

**MINUTES OF THE CITY OF FONTANA  
REGULAR PLANNING COMMISSION MEETING  
October 07, 2014  
Grover W. Taylor City Council Chambers**

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**CALL TO ORDER/ROLL CALL:**

**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 7, 2014, in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, California. Chairperson Cothran called the meeting to order at 6:02 p.m.

Present: Chairperson Cothran, Vice-Chairperson Slowik, Secretary Armendarez, Commissioner Garcia and Commissioner Meyer.

Absent: None

Also Present: Attorney Andrew D. Maiorano; Senior Planner Orlando Hernandez; Planning Manager Zai AbuBakar; Associate Planner Paul Gonzales; Associate Planner DiTanyon Johnson; Assistant Planner Jon S. Dille; Policing Technician Wendy Ratcliffe; Assistant Engineer Rico Garay; City Clerk Tonia Lewis and Planning Commission Secretary Ysela Aguirre.

**INVOCATION/PLEDGE OF ALLEGIANCE:**

**A. Invocation/Pledge of Allegiance**

Following the Invocation given by Commissioner Armendarez, the Pledge of Allegiance was led by Commissioner Garcia.

Senior Planner Orlando Hernandez introduced new Planning Manager, Zaiton AbuBakar.

**PUBLIC COMMUNICATIONS:**

**A. Public Communications**

Dawn Rowe spoke on the Community Planning Month event being held on Wednesday, October 15, 2014.

**CONSENT CALENDAR:**

### **A. Approval of Minutes**

Approve the Planning Commission Minutes of September 2, 2014, and September 16, 2014.

A motion was made by Commissioner Meyer and seconded by Commissioner Slowik to approve the minutes of the September 2, 2014, Planning Commission. Motion passed by a vote of 4-0-1 with Chairperson Cothran abstaining.

A motion was made by Commissioner Slowik and seconded by Commissioner Meyer to approve the minutes of the September 16, 2014, Planning Commission. Motion passed by a vote of 4-0-1 with Chairperson Garcia abstaining.

## **PUBLIC HEARINGS:**

### **A. Master Case No. 14-057, Conditional Use Permit No. 14-024**

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

Discussion was held on the great relationship with the applicant and his restaurants in the city.

Policing Technician Wendy Ratcliffe spoke on the applicant owning a number of restaurants in the city and there not being any significant issues with any of them. There have been no alcohol related calls for service specific to the applicant's restaurants.

Discussion was held on the proposed wall delineating the patio space from the public space being appropriate and meeting the ABC requirement.

Discussion was held on the floor plan and access to the patio area.

Discussion was held on the impact to the movement of pedestrians.

Discussion was held on safety of the wrought iron fence being sturdy enough to impede any vehicles that may accidentally run into it. State code requires it to be strong enough for a pedestrian to lean against it, but not a car.

The Public Hearing was opened.

Speaking for the applicant, Richard Ortiz, spoke on the distance from the parking space to the patio; and the overhead cover.

Discussion was held on a design to prevent vehicles from running into the seating area. The applicant will look into it.

Planner Hernandez explained that there is currently a raised curb that protects the vehicle from going onto the sidewalk and into the building.

Planner Hernandez spoke on the space from the vehicle to the face of the column being more than adequate for ADA compliance.

Applicant added that there are also wheel stops.

Applicant requested a change in the hours of operation on Friday and Saturday.

Discussion was held on the hours of operation.

Technician Ratcliffe spoke on concerns with the family restaurant becoming a bar or nightclub with the hours of operation being extended.

Discussion was held on other family restaurants in the shopping center.

Discussion was held on the percentage of the sales of alcohol with extended hours of operation.

Consensus was to keep the hours of operation consistent with what is currently being done with other restaurants – open until 12:00 a.m. on Fridays and Saturdays and 11:00 p.m. from Monday through Thursday.

No member of the audience spoke in favor or opposition.

The Public Hearing was closed.

**ACTION:** Motion was made by Vice Chairperson Slowik to support staff's recommendation but added that because of the optional possibilities that can occur with wrought iron fencing, that could actually be just a wrought iron bollard in between there, recommended that this design, as it goes through staff, be a significant bollard aspect to limit the ability of vehicles going into the seating area.

Commissioner Meyer suggested that the applicant work with city staff to strengthen the barrier, but not to add a condition since it has never been requested of other patio restaurants.

Vice-Chairperson Slowik clarified that his motion was for the applicant to work with staff to come up with a component that is a significant size – and used the example of a bollard, because that is commonly known to most folks - it is a safety issue and it doesn't matter that projects have been approved in the past with patio aspects that didn't happen to have this or whether we are going to have proposals in the future with patio aspects adjacent to parking

that comes right up to those patio areas, it is a safety issue and it continues to be a safety issue. The motion was not moved forward.

