

**MINUTES OF THE CITY OF FONTANA
PLANNING COMMISSION
REGULAR MEETING
NOVEMBER 5, 2013**

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, November 5, 2013, in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, California. Vice-Chairperson Cothran called the meeting to order at 6:04 p.m.

ROLL CALL:

Present: Chairperson Garcia (arrived at 6:22 p.m.), Vice-Chairperson Cothran, Commissioners Meyer and Slowik

Absent: None.

Also Present: Deputy City Manager Debbie Brazill; Attorney Alison P. Gomer; Senior Planner Shannon Casey, AICP; Assistant Planner Jon S. Dille; Senior Planner Orlando Hernandez; Kathy Raasch, Assistant Engineer; Associate Planner Paul Gonzales; Associate Planner DiTanyon Johnson; Assistant Planner Shawnika Johnson, AICP; 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 Slowik.

PUBLIC COMMUNICATIONS:

A. Public Communications

Former Commissioner Jasmin Hall spoke on having served on the Planning Commission and being recently appointed as a Representative to the Inland Empire Utility Agency for the City of Fontana, Rialto, and Bloomington. She encouraged women to submit applications to serve on the Planning Commission to bring the female perspective to the table.

Vice-Chairperson Cothran spoke on having served on the Planning Commission with former Commissioner Hall.

Commissioner Meyer spoke on being the Planning Commission Chairperson

when former Commissioner Hall came on board.

Commissioner Slowik spoke on the Inland Empire Utility Agency making a wise choice in selecting former Commissioner Hall as a representative.

Vice-Chairperson Cothran and the Planning Commission presented former Commissioner Hall with a gift.

Vice-Chairperson Cothran and the Planning Commission recognized Senior Planner Charles Fahie on his retirement.

Chairperson Garcia congratulated former Commissioner Hall on her appointment to the Inland Empire Utility Agency; and thanked and congratulated Charles Fahie on his retirement.

CONSENT CALENDAR:

A. Approval of Minutes

ACTION: A motion was made by Commissioner Meyer and seconded by Commissioner Slowik to approve the minutes of the October 1, 2013, and October 15, 2013, Planning Commission meeting and the Joint City Council/Planning Commission Minutes of September 6, 2013, with a correction provided by Commissioner Meyer in email and at the dais for a correction to indicate "Vice-Chairperson". Motion passed by a vote of 4-0 for the September 6, 2013, and October 1, 2013, minutes; and by a vote of 3-0-1 for the October 15, 2013 minutes with Chairperson Garcia abstaining.

PUBLIC HEARINGS:

A. MCN No. 13-001 (SPA No. 13-001/ZCA No. 13-003) - Electric Fence Ordinance (Cont'd from 10-1-13)

Project Planner, Shawnika Johnson, provided the staff report.

Commissioners Meyer and Cothran disclosed that they visited a similar project site, the project site, and/or spoke with the applicant with no reportable action.

The applicant provided pictures from a similar site.

Discussion was held on only allowing electric fences in industrial land use areas.

Discussion was held on allowing electric fences adjacent to residential, legal conforming and legal non-conforming areas.

Discussion was held on the visibility of electric fences along major corridors. Speaking for the applicant, Michael Pate, spoke on the history of this request, the security of having the electric fence, aesthetics of the project, the cost of an ASP

for each electric fence that comes up for review and changing it to over the counter approval. The applicant requested to have the ASP language removed.

Discussion was held on visual screenings being approved by the Director of Community Development and possible wording change to "...minimize from public view".

Speaking for the applicant, Allison Wong, spoke on other cities' permissible use of electric fences and looking at the aesthetics of the electric fences in the industrial context.

Discussion was held on the electric fence being installed behind a block wall.

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

Discussion was held on industrial areas being adjacent to residential areas.

The Public Hearing was closed.

Discussion was held on the development standards coming from much research from staff and looking at other city's standards in the area.

Discussion was held on staff being comfortable with using a checklist for over the counter approval for installation of electric fences to avoid the ASP cost; the Director of Community Development would still have discretion on approval or bringing it to the Planning Commission for approval.

Discussion was held on electric fences being accessible to adjacent properties if not behind a block wall. Staff will look into this issue before presenting this project to City Council, possibly adding language regarding adjacent and/or vacant unsecured properties.

