

**MINUTES OF THE CITY OF FONTANA  
PLANNING COMMISSION  
REGULAR MEETING  
OCTOBER 1, 2013  
Grover W. Taylor Council Chambers**

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**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, October 1, 2013, in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, California. Chairperson Garcia 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 Slowik.

**ROLL CALL**

Present: Chairperson Garcia, Commissioners Cothran, Hall, Meyer and Slowik (Commissioner Hall left at 8:31 p.m.)

Absent: None

Also Present: Deputy City Manager Debbie Brazill; Attorney Alison P. Gomer; Senior Planner Shannon Casey; Assistant Planner John S. Dille; Associate Planner Paul Gonzales; Assistant Planner Shawnika Johnson; Assistant Engineer Keith Toliver; Strategic Transportation Engineer Manager Kevin Ryan; Clerk Tonia Lewis and Planning Commission Secretary Ysela Aguirre

**PUBLIC COMMUNICATIONS:**

**A. Public Communications**

None

**CONSENT CALENDAR:**

**A. Approval of Minutes**

Approve the Planning Commission Minutes of September 17, 2013.

**ACTION:** A motion was made by Commissioner Slowik and seconded by Commissioner Hall to approve the minutes of the September 17, 2013, Planning Commission Meeting with a revision to Item B as follows: "Commissioner Meyer disclosed that although the attorney firm representing a proponent to this project is involved with his employer, he does not have any direct contact and there is no

conflict". Motion passed by a vote of 5-0.

## PUBLIC HEARINGS:

### A. Tentative Tract Map No. 17165/ General Plan Amendment No. 13-001/ Zone Change No. 13-004 (Lennar Homes)

A Public Hearing was opened regarding Tentative Tract Map No. 17165/General Plan Amendment No. 13-001/ Zone Change No. 13-004 (Lennar Homes). A request filed by Ryan Combe, Lennar Homes, 980 Montecito Drive, Suite No. 302, Corona, CA 92879. The project includes a General Plan amendment request to change the General Plan land use map from Residential Planned Community (RPC) to Single-Family Residential (R-SF); a zone change request to change the zoning district map from Residential Planned Community (R-PC) to Single-Family Residential (R-1); and Tentative Tract Map No. 17165 to subdivide approximately 30 gross acres into 117 single family residential lots with a minimum lot size of 6,072 square feet. The project site is a rectangularly-shaped property consisting of one parcel (APN: 0239-141-27) of approximately 30 gross acres and is located on the proposed southwest corner of Casa Grande Avenue and Cypress Avenue and having a frontage of approximately 1,300 feet on the south side of the future extension of Casa Grande Avenue and a second frontage of approximately 1,000 feet on the west side of the future extension of Cypress Avenue. Staff presentation was given by Project Planner, Jon Dille, and staff recommended approval.

Per memo provided at the dais by staff, the following conditions are being added:

Condition No. 6A (Page No. 27 of 105) Prior to issuance of grading permits, or any land alteration, the project proponent shall pay the required mitigation impact fees identified in the adopted Interim Multi-Species Habitat Conservation Plan for the North Fontana Area to mitigate the impacts to the existing habitat.

Condition No. 33A (Page No. 30 of 105) To comply with the Fire Protection Plan/Fuel Modification Plan, the applicant shall either increase the perimeter wall height from 6 feet to 8 feet along Casa Grande Avenue or acquire access and maintenance rights to an additional 20 feet of land area on the north side of Casa Grande Avenue.

In addition, the following condition is being modified per the applicant's request:

Condition No. 32 (Page No. 30 of 105) Applicant shall acquire 46 feet of right of way west of Cypress Avenue centerline through the SCE corridor.

Condition No. 6A was added to identify that the applicant will pay a fee to mitigate the impacts to the existing habitat.

Condition No. 32 was modified at the applicant's request after meeting with Engineering Department staff and it was found that per City Code, the applicant

only has to acquire the right of way for their own frontage. The applicant is only responsible for improvement on the frontage of their property.