The applicant is willing to work with staff to strengthen the barrier.

Vice-Chairperson Slowik highlighted and clarified that when talking about parts of a motion, when talking about design aspect, that does not equate to and it is not one in the same in all cases as a condition. We are not talking about adding a separate condition; we are talking about the applicant working with staff on a design component on the project. That is different than asking for the addition of a condition of approval; they are two different things.

Motion was made by Secretary Armendarez and seconded by Commissioner Meyer to 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301, (Class No. 1, Existing Facility) of the CEQA, and direct staff to file a Notice of Exemption; and, 2) Approve Conditional Use Permit No. 14-024 with a recommendation for applicant to work with staff on the design component of the wrought iron fencing to include bollard and/or similar safety barrier/enhancements. Motion passed by a vote of 5-0.

**B. Master Case No. 14-051, Variance No. 14-006**

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

Discussion was held on why this project is coming before the Planning Commission; it is a Code Enforcement issue.

Discussion was held on when the addition was built and that it was done without proper permits; the patio cover does comply with setbacks.

Discussion was held on there not being any evidence that the garage is being converted into living quarters.

Speaking for the applicant, Ixcoatl Parraga confirmed that the garage is a garage and no one is living there.

Discussion was held on the additions being rented or as part of the family's use.

Discussion was held on the stored items on the property. Owner is a contractor and has some equipment in his yard.

Discussion was held on the distance from the house to the wall.

Discussion was held on what will happen if this project is not approved – Code Enforcement action will continue and applicant will have to remove it.

Discussion was held on putting things in place to avoid the game room from

transitioning into a bedroom at a later time.

Speaking for the applicant, Sandra Quinones spoke on her husband constructing one of the additions; and one of the rooms not being a bedroom, but a game room. She lives in the home with her husband and five children.

Attorney Maiorano stated that how many live in the home is irrelevant.

Discussion was held on what the room is currently used for.

Discussion was held on the lot coverage.

Discussion was held on the "front" and "rear" of the project. Typically the front door dictates the frontage, in this case if Encina was considered the front of the house, then the addition would be legal and in compliance; but the street frontage interpretation of the code requires approval. Based on the configuration, staff's recommendation to the applicant was to bring this variance forward.

Discussion was held on the home's construction, design and original intended entrance that was never changed.

Discussion was held on no communication from the public being received on this project.

Discussion was held on the project meeting all fire code requirements that trigger sprinklers.

Discussion was held on Code Enforcement being made aware that the space is to remain unoccupied until it passes code and approved for occupancy.

Discussion was held on the specific separation standards between the buildings on this lot and the buildings on the lot next door. There is no requirement in the code for residential structures. There was a typo in the staff report.

Discussion was held on the interior wall and possible removal of it.

Discussion was held on the number of doors from the patio into the house.

Discussion was held on how the material from the yard is accessed from the street.

No communication from the public was received by staff.

Discussion was held on the six foot wall on Orange Way.

Discussion was held on neighbors not wanting construction materials stored in residential areas.

The Public Hearing was opened.

No member of the audience spoke in favor or opposition.

The Public Hearing was closed.

**ACTION:** Motion was made by Commissioner Garcia and seconded by Commissioner Meyer to 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301, (Class No. 1, Existing Facilities) and Section No. 15332 (Class 32, In-Fill Development Project) of the California Environmental Quality Act and direct staff to file a Notice of Exemption; and, 2) Approve Variance No. 14-006 with the condition that the unpermitted uses of the property will not be occupied prior to successfully gaining a final occupancy permit and a condition be placed for removal of the interior wall in the area identified as a studio if it is determined that the wall is not a load bearing feature. Motion passed by a vote of 5-0.

Senior Planner Orlando Hernandez requested Public Hearing Items C. and D. be heard together. By consensus, Public Hearing Items C. and D. were heard together.

**C. Master Case No. 14-026/Conditional Use Permit No. 14-010 - Electronic Billboard**

Senior Planner Orlando Hernandez requested Public Hearing Items PH-C, Master Case No. 14-026/Conditional Use Permit No. 14-010 - Electronic Billboard and PH-D, Master Case No. 14-027/Conditional Use Permit No. 14-011 - Digital Billboard, be heard together. By consensus, Public Hearing Items PH-C and PH-D were heard together.

Project Planner, Orlando Hernandez, Senior Planner, provided the staff report.

No communication from the public was received by staff.

Discussion was held on the number of billboard signs already removed and number of existing walls that will be removed.

The Public Hearing was opened.

Speaking for the applicant, Brian Smith stated that there is no clear zone in case of a fall, but the sign is engineered so that it does not fall. Twelve signs have been taken down along both sides of the freeway and some internally beginning four years ago. There is one more remaining on city property that is still being worked on.

