

**MINUTES OF THE CITY OF FONTANA  
REGULAR PLANNING COMMISSION MEETING  
September 02, 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, September 2, 2014, in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, California. Vice-Chairperson Slowik called the meeting to order at 6:04 p.m.

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

Also Present: Community Development Director James Troyer, AICP; Senior Planner Orlando Hernandez; Attorney Andrew D. Maiorano; Associate Planner DiTanyon Johnson; Assistant Planner Rina Leung; Policing Technician Wendy Ratcliffe; 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 Meyer, the Pledge of Allegiance was led by Commissioner Garcia.

**PUBLIC COMMUNICATIONS:**

**A. Public Communications**

None.

**CONSENT CALENDAR:**

**A. Approval of Minutes**

Approve the Planning Commission Minutes of August 5, 2014, and August 19, 2014.

A motion was made by Commissioner Meyer and seconded by Commissioner

Garcia to approve the minutes of the August 5, 2014, Planning Commission Meeting and the minutes of the August 19, 2014, Planning Commission Meeting with a correction requested by Vice Chairperson Slowik to his comments regarding shopping carts; correction to read as follows "Vice-Chairperson Slowik requested the city staff to research and report back to the Planning Commission regarding conditioning projects to include locking mechanisms on shopping carts. This is to address the shopping cart issue for new commercial developments, commercial developments expanding square footage, and for commercial developments requesting ABC licenses in lieu of an ordinance." Motion passed by a vote of 4-0.

## **PUBLIC HEARINGS:**

### **A. Design Review No. 14-012 and Tentative Parcel Map No. 19546**

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

No communication from the public was received by staff.

Discussion was held on the landscaping of the detention basin.

Discussion was held on the color elevations.

Discussion was held on the replacement of the heritage trees located on site.

The Public Hearing was opened.

Speaking for the applicant, Benjamin Horning, will work with staff on the color scheme of the building. It is a great looking building and glazing was added.

No member of the audience spoke in favor or opposition.

The Public Hearing was closed.

The following language was shared with the applicant to be added to the conditions of approval: "Applicant shall provide 360 degree architecture to the satisfaction of the Community Development Director."

Applicant requested clarification on the added condition. Applicant agreed to the addition of a condition regarding the architecture.

**ACTION:** Motion was made by Commissioner Meyer and seconded by Secretary Armendarez to 1) Adopt the Mitigated Negative Declaration and direct staff to file a Notice of Determination; and, 2) Approve Design Review No. 14-012 and Tentative Parcel Map No. 19546 with the added condition regarding the architecture of the building and additional language in the mitigation measures (Bio-3). Motion passed by a vote of 4-0.

## **B. CUP No. 06-020R2 - Private Elementary School**

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

The Public Hearing was opened.

Staff received two calls with concerns on this project.

Discussion was held on traffic around the project area and safe routes to school.

Discussion was held regarding adding a condition to have the applicant provide staff to monitor traffic during drop off and pick up times.

Discussion was held on bells, loud speakers, etc. disturbing neighbors.

Discussion was held on the location of the playground.

Discussion was held on fencing around the property.

Discussion was held on when the school would be established.

Discussion was held on how the enrollment limit is enforced. Director Troyer suggested adding a condition for a review.

Discussion was held on Condition No. 7 on page 2 of 2 in the staff report regarding "additional day care..." The school will be operating from 8:00 a.m. to 3:00 p.m. Monday through Thursday and from 8:00 a.m. to 12:00 p.m. on Fridays; before and after school day care will be provided. Suggested revision to the wording of Condition No. 7 was provided as follows: "There shall be no additional day care preschool or private activity beyond that approved."

Discussion was held on the church holding events during the school day. Language is in staff report, but not in the conditions of approval.

Discussion was held on street parking on Citrus Avenue.

Discussion was held on traffic and circulation issues. If a condition would be placed, it would have to be one that would also be placed on a public school; it cannot be related to a religious use aspect.

Discussion was held on requiring an evaluation of the requirement of a crossing guard in six months.

Discussion was held on the issue not being on the amount of traffic but on the safety for the students walking in driveways when other students are being dropped off.

For the amount of student population, Director Troyer stated that this project is adequate and safe.

Discussion was held on the perimeter fencing.

Speaking for the applicant, Nat Ochoa, Church Administrator, spoke on the perimeter fencing and developments adjacent to the project. Applicant expects to open the school on September 8, 2014. Applicant accepted all conditions of approval.

Discussion was held on the pedestrian circulation.

Discussion was held on entrance and parking availability.

Discussion was held on the hours of operation.

Discussion was held on access to the school area only being available through the church office.

Discussion was held on other activities during school hours.

Wendy Ratcliffe, Policing Technician, stated that the Police Department has reviewed the project for safety and the applicant has been more than willing to make changes as requested.

Director Troyer suggested permitting the applicant to establish the school and a review be provided in 90 days.

Discussion was held on adding a condition regarding coning off the area to make it safe for the possibility of someone walking to the school.

The Community Development Director added the following two Conditions of Approval:

The Applicant shall submit a Safe Routes to School Plan within 90 days to the City. The approved Safe Routes to School Plan shall be distributed to each family of the student that will be attending the school.

The Engineering Department shall perform an onsite analysis of students/pedestrian safety and report back to the Planning Commission in 90 days.

No member of the audience spoke in favor or opposition.

The Public Hearing was closed.

Discussion was held on the calculation of the amount of vehicles in the parking lot.

