

**MINUTES OF THE CITY OF FONTANA
PLANNING COMMISSION
REGULAR MEETING
JANUARY 7, 2014
Grover W. Taylor Council Chambers**

CALL TO ORDER:

A. 6:00 P.M. Call to Order/Roll Call

A regular meeting of the City of Fontana Planning Commission was held on Tuesday, January 7, 2014, in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, California. Chairperson Garcia called the meeting to order at 6:03 p.m.

Present: Chairperson Garcia, Vice-Chairperson Cothran, Commissioners Armendarez, Meyer and Slowik

Absent: None.

Also Present: Deputy City Manager Debbie Brazill; Community Development Director James Troyer; Attorney Alison P. Gomer; Senior Planner Orlando Hernandez; Assistant Planner Shawnika Johnson, AICP; Associate Planner DiTanyon Johnson; Associate Planner Paul Gonzales; Associate Engineer Rico Garay; City Clerk Tonia Lewis and Planning Commission Secretary Ysela Aguirre

A. Invocation/Pledge of Allegiance

Following the Invocation given by Commissioner Meyer, the Pledge of Allegiance was led by Commissioner Cothran.

PUBLIC COMMUNICATIONS:

A. Public Communications

None

PUBLIC HEARINGS:

A. MCN 12-060: ASP No. 12-038/CUP No. 13-004 (Automobile/Truck Repair and Registered Vehicle Storage)(Cont'd from 12-3-13)

Project Planner, Shawnika Johnson, AICP, Assistant Planner, provided the staff report.

Discussion was held on the alignment of the street.

Discussion was held on the raised and broken sidewalk.

Discussion was held on the applicant's intended use of the site.

Discussion was held on minor versus major automotive repairs; City Code does not make a distinction.

Discussion was held on the guard station being part of the main building floor space. The SWIP allows for use of the floor space for guard station.

Discussion was held on infill fees; actual fees are in the conditions.

Discussion was held on verification that the applicant is following the conditions of approval; if Code Enforcement receives complaints, they go out to the site.

Discussion was held on the pavement or the approval to use slag or gravel being done on a case by case basis by the Director of Community Development. The allowance to use slag or gravel has been in the SWIP for quite some time, but most times developers choose to pave.

Discussion was held on the language in 2A being specifically from the SWIP specific plan or from the Registered Vehicle Storage Area in the SWIP; to be changed, the City would have to change SWIP.

Discussion was held on limiting the type of truck repair activities; maintenance is not permitted unless the applicant gets a separate CUP. Staff does not have any concern with this activity.

The Public Hearing was opened.

Speaking for the applicant, Rick Hartmann, representing the property owner, spoke on vehicle storage being the primary use; repair would only be for those vehicles stored on site and not for repair of outside vehicles. Mr. Hartmann spoke on the guard shelter being part of the office with windows and doors with views to the truck entrance; the gravel not being conducive to the truck storage.

The applicant will take a look at the sidewalk for removal or repair.

Applicant read, understood and agreed the conditions of approval.

Discussion was held on the potential tenants.

Discussion was held on the intention of the guard shelter. It will not be manned 24 hours as each authorized truck will have an electronic key to access the facility.

Discussion was held on the project meeting the intent of the SWIP language regarding guard shelters.

No member of the audience spoke in favor or opposition to this item.

The Public Hearing was closed.

ACTION: Motion was made by Commissioner Meyer and seconded by Commissioner Cothran to: 1) Determine that this project is Categorically Exempt pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act, and direct staff to file the Notice of Exemption; 2) Approve Conditional Use Permit No. 13-004; and 3) Approve Administrative Site Plan No. 12-038. Motion passed by a vote of 5-0.

B. Frontier Homes Design Review No. 13-009 and Tentative Tract Map No. 13-008 (Continued from 12-17-13)

Project Planner, Paul Gonzales Associate Planner, provided the staff report.

Staff received communication for information on the project.

Discussion was held on the three car garage; per City Code, only two are required; staff prefers more on-site parking versus off-site parking.

Discussion was held on the long narrow lots that are wider than required.

Discussion was held on the perimeter walls; applicant will work with current property owners for any changes to existing walls.

Discussion was held on the reduction of one lot as one will be used as a water quality basin.

Chairperson Garcia welcomed City Council Member Wibert to the Commission meeting.

Speaking for the applicant, Adam Collier spoke on the loss of the one lot to allow for the water quality basin.

Discussion was held on "optional" side garage doors not being optional.

Discussion was held on the easement that is dedicated to the City of Fontana and is maintained by the city.

Speaking for the applicant, Ray Allard spoke on the water basin and water quality.

Discussion was held on the landscaping, street sweeping and lots being maintained by the Public Works department with funding provided by the tax

burden placed on these lots.

Discussion was held on the CFDs being stand alone or dependent.

Discussion was held on blocks being removed as needed to allow for overflow. Commissioner Slowik visited the project site.

Discussion was held on the elevation differences and the possible need to replace all walls.

