

**MINUTES OF THE CITY OF FONTANA  
REGULAR PLANNING COMMISSION MEETING  
November 18, 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, November 18, 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, and Commissioner Garcia.

Absent: Commissioner Meyer

Also Present: Community Development Director James Troyer, AICP; Planning Manager Zai AbuBakar; Attorney Andrew D. Maiorano; Senior Planner Shannon J. Casey, AICP; Senior Planner Orlando Hernandez; Associate Planner Paul Gonzales; Assistant Planner Dawn Rowe; Assistant Planner Rina Leung; Senior Engineer Kathy Raasch; Associate 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 Slowik, the Pledge of Allegiance was led by Secretary Garcia.

**PUBLIC COMMUNICATIONS:**

**A. Public Communications**

None.

**CONSENT CALENDAR:**

**A. Approval of Minutes**

Approve the Planning Commission Minutes of October 7, 2014, and October 21, 2014.

Approve the Planning Commission Minutes of October 7, 2014, and October 21, 2014.

A motion was made by Secretary Armendarez and seconded by Vice-Chairperson Slowik to approve the minutes of the October 7, 2014, Planning Commission meeting with corrections as provided by Vice-Chairperson Slowik. Motion passed by a vote of 4-0.

A motion was made by Vice-Chairperson Slowik and seconded by Commissioner Garcia to approve the minutes of the October 21, 2014, Planning Commission meeting with corrections as provided by Vice-Chairperson Slowik. Motion passed by a vote of 4-0.

**B. Finding of Conformity with the General Plan for Disposition of Property**

A motion was made by Commissioner Garcia and seconded by Secretary Armendarez to: 1) Determine that the project is Categorically Exempt pursuant to Section No. 15312, Class No. 12 (Surplus Government Property Sales), of the California Environmental Quality Act; and 2) Make a finding that the proposed disposition of property is in conformance with Policy No. 1 of Goal No. 2 of the Economic Development Element of the City's 2003 General Plan (Chapter No. 7). Motion passed by a vote of 4-0.

**PUBLIC HEARINGS:**

**A. Design Review No. 14-017 (MCN 14-048) for site and architectural review of an 18-unit apartment complex located at 7986 Mango Avenue. (Continued from 10-21-14)**

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

Staff provided a memo at the dais to add a Condition of Approval.

The Public Hearing was opened.

Speaking for the applicant, Doug Andresen agreed to all of the conditions of approval.

Commissioner Slowik spoke on the language of Conditions No. 52 and No. 53 from another project regarding trash and recycling containers which needs to be applied to all projects.

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 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. 14-017 with additional conditions of approval regarding trash and recycling containers and conditions provided in the memo. Motion passed by a vote of 4-0.

**B. Tentative Parcel Map No. 14-007 (TPM) 19493 for a three lot subdivision (Continued from 10-21-14)**

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

Staff received an email from the applicant who agreed to conditions of approval.

Chairperson Cothran requested staff provide some history on Kempster Road. Planner Gonzales provided the information. Kempster Road will remain a privately owned street.

Discussion was held on Kempster Road being an existing private street with an easement.

Associate Engineer Rico Garay spoke on Kempster Road being a dedicated easement to allow egress and ingress and this project is trying to make the situation better.

Discussion was held on the drive aisle not being maintained.

Discussion was held on what will be done if others come and request a similar project.

Discussion was held on needing to get all property owners to voluntarily convert Kempster Road to a public road; it is not required by the City.

Discussion was held on property owners are only required to do public improvements in front of their property. There is no nexus to request and require dedication beyond their property.

Discussion was held on funding for public road coming from that group of property owners who live along Kempster Road.

If the city were to exact the right-of-way, then the only opportunity for other parcels to exact right of ways is to come in for a permit.

The Public Hearing was opened.

Discussion was held on requiring improvements now that they are dividing the

parcel map.

Discussion was held on what improvements are being offered.

Discussion was held on water drainage.

Discussion was held on the driveway connecting to the private street and being in compliance with Engineering requirements.

Discussion was held on Fire Department access with street parking.

Discussion was held on the street being maintained by the property owners and cannot be enforced because it is private property.

Director Troyer suggested continuing this item to see what options are available regarding Public Street vs. private street easement and checking the Commission's authority regarding the applicant meeting the standards.

If the applicant meets all city requirements, there could be legal action if this project is not approved.

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 Secretary Armendarez to continue this item for 30-days. Motion passed by a vote of 4-0.