ACTION: Motion was made by Commissioner Meyer, seconded by Commissioner Cothran, and passed by a vote of 3-1 to: 1) Determine that ZCA No. 13-003 and SPA No. 13-001 are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities), and direct staff to file a Notice of Exemption; 2) Adopt Planning Commission Resolution No. PC 13-08, a resolution recommending that the City Council approve:

- a. Ordinance No. TBD to allow electric fencing within the Speedway Industrial, Freeway Industrial, Slover West, Slover East, Slover Central, Jurupa North, and Jurupa South land use districts of the SWIP Specific Plan (SPA No. 13-001) subject to the electric fence development standards outlined in Exhibit A.
- b. Ordinance No. TBD to allow electric fencing within the General Industrial (M-2) zoning district within the Fontana Gateway Specific Plan (SPA No. 13-001)

subject to the electric fence development standards outlined in Exhibit A;

- c. Ordinance No TBD to allow electric fencing within the Light Industrial (M-1) and General Industrial (M-2) zoning districts (ZCA No. 13-003) as depicted on the most recently adopted Zoning District Map subject to the electric fencing development standards outlined in Exhibit A; and,
- d. Deny the request to allow electric fencing within all permitted and conditionally permitted land uses located in the General Commercial (C-2) zoning district as depicted on the most recently adopted Zoning District Map.

With the following changes: the ASP requirement will be removed, and an over the counter process added through a Director's Determination Application; the wording "shall not be visible" will be changed to "...shall be minimized"; along major and primary highways including Santa Ana Avenue.

B. Administrative Site Plan No. 13-029 - Carl's Junior/Green Burrito Restaurant

Project Planner, Jon S. Dille, provided the staff report.

Speaking for the applicant, Steve Rosenbloom, spoke on the roofing material that is energy efficient, cleaner, safer and more aesthetically pleasing. Carl's Jr. leases the property. The applicant read, understood and agreed to the conditions of approval.

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, seconded by Commissioner Cothran, and passed unanimously by a vote of 4-0 to: 1) Determine that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section No. 15301 (Class No. 1, Existing Facilities), and direct staff to file a Notice of Exemption; and, 2) Approve Administrative Site Plan No. 13-029 subject to the attached Findings and Conditions of Approval.

A recess was called at 8:18 p.m.

The meeting reconvened at 8:28 p.m.

C. General Plan Amendment No. 12-008, Zone Change No. 12-005, Zone Change No. 13-001, Conditional Use Permit No. 12-041, Design Review No. 12-022, Tentative Parcel Map No. 19431 (Sierra Warehouse Project)

Project Planner, DiTanyon Johnson, provided the staff report.

Staff recommends that the Planning Commission request and receive public comment on the Draft Environmental Impact Report (DEIR), provide staff with comments on the DEIR, and direct staff to prepare the Final EIR and schedule the project for a future public hearing.

One written communication was received by staff and shared at the dais; it will be responded to as part of the EIR.

Nikos Constant spoke in opposition to the project and requested a revised DEIR be completed.

James Constant spoke in opposition to the project.

Discussion was held on the extension of Mango Avenue.

Zack Hovav spoke in opposition to the project.

The Public Hearing was closed.

Discussion was held on the percentage of truck traffic that will be utilizing Sierra Avenue. Kathy Raasch, Engineer, spoke on alternate routes being analyzed.

Discussion was held on Sierra Avenue being used as a truck route; based on the function of the facility, trucks will be discouraged from Sierra Avenue.

The Public Hearing was reopened.

Speaking for the applicant, Dan Floriani, spoke on the work done over the past 18 months on getting this project approved. The project has been designed to encourage trucks to use alternate routes. Applicant is willing to sit down and speak with residents regarding the project. The site plan provides for a longer driveway on the north side of the project designed specifically for efficient truck traffic use. This project is designed to be environmentally sensitive.

Discussion was held on the EIR and that it does contemplate traffic from Target and Rialto.

The Public Hearing was Closed.

ACTION: Motion was made by Commissioner Meyer, seconded by Commissioner Slowik, and passed unanimously by a vote of 4-0 to extend the Planning Commission meeting to 10:30 p.m.

D. General Plan Amendment No. 13-004 and Zone Change No. 13-006 - Frontier Homes

Project Planner, Paul Gonzales, provided the staff report.

No communication was received by staff.

Speaking for the applicant, Lonnie Ellisor, spoke on the change to smaller size lots. The applicant read, understood and agreed to the conditions of approval.

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, seconded by Commissioner Cothran, and passed unanimously by a vote of 4-0 to: Adopt Resolution **PC No. 2013-09** 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. 13-004; and 3) Adopt an ordinance approving Zone Change No. 13-006.

E. PLN No. 11-006 - Conditional Use Permit No. 11-001, Administrative Site Plan No. 11-004, Tentative Parcel Map No. 11-002 (TPM No. 19316), Variance No. 11-001 - AM/PM Gas Station

Project Planner, Orlando Hernandez, provided the staff report.

