinner on Friday, June 21, 2013, at 6:00 p.m. at Sierra Lakes.

LEWIS

City Clerk Lewis thanked the Fontana Days event sponsors, committee, and the Community Service Department who made sure that everything was completed. Our City can be proud of this event and there will be nice wonderful memories.

GARCIA

Chairperson Garcia thanked Director Williams and his staff for the translations this evening; members of the audience were able to get accurate information because of staff's work.

Director Williams thanked the Planning Commission for allowing staff to provide this service. It is important that people have access to the information. This may be first meeting held in Spanish and English.

Chairperson Garcia thanked Council Member Sandoval and his wife for attending tonight's entire meeting.

PUBLIC FORUM

PF

None.

NONE

ADJOURNMENT

By consensus, the Planning Commission adjourned in member of Margaret "Marge" Camioni Bulik at 10:15 to the Regular Planning Commission meeting on June 18, 2013, at 6:00 p.m. in the Grover W. Taylor W. Taylor City Council Chambers located at 8353 Sierra Avenue, Fontana, California.

ADJOURN

10:15 P.M.

Ysela Aguirre
Ysela Aguirre
Commission Secretary

Peter Garcia
Peter Garcia
Chairperson