### **C. Design Review No. 14-004 for a 6 unit apartment complex**

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

Staff provided a memo at the dais to add Condition No. 15A.

Staff spoke with one land owner to the west regarding the project.

The Public Hearing was opened.

Speaking for the applicant, Doug Andresen.

No member of the audience spoke in favor or opposition.

The Public Hearing was closed.

**ACTION:** Motion was made by Commissioner Garcia seconded by Secretary Armendarez 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. 14-004. Motion passed by a vote of 4-0.

**D. Agreement No. 14-002 - Second Amendment to the Citrus Heights North Development Agreement**

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

The Public Hearing was opened.

Secretary Armendarez and Commissioner Garcia recused themselves due to a conflict.

Without a quorum, this item cannot be heard and will be continued.

The Public Hearing was closed.

**ACTION:** This item will be continued to a future meeting.

**E. Master Case No. 14-049; Tentative Parcel Map No. 14-011 (19578); and Design Review No. 14-018; Valley Kia**

Project Planner, Senior Planner Shannon Casey Planner, provided the staff report.

Staff provided two corrections in the staff report: on page 2 of the action report and page 3 of 5 of the staff report refers to "Rock Honda", it should read "Valley Kia".

Staff received one communication requesting information.

Discussion was held on the tree study that was done on another project and not on this one. .

Discussion was held on the City's tree removal policy. Planner Casey provided the language in section 2867 of the ordinance.

The Public Hearing was opened.

Speaking for the applicant, Aaron Albertson, the civil engineer on the project.

Speaking for the applicant, Tom Rusich, spoke on the design of the project.

Applicant agreed to all conditions of approval including adding conditions regarding trash and recycling containers.

No member of the audience spoke in favor or opposition.

The Public Hearing was closed.

Commissioner Garcia requested staff take a look at the trees on the project site and ensure that they meet the tree replacement policy.

**ACTION:** Motion was made by Commissioner Garcia and seconded by Secretary Armendarez to 1) Adopt the Mitigated Negative Declaration, Mitigation, Monitoring & Reporting Program, and direct staff to file a Notice of Determination; 2) Approve Tentative Parcel Map No. 14-011; and, 3) Approve Design Review No. 14-018 with the addition of conditions regarding trash and recycling containers and with direction to staff to look at the tree on the site. Motion passed by a vote of 4-0.

#### **F. TPM No. 19547 and DRP for a 145,750 sq. ft. Industrial Building**

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

Staff provided a correction to the storm drain fees that are based off of square footage the fee should be listed as \$165,783.87 not \$226,874.44.

The Public Hearing was opened.

Speaking for the applicant, David Ball looks forward to developing in the city.

Discussion was held on the Planning Commission's request for more windows on the center and corners of the building. Staff will work with applicant on additional glazing to break up the wall.

David Eshleman spoke in favor of the project.

Discussion was held on the language of Condition No. 13. The word "following" should be removed.

The Public Hearing was closed.

**ACTION:** Motion was made by Secretary Armendarez seconded by Commissioner Garcia to 1) Adopt the Mitigated Negative Declaration and direct staff to file a Notice of Determination; and, 2) Approve Tentative Parcel Map No. 14- 010; and, 3) Approve Design Review No. 14-011 with the applicant adding windows to the project per Director's approval. Motion passed by a vote of 4-0.

#### **G. MCN No.14-029 and ZCA No. 14-003**

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

Planner Leung will provide revised language for the Resolution if the Planning Commission decides to move this item forward.

This amendment must be done because the use of the property is currently legal non-conforming and the applicant had put in an application so that it is exempt from non-conforming status.

This project was previously anticipated under a Development Agreement, making a code amendment to make these properties conform allowing warehouse uses.

The Public Hearing was opened.

Speaking for the applicant, Chris Meltzer and Cynthia Marshall, thanked the Planning Commission for their consideration thus far. Applicant stated that there are 15 parcels with 9 different owners.

No member of the audience spoke in favor or opposition.

Planner Leung provided revised language for the Section 1. Subsection (e) of the Resolution as follows: (e) Sierra Business Park Exemption. This Division 15 shall not apply to certain properties with the following APNs: 0194-371-25, 0194-371-27, 0194-371-26, 255-061-28, 0255-061-30, 0256-011-32, 0256-011-10, 0256-011-33, and 0256-011-34 or successors thereof within the Sierra Business Park which are zoned M-1 and whose uses include Warehousing, high-cube; Warehousing, standard; Warehousing, with distribution; and all other uses authorized in the Sierra Business Park Development Agreement, entered into between the City of Fontana and LNR Fontana, Inc., dated as of June 17, 2003. The Maximum FAR for these properties shall be 60%.

