

**MINUTES OF THE CITY OF FONTANA
REGULAR PLANNING COMMISSION MEETING
October 21, 2014
Grover W. Taylor City Council Chambers**

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 21, 2014, in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, California. Chairperson Cothran called the meeting to order at 6:03 p.m.

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

Absent: None

Also Present: Planning Manager Zai AbuBakar; Senior Planner Orlando Hernandez; Attorney Andrew D. Maiorano; Associate Planner Paul Gonzales; Assistant Planner Salvador Quintanilla; Assistant Planner Rina Leung; Assistant Planner Dawn Rowe; Planning Intern Benjamin Torres; Senior Engineer Kathy Raasch; 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 Garcia, the Pledge of Allegiance was led by Secretary Armendarez .

PUBLIC COMMUNICATIONS:

A. Public Communications

None.

PUBLIC HEARINGS:

A. Design Review No. 05-062R1 and Conditional Use Permit No. 05-047R1 request to approve a facade upgrade as well as a request for

a Type 20 Alcoholic Beverage Control (ABC) License.

Project Planner, Dawn Rowe, Assistant Planner, provided the staff report.

Planner Rowe will have standard language regarding public phones added.

Staff noted an error in the staff report regarding the exemption - actually filing exempt under Section No. 15301, Class No. 1 (Existing Facilities).

The Public Hearing was opened.

Speaking for the applicant, Mark H. Foster, spoke on the site and building plan proposed and thanked the Commission and Dawn Rowe for their attention to this project.

Discussion was held on the quarter cart system.

Speaking for the applicant, Skip Janes, spoke on the quarter cart system; and the Aldi chain of stores and the distribution center being in Moreno Valley. The stores only carry limited items.

Discussion was held on traffic at the Beech intersection and what can be done for safety of pedestrians.

Mr. Janes spoke on most Aldi sites being land lease, the structure being fine for putting solar on the roof, installing recycling on site.

Discussion was held on Fontana being a possible multi-Aldi store city.

Discussion was held on the demographics of Fontana.

Discussion was held on the cart containing system. Applicant agreed to a condition regarding a cart containment system.

No member of the audience spoke in favor or opposition.

Discussion was held on the impact of the circular area on access and egress.

Senior Engineer Kathy Raasch spoke on the decorative feature on the circular area not affecting traffic; there were some issues at the signal and some striping was done, but can recommend more striping to deal with it.

The Public Hearing was closed.

ACTION: Motion was made by Vice-Chairperson Slowik to 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301 Class No. 1 (Existing Facilities) of the California Environmental Quality Act and Direct staff to file a Notice of Exemption; and, 2) Approve Design Review No. 14-017

with added conditions regarding public phones and a cart containment system. Motion passed by a vote of 5-0.

Senior Planner Hernandez thanked the applicant for their work with staff on this project.

B. Master Case No. 14-048, Design Review No. 14-017 for site and architectural review of an 18-unit apartment complex located at 7986 Mango Avenue.

Project Planner, Dawn Rowe, Assistant Planner, provided the staff report.

Attorney Maiorano advised the Planning Commission to continue this item and take no action at this time as it has come to staff's attention that proper noticing on the project site was not met.

Speaking for the applicant, Doug Andresen, stated that noticing was posted and asked for this item to be heard.

Speaking for the applicant, Mike Mahmoudi, stated that the signs were posted but did not know how they were removed.

Planning Manager AbuBakar recommended this item be continued to the November 18, 2014, Planning Commission meeting.

ACTION : Motion was made by Commissioner Meyer and seconded by Secretary Armendarez to continue this item to the November 18, 2014, Planning Commission meeting. Motion passed by a vote of 5-0.

C. Design Review 87-053R1 (MCN No. 14-007) Facade Modification for Foothill Cape Apartment Complex

Project Planner, Salvador Quintanilla, Assistant Planner.

Attorney Maiorano advised the Planning Commission to continue this item and take no action at this time as it has come to staff's attention that proper noticing on the project site was not met.

Discussion was held on the applicant's possible intention by not putting up the sign.

Attorney Maiorano would have to look at code to see if there is a time limit.

Discussion was held on the applicant trying to resolve a notice of violation.

Discussion was held on the reason for the sign not being posted – the applicant forgot to put it up.