Condition No. 33A was added in order to comply with the Fire Protection Plan/Fuel Modification Plan a 100 foot buffer is required on Casa Grande Avenue or a difference of 8 feet from street grade. The applicant is attempting to get the 100 foot buffer and this condition allows an option for the applicant.

Condition No. 6A and No. 33A were numbered as such to avoid renumbering all of the conditions and are not related to Condition No. 6 and No. 33.

Discussion held on the changes and modifications of the conditions.

Discussion held on the underground transformers.

Discussion held on the property to the north being too small to be a specific plan; the property to the north is within the Arboretum Specific Plan and there is sufficient property to the east.

Discussion held on the size of the lots in the development to the south of the Edison easement; the information is not part of staff's report.

Discussion held on the landscaping of the Edison corridor all the way to Fontana Park. That project is being brought back with an entirely new specific plan and development agreement and they are not intending on landscaping the corridor.

Commissioner Meyer reported that he noticed dumped trash yesterday at the north end of Cypress Avenue potentially creating a fire danger. Deputy City Clerk Brazill will call that concern in.

Discussion held on the fees the developer will be paying; development fees are typically attached to the Design Review.

Discussion held on amenities and lot sizes smaller than 10,000 sq. ft. in the surrounding developments. Lots sizes vary from 5,000 sq. ft. to 10,000 sq. ft., and this lot size is a good transition between the sizes and fits in with the community. The market is dictating the lot size and developers are coming in asking for 5,000 and 6,000 sq. ft. lots.

The church property to the west (fronting Citrus Avenue) is one parcel and not a separate parcel, although one part of the parcel is under development.

Speaking for the applicant, Ryan Combe, thanked staff for their work on this project. Applicant requested that "above street grade" be added to Condition No. 33A. Applicant will continue to work with Southern California Edison on the right of way through the Edison Corridor. The expected sale price is not available at this time with square footage expected to be between 2,809 and 3,376 sq. ft.

Commissioner Hall asked how this community compares to a community in Eastvale; these are a little bigger.

Applicant expects to submit a Design Review at the end of October; grading plans by December; begin model trenching in March and have first production in May or June, with closing by August 2014.

The project will be developed as one tract, there will be no phasing.

Discussion held on the project annexing into an existing CFD or forming a new one; there is an existing CFD that this project will annex into.

Discussion held on the services such as street lighting, landscaping, parks, parkways, etc., having to be identical to the services under the existing CFD; the CFD encompasses all of those items.

The Public Hearing was closed.

**ACTION:** A motion was made by Commissioner Meyer and seconded by Commissioner Hall to Adopt Resolution PC No. 2013- 07 forwarding a recommendation to the City Council to 1) Adopt the Negative Declaration and direct staff to file a Notice of Determination; 2) Adopt a resolution approving General Plan Amendment No. 13-001; 3) Adopt an ordinance approving Zone Change No. 13-004; and 4) Approve Tentative Tract Map No. 17165 with the addition of Condition No. 6A and Condition No. 33A with the applicant's additional wording and the modification of Condition No. 32. Motion passed by a vote of 5-0.

#### **B. MCN No. 13-001, SPA No. 13-001 and ZCA No. 13-003 (Electric Fences)**

A Public Hearing was opened regarding MCN No. 13-001, SPA No. 13-001 and ZCA No. 13-003 (Electric Fences). A request filed by Sentry Security, Michael Pate 121 Executive Center Drive, Suite 230, Columbia, South Carolina, 29210. Sentry Security, the manufacturer of the Electric Guard Dog Fence, requests approval of the following: 1. Specific Plan Amendment (SPA) No. 13-001: An amendment to allow electric fences within all land use districts within the Fontana Gateway Specific Plan and the Southwest Industrial Park (SWIP) Specific Plan. 2. Zone Code Amendment (ZCA) No. 13-003: An amendment to the City of Fontana Zoning and Development Code (Chapter 30) to allow electric fencing within the Light Industrial (M-1), and General Industrial (M-2), zoning districts; and select land uses within the General Commercial (C-2) zoning district. The project site is a Light Industrial (M-1) zoning district, General Industrial (M-2) zoning district, General Commercial (C-2) zoning district Southwest Industrial Park, (SWIP) Specific Plan, Fontana Gateway Specific Plan. Staff presentation was given by Project Planner, Shawnika Johnson, AICP, and staff recommended approval.