No communication was received by staff.

Discussion was held on the condition of approval for the sign; the size of the water fountain and the addition of traffic lanes on Sierra - this project will allow for three north bound lanes.

Speaking for the applicant, Steve Whyld, thanked staff for their work on getting this project here tonight. Mr. Whyld spoke on the history of the project, the water fountain feature will be prominent in the limited space available; and the agreements with Starbucks, Chipotle and Subway that will be on the site.

Speaking for the applicant, Michael Pauls is very pleased to be here and thanked staff for their work on the project; he spoke on the Sader Brothers business and their history in the City of Fontana.

Motion was made by Commissioner Meyer, seconded by Commissioner Slowik, and passed unanimously by a vote of 4-0 to extend the Planning Commission meeting to 11:00 p.m. 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, seconded by Commissioner Cothran, and passed unanimously by a vote of 4-0 to: 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301, (Class No. 2, Replacement or Reconstruction) of the California

Environmental Quality Act and direct staff to file a Notice of Exemption; 2) Revoke Conditional Use Permit No. 97-003; and, 3) Approve Conditional Use Permit No. 11-001, Administrative Site Plan No. 11-004, Tentative Parcel Map No. 11-002 (TPM No. 19316) and Variance No. 11-001, with the conditions provided at the dais (conditions were inadvertently not included in the Planning Commission agenda), and correction to the ABC census tracks information with an additional condition regarding the water fountain.

F. MCN 12-036: DRP No. 12-013/CUP No. 12-021 (32 Condominiums)

Project Planner, Shawnika Johnson, provided the staff report.

One phone call was received by staff inquiring about the project.

Discussion was held on the changes to the project.

Speaking for the applicant, Alex Mucino, thanked Planner Johnson for her help and guidance given throughout this project. The applicant read, understood and agreed to the conditions of approval.

Discussion was held on building being directly connected to a garage.

Speaking for the applicant, Jay Nelson, spoke on all units having a ground level entrance. Frances Halbrook spoke in opposition to the project.

Speaking on behalf of Fontana Unified School District, Robert Copeland, Director of Maintenance & Operations/Facilities stated that the local school would not be impacted by new students.

The Public Hearing was closed.

ACTION: Motion was made by Commissioner Meyer, seconded by Commissioner Cothran, and passed unanimously by a vote of 4-0 to: Adopt the Negative Declaration and direct staff to file the attached Notice of Determination; Approve Conditional Use Permit (CUP) No. 12-021; and, 3) Approve Design Review No. 12-013 with the addition of Condition Nos. 12a, 12b, and 12c. Motion was made by Commissioner Slowik, seconded by Chairperson Garcia, and passed by a vote of 3-1 with Commissioner Cothran opposed to extend the Planning Commission meeting to 11:05 p.m.

OTHER COMMISSION BUSINESS:

A. Acceptance of Resignation Letter

The Planning Commission accepted Commissioner Jasmin A. Hall's letter of resignation from the Planning Commission effective October 24, 2013.

B. Election of Secretary of the Planning Commission

The Planning Commission elected Commissioner Slowik to the office of Secretary for the remaining term to expire on April 2, 2014.

EXECUTIVE DIRECTOR COMMUNICATIONS:

A. Director Communications

Upcoming Cases scheduled for City Council and Planning Commission:

The Planning Commission reviewed an update of future City Council agenda items for November 12, 2013, November 26, 2013, and December 10, 2013, meetings for the Planning Commission's information; and an update of future Planning Commission agenda items for the November 19, 2013, and December 3, 2013 meetings, for the Planning Commission's information.

B. Housing Element Compliance-High Density Residential Zoning Districts

The Housing Element Compliance – High Density Residential Zoning and General Plan Amendment Project was anticipated to be completed in late October for Planning Commission review in November and City Council review in January 2014; however it was advised that the land use amendment be postponed until after the adoption and certification of the 2014-2021 Housing Element.

COMMISSION COMMENTS:

A. Planning Commission Remarks

Commissioner Slowik attended the memorial service for Coach Paul Chitwood and requested tonight's meeting be adjourned in his memory.

Commissioner Meyer announced that Maria Soriano passed away this evening and requested that tonight's meeting be adjourned in her memory also.

Commissioner Cothran had no comment.

Chairperson Garcia had no comment.

ADJOURNMENT:

A. Adjournment

By consensus, the Planning Commission adjourned at 11:05 p.m. to the next Regular Planning Commission meeting on Tuesday, November 19, 2013, 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