ACTION: Motion was made by Commissioner Meyer and seconded by

Secretary Armendarez to continue this item to the December 2, 2014, Planning Commission meeting. Motioned passed by a vote of 5-0.

Commissioner Meyer directed staff to convey to the applicant to more accurately show what they are doing.

Attorney Maiorano advised that this item has been continued and no further action should be discussed on this item.

D. Tentative Parcel Map No. 14-007 (TPM 19493) for a three lot subdivision

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

Attorney Maiorano read the statute regarding on-site posting.

By consensus, the Planning Commission found that proper noticing on the project site was not met.

ACTION: Motion was made by Secretary Armendarez and seconded by Commissioner Meyer to continue this item to the November 18, 2014, Planning Commission meeting. Motion passed by a vote of 3-2 with Commissioners Slowik and Garcia opposing.

E. Receive Citrus Commerce Draft EIR Comments

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

Staff received several written communications from the public in favor of the project.

Discussion was held on why this item was coming before the Planning Commission.

Discussion was held on Oleander being the “right street”.

Discussion was held on the applicant not having control of some portions of the land.

Discussion was held on the applicant either providing a park or paying fees to the City in lieu of a park.

Discussion was held on rezoning the whole block.

Attorney Maiorano commented that this item is to hear comments on the EIR only and not on the proposed project.

Discussion was held on “unresolvable” items.

Discussion was held on the draft EIR not including property that is being promised as a potential park site.

Commissioner Garcia requested a hard copy of the EIR instead of just on a disk.

Discussion was held on the park amenities not included in the EIR.

Discussion was held on what tonight's hearing represents. Comments on the EIR are accepted until November 3, 2014, then given to the applicant to address before a final EIR is brought to the Planning Commission with staff's recommendation.

Discussion was held on evaluating the park component as part of the EIR although it is not part of the project at the moment.

Discussion was held on City policy to give residents the opportunity to give comments as it is more beneficial to review potential impacts.

Discussion was held on the purpose of this item was to provide a forum to allow the public to provide their comments on the EIR. Once the EIR comes before the Planning Commission as part of a project, the Planning Commissioners can vote on it.

Discussion was held on holding a workshop prior to this project coming before the Planning Commission.

Discussion was held on staff having a recommendation for the Planning Commission when the EIR is completed and the development plan is finalized.

Speaking for the applicant, Matt Engelehart spoke on the purpose of the park in the EIR and the components of the EIR - programmatic and project. They are not proposing any development at this time on the park site; the park site cannot be rezoned without approval from the property owners. Applicant received indication that there would be support for the project.

Discussion was held on the park being defined as part of the project.

Speaking for the applicant, Chris Brown spoke on the significant and unavoidable impacts that were identified as part of the environmental review process and that they are identified on table 2.2 of the executive summary: 1) blocking of scenic vistas 2) operational criteria pollution emissions; 3) greenhouse gas emissions; 4) temporary construction noise; and 5) traffic.

Discussion was held on the total number of passenger car equivalence daily

trips.

Speaking for the applicant, Charlene So, traffic consultant spoke on the passenger car equivalence factors.

Discussion was held on the difference between truck and passenger car traffic.

Discussion was held on the percentage of greenhouse emission reduction.

Engineer Raasch spoke on the traffic study process.

Discussion was held on Citrus Avenue at Interstate 10 being deficient by 2023.

Bob McGinty spoke in favor of the project. He attended community meetings and said we are in an industrial area. Good spot for business; with business you'll have congestion. Already proposed more overpasses.

David Eshelman spoke in favor of the project and only questioned the position of the park; suggesting it be closer to the school for joint use. It would have a positive impact on Fontana.

Planner Hernandez will have staff provide the Planning Commission a hard copy of the draft EIR.

F. ZCA No. 14-002

Project Planner, Benjamin Torres, Planning Intern, provided the staff report.

Discussion was held on the difference between smoking and vape shops.

Discussion was held on this type of business being near sensitive uses.

Discussion was held on “grandfathering” in shops that are currently operational.

Attorney Maiorano spoke on the definition of vapor lounge in the ordinance and suggested changing “such as” to “including but not limited to”.

Discussion was held on the number of anticipated businesses under this item.

Discussion was held on the MUP and CUP procedural requirements – they are essentially the same process/analysis but an MUP is approved at the Administrative level, not at the Planning Commission level. By consensus, all permits will follow the CUP procedure. The change will be made in the ordinance before it goes to City Council.