Discussion was held on the participating parcels.

Applicant requested corrections to the APN numbers as follows: from "55-061-30" to "255-061-30" and from "265-011-10" to "256-011-10".

The Public Hearing was closed.

**ACTION:** Motion was made by Secretary Armendarez seconded by Vice-Chairperson Slowik to adopt **PC Resolution No. 2014-09**, a resolution forwarding a recommendation to the City Council 1) Finding that there will be no significant environmental impacts caused by this project; therefore, a Notice of Exemption has been prepared and circulated pursuant to Sections 15061(b)(3) (Review of Exemption), and qualifies to be Categorically Exempt pursuant to Section 15301 – Class 1 (Existing Facilities) of the California Environmental Quality Act; and, 2) To adopt an ordinance approving Master Case (MCN) No. 14-029 and Zoning Code Amendment (ZCA) No. 14-003, an

amendment to Chapter 30, Article II, Division 15 (Nonconforming Uses and Structures), Section 30-93.1, of the Zoning and Development Code with an amendment to section (e) of the resolution as read by staff. Motion passed by a vote of 4-0.

#### **H. AMD No. 11-025R1**

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

Discussion was held on the enforcement of the ordinance. Tracking will be done in Planning.

Discussion was held on the use of flags on consecutive days or weekend only days.

Discussion was held on this ordinance only applying to "wind flags".

The Public Hearing was opened.

No member of the audience spoke in favor or opposition.

The Public Hearing was closed.

Discussion was held on the need to distinguish auto dealerships over other businesses that use these types of flags.

Permits will be done through the Planning Division.

Commissioner Slowik discussed several issues that have not been answered during the trial basis.

Discussion was held on changing the amount of flags to be displayed.

**ACTION:** Motion was made by Secretary Armendarez second by Commissioner Garcia to adopt **PC Resolution No. 2014-10**, a resolution forwarding a recommendation to the City Council to: 1) Determine that the addendum prepared for this project found that all potential environmental effects associated with reinstating Municipal Code Amendment (AMD) No. 11-025 was adequately addressed in the March 27, 2012 Initial Study/Negative Declaration; and, 2) Adopt AMD No. 11-025R1, (Municipal Code Amendment), an amendment to Chapter 3, Articles I through IV, Sections 3-82, 3-162, and 3-163 (Advertising and signs – wind flag signs) of the Fontana Municipal Code. Motion passed by a vote of 3-1 with Vice-Chairperson Slowik opposing.

### **DIRECTOR COMMUNICATIONS:**

#### **A. Director Communications**

The Planning Commission reviewed an update of future City Council Agenda items for the November 25, 2014, and December 23, 2014 (cancelled) meetings for the Planning Commission's information; and an update of future Planning Commission items for the December 2, 2014, and December 16, 2014, for the Planning Commission's information.

Director Troyer congratulated Vice Chairperson Slowik and Secretary Armendarez on being elected to the Fontana School Board.

## **COMMISSION COMMENTS:**

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

Commissioner Garcia congratulated Commissioners elected to the Fontana School Board.

Commissioner Garcia wished everyone a good night.

Secretary Armendarez congratulated Vice-Chairperson Slowik and City Clerk Lewis on their successful elections.

Vice-Chairperson Slowik thanked everyone that contributed to his campaign.

Vice-Chairperson Slowik thanked all City staff and departments for all of their work in the City.

Vice-Chairperson Slowik requested that tonight's meeting be adjourned in memory of Orvene Steenbock and Dora Sampson.

Chairperson Cothran congratulated Vice-Chairperson Slowik and Secretary Armendarez on their election to the Fontana School Board.

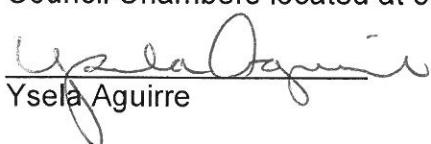
Chairperson Cothran congratulated Tonia Lewis on her election.

## **WORKSHOP:**

Citrus Commerce Logistics/Warehouse Project.

## **ADJOURNMENT:**

By consensus, the Planning Commission adjourned at 8:50 p.m. in memory of Orvene Steenbock and Dora Sampson to a Workshop in the Executive Conference Room and then to the regularly scheduled Planning Commission meeting on December 2, 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 2nd DAY OF DECEMBER,  
2014.**



Phil Cothran  
Chairperson