Discussion was held on the applicant's intent to keep the signs along the 10 Freeway.

Applicant stated that they need to get permits annually and their signs cannot show motion; display will change every 6 seconds where state law allows for it to change every 4 seconds; and the sign will run at 9% at night.

Discussion was held on the display staying within code content; that information is in the applicant's agreement with the city.

No member of the audience spoke in favor or opposition.

The Public Hearing was closed.

**ACTION:** Motion was made by Commissioner Meyer and seconded by Secretary Armendarez to 1) Determine that the project is Categorically Exempt pursuant to Section No. 15303, Class No. 3 (New Construction or Conversion of Small Structures), of the California Environmental Quality Act; and, 2) Approve Conditional Use Permit No. 14-010. Motion passed by a vote of 5-0.

**D. Master Case No. 14-027/Conditional Use Permit No. 14-011 - Digital Billboard**

Background and discussion noted above for Public Hearing Item PH-D.

**ACTION:** Motion was made by Secretary Armendarez and seconded by Vice Chairperson Slowik to 1) Determine that the project is Categorically Exempt pursuant to Section No. 15303, Class No. 3 (New Construction or Conversion of Small Structures), of the California Environmental Quality Act; and, 2) Approve Conditional Use Permit No. 14-011. Motion passed by a vote of 5-0.

A recess was called at 7:58 p.m.

The meeting was reconvened at 8:06 p.m.

**E. Design Review No. 14-014-Six unit apartment complex**

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

No communication from the public was received by staff.

Commissioner Meyer thanked Planner Johnson for good design on the barbeques.



Chairperson Cothran commended the design of the project.

Discussion was held on the tot lot, parking and gate.

Discussion was held on the perimeter wall.

Discussion was held on the enhanced paving in front of the doorway and rear yard fencing.

Discussion was held on emergency access to end units.

Discussion was held on on-site parking being within City Code.

Discussion was held on restricting street parking; unless posted, street parking is not prohibited.

The Public Hearing was opened.

Bob Copeland, Fontana Unified School District, spoke on not expecting a tremendous increase in the amount of traffic with only six units.

Speaking for the applicant, Shareef Awad had no questions on the conditions of approval.

Discussion was held on the applicant adding a window on the other side of the unit.

Policing Technician, Wendy Ratcliffe, spoke on requirements that are applied now that were not applied in 80's and 90's such as surveillance, access control and the applicant being extremely good to work with and making all the changes requested.

No member of the audience spoke in favor or opposition.

Discussion was held on the City implementing a requirement or adopting a new standard for project proponent to include recycle bin/enclosures along with trash bins/enclosures on the site (Design) plans to meet those imposed by the state through the county. The City has an existing ordinance for the trash enclosures.

The Public Hearing was closed.

Discussion was held on the tot lot having bollards for the safety of the children playing.

**ACTION:** Motion was made by Commissioner Garcia and seconded by Vice-Chairperson Slowik to 1) Determine that the project is Categorically Exempt



pursuant to Section No. 15332, Class No. 32 (Infill Development Projects) of the California Environmental Quality Act and Direct staff to file a Notice of Exemption; and, 2) Approve Design Review No. 14-014 with the additional window and with a fencing enhancement on the tot lot area. Motion passed by a vote of 5-0.

**F. Conditional Use Permit No. 10-016 and Design Review No. 10-002-Journey Community Church**

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

Staff received a call from the public for general information and an email in support of the project (provided at the dais).

Discussion was held on a traffic triggering a signal at Duncan Canyon and Roadrunner; engineering staff looked at the overall traffic and did not determine a signal was needed as a condition of approval.

Discussion was held on the sign ordinance.

Discussion was held on the improvements to Roadrunner.

Discussion was held on the parking standards. Parking on this project exceeds code requirement but may still not be adequate.

Planner Johnson will look at the parking standards as part of City Code.

Vice-Chairperson Slowik spoke on old parking standards relative to assembly and needing to have a closer look at them and have them updated.

The Public Hearing was opened.

Speaking for the applicant, Amor Manligas, architect for this project, commended Planning and Engineering staff for their work on this project; and especially thanked Planner Johnson for his patience and his eloquence on this process. This facility was designed in conformance with federal, state and local codes, green codes, and state water quality and conservation requirements. They are incorporating sustainable energy with the use of solar and believe that approval of this project will solve the dire needs of the North Fontana community in the quality of worship, a place of social community functions, and a place for youth to have cultural, spiritual and recreational activities.