Applicant read, understood and agreed the conditions of approval.

The Public Hearing was opened.

No member of the audience spoke in favor or opposition to this item.

The Public Hearing was closed.

ACTION: Motion was made by Commissioner Slowik and seconded by Commissioner Armendarez to: 1) Direct staff to file the Notice of Determination that relies on a previously approved CEQA document; and 2) Approve Tentative Tract Map No. 13-008 (TTM 18919) and Design Review No. 13-009 with the inclusion of side garage doors. Motion passed by a vote of 5-0.

C. Conditional Use Permit No. 13-020, Design Review No. 13-011, and Variance No. 13-006 for Water of Life Church

Project Planner, DiTanyon Johnson Associate Planner, provided the staff report.

Staff received several communications regarding general questions.

Correction in the staff report should read Miller Avenue and East Avenue not Valley Boulevard.

Discussion was held on the exterior lighting.

A condition for bicycle racks will be added.

Condition No. 40 regarding subdivision or lot line adjustments will be removed as there is no parcel line.

Commissioner Cothran disclosed that he is a member of the Water of Life Church and has spoken to Mr. Allard and church staff on the project.

Discussion was held on working with Edison for the completion of parking lots C and D.

Discussion was held on the list of events planned and the need for a TUP for specific events.

Pastor Danny Carrol, Water of Life Community Church, spoke on the Trunk or Treat event and does not understand why it would be required of the applicant and not of other community agencies that hold the same type of event.

Community Development Director Troyer recommended adding the Trunk or Treat event to the CUP and not require a TUP.

Discussion was held on the hours of operation and possibly extending them to accommodate overnight events. The hours of the events will be provided and submitted for approval tonight; wording under "various ministry activities" will be changed from "weekdays" and "weekend" to "daily".

Applicant read, understood and agreed to all the conditions of approval including modified conditions.

Speaking for the applicant, Ray Allard, spoke on this project being a long process, but commended staff for the speed in which they worked, especially DiTanyon Johnson.

Planner Johnson provided information on the parking phases to ensure adequate parking throughout the construction process.

Assistant Engineer Kathy Raasch spoke on the mitigation measures during construction. Traffic will continue to be monitored and additional police officers will be added as needed.

Discussion was held on the hours of weekend construction being incorrect on page 16; the hours will be changed on the condition and applicant agrees to the change.

Discussion was held on all mitigation measures being in place before Certificate of Occupation.

The Public Hearing was opened.

Tony Perez spoke in favor of the project.

Jeremy Pratt spoke in opposition to the project.

Kelly Meyers spoke in opposition to the project.

Arlene Flores spoke in opposition to the project.

Roberta Jackson spoke in opposition to the project.

Jason Meyers spoke on the noise level from the project.

Alicia Carlos Gonzales spoke in favor of the project.

Salvador Perez spoke in favor of the project.

Mark Nuaimi spoke in favor of the project.

Angela Ortega spoke in favor of the project.

Ray Allard spoke in favor of the project.

Discussion was held on the hours of trash truck service.

Discussion was held on the noise analysis for the project.

Discussion was held on the replacement of the storage being done during construction of the sanctuary; the contractor will be made aware to be sensitive to nearby property owners.

Commissioner Armendarez disclosed that he attended the church and did not have a problem with traffic.

Mr. Allard spoke on Water of Life staff being sensitive to neighbor's concerns regarding noise caused by creaking storage container doors, screaming kids, etc.

Discussion was held on the flow of traffic and Mr. Allard reviewed the parking structure and flow of pedestrians with the use of tram/trolley.

Commissioner Slowik thinks this project provides good traffic flow and minimizes the effects to the neighborhood.

Discussion was held on the use of overtime for Police Officers to cover traffic control. Mr. Allard added that specially trained volunteers could be used to help with traffic control.

The Public Hearing was closed.

ACTION: Motion was made by Commissioner Meyer and seconded by Commissioner Slowik to: 1) Adopt the Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Program and direct staff to file a Notice of Determination; and 2) Approve Conditional Use Permit No. 13-020, Design Review No. 13-011, and Variance No. 13-006 with changes to Conditions No. 40, revision of Condition No. 39, the addition of the Trunk or Treat event to Condition No. 4, change to the ministry hours in Condition No. 5 from "weekly" and

"weekend" to "daily" and the addition of a condition to address bike racks. Motion passed by a vote of 5-0. A recess was called at 9:12 p.m. The meeting reconvened at 9:24 p.m. A Motion was made by Commissioner Meyer and seconded by Commissioner Armendarez to extend the meeting to 10:45 p.m.; in addition, tonight's workshop will be moved to the January 21, 2014, Planning Commission meeting. Motion passed by a vote of 5-0.

D. GPA No. 12-008, GPA No. 13-009, ZC No. 12-005, ZC No. 13-001, CUP No. 12-041, DR No. 12-022, and TPM No. 19431 for Sierra Warehouse

Project Planner, DiTanyon Johnson Associate Planner, provided the staff report.