**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), of the California Environmental Quality Act and direct staff to file an Notice of Exemption; and 2) Approve Conditional Use permit No. 06-020R2 with the added conditions for the applicant to provide a Safety Route Plan and the Engineering Department to perform an on-site review of the parking lot for student and pedestrian safety and a report provided within 90 days. Motion passed by a vote of 4-0.

## **DIRECTOR COMMUNICATIONS:**

### **A. Director Communications**

The Planning Commission reviewed an update of future City Council Agenda items for the September 9, 2014, September 23, 2014, and October 14, 2014, meetings for the Planning Commission's information; and an update of future Planning Commission items for the September 16, 2014, September 23, 2014 (City Council Workshop), October 7, 2014, and October 14, 2014 (Joint City Council/Planning Commission Workshop) meetings for the Planning Commission's information.

## **COMMISSION COMMENTS:**

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

Commissioner Meyer announced the Mayor's Gala on October 4, 2014.

Commissioner Meyer wished everyone a good evening.

Secretary Armendarez wished everyone a good evening.

Commissioner Garcia wished everyone a good evening.

Vice-Chairperson Slowik announced the Safety Fair at the Fontana Police Department on Saturday, September 13, 2014, from 10:00 a.m. to 1:00 p.m.

Vice-Chairperson Slowik spoke on committee members organizing the Make a Difference Day to be held on October 25, 2014. Anyone can join the group and help. The next meeting is on September 9, at 3:00 p.m. at Fontana High School.

Vice-Chairperson Slowik spoke about the Mayor and City Council members being challenged into putting together gift baskets to be donated to raise funds for the Boys and Girls Club at the Mayor's Gala; he is looking forward to

all the support on that event.

Vice-Chairperson Slowik spoke on private schools which are handled differently than public schools. Many public schools have been in existence for decades. The future schools proposed are regulated and reviewed by the State Architect Office. Vice-Chairperson Slowik asked if there is anything in the City Code that allows the City to impose requirements for future public schools to ensure that all parking and adequate stacking for pick up and drop off is accommodated on site – independent and regardless of the location for public schools.

Director Troyer responded that we can ask for a courtesy review, but the City cannot require anything because they are exempt.

Vice-Chairperson Slowik asked if we could require a minimum acreage size for a new school.

Director Troyer responded that we could not.

Commissioner Garcia asked if there is a difference between a religious school and a charter school (public) that would not be exempt from any of the city requirements as opposed to how we treat those two entities.

Director Troyer responded that charter schools are also exempt and they go through the State architect for approval.

Commissioner Garcia asked if there was a difference between a private non-religious school.

Director Troyer responded that just because it is operated by a church and housed on a religiously owned institute, we cannot be more restrictive than a different private school.

Attorney Maiorano stated that in most cases interpreting the law, it is more black and white than it sounds; it is requiring a religious school to get a CUP, while a public school is permitted by right. It goes to placing an excessive burden on the exercise of religion.

Vice-Chairperson Slowik stated that he saved this comment until the end to avoid having it intermixed with the discussion of the item that came before the Commission this evening; he wanted to highlight and focus on the answer to that question, which is, we are pre-empted from addressing that whole subject of on-site parking, circulation, pick up and so forth, relative to public schools. That has been that way for a long time. What we have experienced over the decades as schools are originally built in the '40's, 50's, 60's and so forth and as growth occurs and so forth, what we have is the circumstances as they exist today where we have these circulation issues at those school

sites, both on and off site and in terms of the answer is being preempted by state law, keeping in mind the emphasis there is "state law" that as new public schools might come forward in the future, the City is still handcuffed relative to the state law in terms of being able to adequately address this concern. It is a concern over the entire community. It is just that the city is bound by the state law as it has existed for many years.

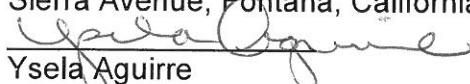
Vice-Chairperson Slowik added that relative to this last comment, the reason for segmenting this out here is again for that clarification of exactly what we are talking about when we are talking about that public school realm and that we are preempted; whereas in these cases, regardless if they are private schools, in these cases, when projects – not limited to schools – this is sort of the attention getting comment he wanted to share with staff is that it is at the time the CUP is being presented to the Commission for their input; this is the appropriate time for it. Whenever there is a design component or aspect of a project, especially if it is revision of something that is already in existence and it is a revision to a previous approval, from the staff's standpoint, especially with safety issues at hand, that there really needs to be a close focus and attempt to work with the applicant to adjust any design factor that may better address safety issues prior to the time it comes to the Commission. Vice Chairperson Slowik wanted to reemphasize that because he does not agree with the fact that we do not have the ability to provide input on design aspects; that is one of their primary roles.

Commissioner Garcia spoke on a letter he received from the county regarding the sale of some property. No action by the Commissioners is needed and Director Troyer will respond to the letter.

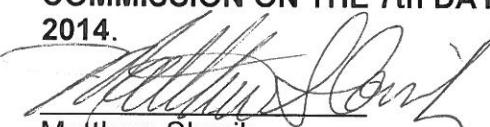
Commissioner Meyer requested that Director Troyer provide a follow up from staff.:

## **ADJOURNMENT:**

By consensus, the Planning Commission adjourned at 8:01 p.m. to the regularly scheduled Planning Commission meeting on September 16, 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 7th DAY OF OCTOBER,  
2014.**

  
Matthew Slowik  
Vice-Chairperson