Discussion held on the approval process for a site larger than one acre; it will be ministerial with a Plan Check and a review by all departments pursuant to Code; for less than an acre, the Director of Community Development would review the request via the Minor Use Permit approval process and may forward it to the Planning Commission for review if appealed.

Discussion held on the visibility of the electric fence that will be visible above the block wall; it will extend above the block wall to be able to have a sign posted notifying of the electric fence.

Discussion held on the aesthetics of the electric fence in contrast to the money spent thought the city to make it attractive.

Discussion held on the recommendation being for the electric fence to be permitted in all areas of the districts with the exception of residential trucking district and the PF district which includes Kaiser High School.

Applicant, Michael Pate, provided a history on the applicant's request to reinstate the code regarding electric fences with some changes. Applicant stated that the height of the electric fence is within the rules of State of California and the International Electrotechnical Commission which allows them to go ten feet high; in order for the electrical fence to be effective, it needs to be at least two feet above the perimeter wall.

Applicant described the product, how it will be used and his company's monitoring of the installed fences.

Discussion held on other companies using this code to install electric fences in the city, but not using the same level of standard criteria as the applicant.

Discussion held on ensuring that the conditions of approval continue to be met by other companies.

Discussion held on electrified concertina and barbed wire fences being forbidden by state law.

Discussion held on the difference between applicant's request and staff's recommendation.

Discussion held on an electric fence being permitted on an existing non-conforming wall.

Discussion held on the concerns over aesthetics possibly being addressed during the procedural component, i.e. other project proponents that do not match this applicant's design. Applicant's request is to try to get approval at the administrative level to make it easier and less expensive than a CUP.

Discussion held on the variations of wire and the applicant's use of a smaller wire to get the power needed using a 12 volt battery.

Discussion held on possibly phasing this project in areas of the City such as the SWIP Specific Plan to monitor it before rolling it out throughout the city.

Applicant stated that payment is required with each application and if his request is denied, he will lose all of his money.

Discussion held on the electric fences appearing to be a prison. Staff is working on reaching a happy medium to protect properties that touch residential land uses and being business friendly.

Discussion held on staff's original plan not to have electric fences along major roadways, but that was not acceptable to the applicant; staff worked with the applicant to negotiate a way to find a compromise.

Discussion held on electric fences not being placed adjacent to or touching any residential use or the property line of any residential zoned property.

Discussion held on property owners in industrial zones not near residential areas having a special privilege of being able to get electric fence versus those owners in industrial zones near residential areas. Many properties are zoned the same but will not always enjoy all of the same benefits.

Commissioner Slowik is in support of staff's recommendation.

Discussion held on the necessity to have electric fences along the major roadways. No member of the public spoke in favor or opposition to this project.  
The Public Hearing was closed.

Discussion held on incorporating some of the applicant's monitoring practices within the electric fences into the ordinance.

Discussion held on the effect on emergency responders due to allowing electrical fences, possibly requiring a registry of electrical fences.

Discussion held on the monitoring of the electric fences providing some level of comfort.

Discussion held on concerns over crime and this project providing business with a means of securing their property.

Commissioner Slowik's greatest concern has to do with the potential aesthetic impact.

Commissioner Hall appreciates the effort and research, but is concerned how our

city will appear for residents and businesses.

Discussion held on including a condition to have more than a staff review for projects.

Planner Casey requested clarification on possible rewrite items including monitoring, staged area, primary and major highways, registry, and modification to ASP vs. ministerial review. Staff was directed to address primary and major highways, ASP review, and monitoring.

A motion was made by Commissioner Hall. Commissioner Hall withdrew her motion.

A motion was made by Commissioner Slowik and seconded by Commissioner Hall.