Discussion was held on any affect this project will have on any City of Rialto property owners; there will not be any construction on the City of Rialto side.

Discussion was held on the ultimate right of way; Engineering Department has determined that 28 feet is adequate for traffic.

Several communications were received by staff and are being reviewed for a response.

Per memo at the dais, Condition No. 26 was added to the Conditions of Approval.

Sarah Owsowitz of BB&K Legal Counsel addressed concerns raised in a letter from Robert Constant received by the Planning Commission.

Speaking for the applicant, Dan Floriani, spoke regarding the EIR process and the environmental mitigations his company works to achieve including pursuing LEED certification.

Commissioner Meyer disclosed that he met with Mr. Floriani with no reportable action.

Commissioner Cothran disclosed that he met with Mr. Floriani with no reportable action.

Discussion was held on the drought tolerant landscaping. The City of Fontana was required to change landscaping standards to move towards drought tolerant landscaping.

Discussion was held on the design of the access driveways.

Discussion was held on the RMU zone.

Discussion was held on the applicant paying fair share of funding needed to construct the median once the other side of the street is developed. There will

be a double painted median line to deter left hand turns into the facility. Applicant will also work with tenant to deter drivers from turning left.

Discussion was held on three lanes merging into one.

Discussion was held on how the applicant knows the direction of travel without a known tenant.

Discussion was held on the possible divisibility of the building for multiple tenants; although it is designed for one.

Discussion was held on screening walls on Sierra Avenue.

The Public Hearing was opened.

Robert Constant spoke in opposition to the project.

James Constant spoke in opposition to the project.

Kim Hurst spoke in favor of the project.

A Motion was made by Commissioner Cothran and seconded by Commissioner Slowik to extend the meeting to 11:00 p.m. Motion passed by a vote of 5-0.

Zack Hovav spoke in opposition to the project.

Mr. Floriani addressed some of the concerns raised by the public speakers.

The Public Hearing was closed.

Commissioner Slowik spoke to concerns raised in letters received by staff and public speaker comments.

A Motion was made by Commissioner Meyer and seconded by Commissioner Slowik to extend the meeting to 11:20 p.m. Motion passed by a vote of 5-0.

Commissioner Meyer spoke on the City of Fontana noticing requirements being more than is required by CEQA.

ACTION: Motion was made by Commissioner Slowik and seconded by Commissioner Meyer to adopt **Resolution No. PC 2014-01**, and forward a recommendation to the City Council to 1) Adopt a resolution to certify the EIR, adopt a Statement of Overriding Consideration, a Mitigation Monitoring and Reporting Program, and a Statement of Facts and Findings, and direct staff to file a Notice of Determination; 2) Adopt a resolution approving General Plan Amendment No. 12-008; 3) Adopt a resolution approving General Plan Amendment No. 13-009; 4) Adopt an ordinance approving Zone Change No. 12-

005; 5) Adopt an ordinance approving Zone Change No. 13-001; and 6) Approve Conditional Use Permit No. 12-041, Tentative Parcel Map No. 19431, and Design Review subject to the attached Findings and Conditions of Approval, including the installation of "pork chop" driveway entrances until a median is installed and the revision to Condition No. 26 of Design Review No. 12-022. Motion passed by a vote of 5-0.

OTHER COMMISSION BUSINESS:

None.

EXECUTIVE DIRECTOR COMMUNICATIONS:

A. Director Communications

The Planning Commission reviewed an update of future City Council Agenda items for the January 14, 2014, and January 28, 2014, meetings for the Planning Commission's information; and an update of future Planning Commission items for the January 21, 2014, meeting for the Planning Commission's information.

COMMISSION COMMENTS:

Commissioner Meyer celebrated the peace of the Epiphany, and those that celebrate a Merry Eastern Orthodox Christmas.

Commissioner Armendarez wished everyone a good night.

Commission Slowik congratulated the Jurupa High School CIF winning team.

Commissioner Slowik spoke on the Friends of the Library event.

Commissioner Slowik spoke on everyone having a great holiday season and wished everyone a Happy New Year.

Commissioner Cothran spoke on not being in favor of big boxes, but tough decisions sometimes have to be made.

Commissioner Cothran asked that tonight's meeting be adjourned in honor of John Mikels who passed away last week.

Chairperson Garcia wished everyone a good night.

WORKSHOP - PLANNING COMMISSION:

This item was moved to the end of the January 21, 2014, Planning Commission meeting.

ADJOURNMENT:

A. Adjournment

By consensus, the Planning Commission adjourned in memory of John Mikels at 11:03 p.m. to the next Regular Planning Commission meeting on Tuesday, January 21, 2014, at 6:00 p.m. in the Grover W. Taylor City Council Chambers located at 8353 Sierra Avenue, Fontana, California.

Ysela Aguirre
Ysela Aguirre
Commission Secretary

THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING COMMISSION ON THE 21ST DAY OF JANUARY, 2014.

Peter Garcia
Peter Garcia
Chairperson