Discussion was held on online home based vape stores.

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 Vice-Chairperson Slowik and seconded by Commissioner Meyer to adopt PC **Resolution No. 2014-08**, a resolution forwarding a recommendation to the City Council to: 1) Find that there will be no significant environmental impacts caused by this project; Notice of Exemption prepared pursuant to Section 15061 (b) (3) (General Rule Exemption), of the California Environmental Quality Act; and,2) to adopt an ordinance approving Zoning Code Amendment (ZCA) No. 14-002, an amendment to Chapter 30 Article I, (General Provisions) Divisions 2, Section 30-11 and Article VI (Commercial and Mixed Use Zoning Districts), Division 3, Table 30-202.A. and Section 30-205, of the Fontana City Code with a change to the language to read “including but not limited to..”; to change the chart to require a CUP and to address the home based business. Motion passed by a vote of 5-0.

G. MCN No. 14-0072 and ZCA No. 14-0011

Project Planner, Rina Leung, Assistant Planner, provided the staff report.

Secretary Armendarez recused himself from hearing this item.

Discussion was held on the number of days allowed per permit.

Discussion was held on providing an “on-line” payment process.

Discussion was held on the application only applying to new residential construction/development and not the everyday realtor.

Discussion was held on where and how signs are posted and they are not being regulated in current ordinance.

Discussion was held on staff developing and providing real estate agents a set of guidelines.

Discussion was held on real estate signs being addressed in a different section of the City Code.

Discussion was held on this ordinance pertaining to regular realtors versus multiple site sellers.

Discussion was held on what initiated this ordinance coming before the Planning Commission now.

Discussion was held on developers being able to come in to pick up any signs that may have been removed.

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 Meyer and seconded by Garcia to carry this item to the December 2, 2014, Planning Commission meeting. Motion passed by a vote of 4-0-1 with Secretary Amendarez abstaining.

DIRECTOR COMMUNICATIONS:

A. Director Communications

The Planning Commission reviewed an update of future City Council Agenda items for the October 28, 2014, and November 11, 2014, meetings for the Planning Commission's information; and an update of future Planning Commission items for the and November 4, 2014, and November 18, 2014, for the Planning Commission's information.

Commissioner Meyer will not be in attendance at the November 18, 2014 meeting.

There will not be a Planning Commission meeting on November 4, 2014.

The November 18, 2014, meeting will have items continued from this evening's meeting.

Discussion was held on the General Plan Update.

Discussion was held on the housing element being approved and certified.

COMMISSION COMMENTS:

A. Planning Commission Remarks

Commissioner Meyer reminded everyone that November 4, 2014, there is an election and it is crucial to exercise your right and privilege as an American to vote.

Commissioner Meyer wished the candidates good luck.

Commissioner Meyer wished everyone a good evening.

Secretary Armendarez wished everyone a good evening.

Secretary Armendarez encouraged everyone to vote.

Vice-Chairperson Slowik spoke on the applicants being informed of the sign posting requirements. Planner Hernandez explained the process.

Vice-Chairperson Slowik encouraged everyone to vote.

Vice-Chairperson Slowik wished everyone a good evening.

Commissioner Garcia wished everyone a good night.

Chairperson Cothran wished his daughter and her fiancé congratulations on their upcoming wedding.

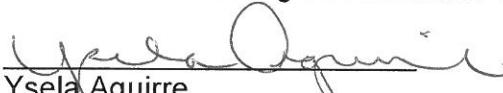
Chairperson Cothran requested that the Planning Commissioners provide a list of items for future Workshop topics.

WORKSHOP:

(PCI#14-001) Laurel Senior Living & Recreation Center, 8315 Laurel St., Fontana, CA

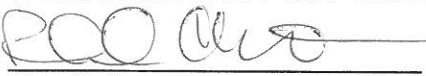
ADJOURNMENT:

By consensus, the Planning Commission adjourned at 9:16 p.m. to a Workshop in the Executive Conference Room and then to the regularly scheduled Planning Commission meeting on November 18, 2014, at 6:00 p.m. in the Grover W. Taylor City Council Chambers located at 8353 Sierra Avenue, Fontana, California and to cancel the regularly scheduled Planning Commission meeting on November 4, 2014.



Ysela Aguirre
Commission Secretary

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



Phil Cothran
Chairperson