Commissioner Slowik withdrew his motion due to Commissioner Hall's need to leave the meeting at 8:31 p.m. before the motion was voted on.

**ACTION:** A motion was made by Commissioner Cothran and seconded by Commissioner Meyer to continue this item to the November 5, 2013, Planning Commission meeting. Motion passed by a vote of 4-0.

## **OTHER COMMISSION BUSINESS:**

### **A. Information Item for Annexation No. 09-001-Almond Annexation Area (No. 173)**

Information Item for Annexation No. 09-001-Almond Annexation Area (No. 173). The presentation of the Almond Annexation Area is an informational item and no action is required; staff recommends that the Planning Commission receive and file this report. Presentation given by Project Planner Paul Gonzales.

## **EXECUTIVE DIRECTOR COMMUNICATIONS:**

### **A. Director Communications**

The Planning Commission reviewed an update of future City Council Agenda items for the October 8, 2013, and October 22, 2013 for the Planning Commission's information; and an update of future Planning Commission items for the October 15, 2013, and November 5, 2013, meetings for the Planning Commission's information.

## **COMMISSION COMMENTS:**

### **A. Planning Commission Remarks**

Commissioner Meyer requested a brief update on the Duncan Canyon Interchange from Strategic Transportation Engineer Manager Kevin Ryan. The

project is expected to be completed in the summer of 2014. The project is on time and under budget.

Manager Ryan also reported that the Citrus Avenue overpass is scheduled to be completed in February 2014; and the Cherry Avenue overpass will be completed in December 2014.

Commissioner Cothran commented that Citrus overpass is very well designed.

Commissioner Slowik congratulated the Sanchez family for opening a new business in Fontana, ABS Collision Center. The Chamber of Commerce recognized them at a ribbon cutting ceremony.

Commissioner Slowik congratulated Milan Capital Management and PWC Properties and all the business in the Palm Court Shopping Center that celebrated their 10 year anniversary on September 8, 2013.

Commissioner Slowik congratulated Phillip and Ruth Rue on their 70th wedding anniversary on September 25, 2013, they had an article in the Herald Newspaper.

Commissioner Slowik invited the community to attend the 4th Annual Lobtober Fest event on Saturday, October 19, 2013, at the Fontana Rehabilitation Workshop-Industrial Support Services, 8333 Almeria Avenue, Fontana. The proceeds will benefit adults with disabilities. Orders may be placed on line until October 9, 2013, at [www.industrial-support.org](http://www.industrial-support.org).

Commissioner Slowik invited everyone to the Mayor's Gala on Saturday, October 5, 2013, at Fontana Park, to benefit the Boys and Girls Club of Fontana. Tickets for Fontana residents are two for the price of one and can be purchased at [www.bgcfontana.org](http://www.bgcfontana.org) or by calling 909.822.4988.

Commissioner Slowik wished Dorothy Arnel a happy 90th birthday.

Commissioner Slowik wished Commissioner Cothran a happy birthday.

Commissioner Cothran thanked Commissioner Slowik for the birthday wishes.

Commissioner Meyer thanked Kevin Ryan for the Coyote Canyon update.

Commissioner Meyer announced the current exhibit at the Art Depot and at City Hall; there will be a formal reception on October 22, 2013. Anyone interested in attending can call City Hall or City Clerk Tonia Lewis for information.

Commissioner Meyer wished Don Williams all the best on his retirement. The entire community owes Don a sense of gratitude for all that he has done for the City of Fontana. Deputy City Manager Debbie Brazill invited everyone to attend

a retirement luncheon for Don Williams on Thursday, from 11:30 to 1:30.

Commissioner Meyer wished everyone a good evening.

City Clerk Lewis stated that everyone will miss Don Williams' honesty and integrity in the community; he will be sorely missed.

Chairperson Garcia had no comment.

**ADJOURNMENT:**

By consensus, the Planning Commission adjourned at 9:07 to the next Regular Planning Commission meeting on Tuesday, October 15, 2013, 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 5TH DAY OF NOVEMBER, 2013.**

Peter Garcia  
Peter Garcia  
Chairperson