Speaking for the applicant, Pastor Dennis Larkin, appreciates the time and attention given to this project and thanked DiTanyon and his team as well as Amor Manligas for their hard labor. He commented that his church prays for the Planning Commission regularly. He and his wife, Karen, have lived here

for 26 years and his daughter is raising his grandchildren here. Journey Community Church is here to honor our Lord and Savior Jesus Christ; their motto is "In Community for the Community". They want to have influence by serving the community. He spoke on the services his church provides. He thanked the Commission for allowing them to present this project. He asked that they be kept aware of the growing needs the city has.

Chairperson Cothran spoke on his passion for sufficient parking and is concerned for the church to be prosperous, it needs to have adequate parking. Applicant is committed to making it work.

Discussion was held on access from Duncan Canyon.

Discussion was held on the hours of operation. Applicant will work with staff on the hours of operation.

Discussion was held on the remodeling of the house on the project.

Discussion was held on when the church will move from Jessie Turner Fitness Center.

Discussion was held on the barn being used as a storage facility only with the architectural design to match the other buildings.

Vincent Bell spoke in support of the project and thanked everyone for everything that was done. He began with this church six years ago, it has a way of changing people. It changed his life. If given the chance, they will show what can be done for the community.

Randy Ferronato spoke in support of the project. The Lord spoke to him to be here today. He was here to show his support for the church and the city.

Randy Wormdahl spoke in support of the project. This church has been planted by the Lord for the betterment of Fontana and everyone involved. He spoke on the parking and hoped that God will provide vans to resolve the parking issue. He thanked everyone for the time and attention to every detail of this plan and Planner Johnson his time and energy and for making sure the Church's best interests are at heart.

The Public Hearing was closed.

Vice-Chairperson Slowik thanked Planner Johnson for his work with the applicant.

**ACTION:** Motion was made by Commissioner Meyer and seconded by Secretary Armendarez to 1) Adopt the Negative Declaration and direct staff to file a Notice of Determination; and, 2) Approve Conditional Use Permit No.

10-016 and Design Review No. 10-002 with direction to staff to work with the applicant on the hours of operation. Motion passed by a vote of 5-0.

**G. ASP No. 12-017 and CUP No. 12-016 - Truck Sales Use**

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

No communication from the public was received by staff.

Discussion was held on the architecture.

The Public Hearing was opened. Speaking for the applicant, Jim Harley, spoke on this being his 64th project in Fontana and appreciates Planner Gonzales' work.

Discussion was held on the possible occupants.

No member of the audience spoke in favor or opposition.

The Public Hearing was closed.

**ACTION:** Motion was made by Commissioner Garcia and seconded by Vice Chairperson Meyer to 1) Determine that the project is Categorically Exempt pursuant to Section 15332, Class 32, (In-Fill Development) of the California Environmental Quality Act, direct staff to file a Notice of Exemption; and, 2) Approve Conditional Use Permit No. 12-016 and Administrative Site Plan No. 12-017. Motion passed by a vote of 5-0.

**OTHER COMMISSION BUSINESS:**

**A. Other Commission Business**

Approve the 2015 Planning Commission Calendar.

**ACTION:** Motion was made by Commissioner Meyer and seconded by Commissioner Garcia to accept the 2015 Planning Commission Calendar.

**DIRECTOR COMMUNICATIONS:**

**A. Director Communications**

The Planning Commission reviewed an update of future City Council Agenda items for the October 14, 2014, and October 28, 2014, meetings for the Planning Commission's information; and an update of future Planning Commission items for the October 14, 2014 Joint City Council/Planning Commission workshop, October 21, 2014, and November 4, 2014, for the Planning Commission's information.

Discussion was held on the planning items on the City Council agenda.

Discussion was held on the Workshop items.

Commissioner Garcia requested a brief memo on the Westgate Cherry Avenue Improvements for the warehouse project prior to the meeting to be more prepared.

## **COMMISSION COMMENTS:**

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

Commissioner Meyer wished everyone a good evening.

Secretary Armendarez wished everyone a good evening.

Commissioner Garcia wished everyone a good evening.

Vice-Chairperson Slowik invited the community to the Planning Month event.

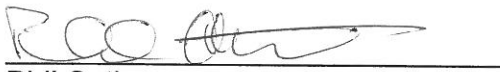
Vice-Chairperson Slowik thanked everyone that made the Mayor's Gala a reality.

## **ADJOURNMENT:**

By consensus, the Planning Commission adjourned at 9:57 p.m. to a Joint City Council/Planning Commission Workshop on October 14, 2014 at 5:30 pm. In the Executive Conference Room located at 8353 Sierra Avenue, Fontana, California, and then to the regularly scheduled Planning Commission meeting on October 21, 2014, at 6:00 p.m. in the Grover W. Taylor City Council Chambers located at 8353 Sierra Avenue, Fontana, California.

  
Ysela Aguirre  
Commission Secretary

**THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING COMMISSION ON THE 18th DAY OF NOVEMBER, 2014.**

  
Phil Cothran  
Chairperson