

**MINUTES OF THE CITY OF FONTANA
REGULAR PLANNING COMMISSION MEETING
April 21, 2015
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, April 21, 2015, 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 Meyer, Secretary Garcia, Commissioner Rowland and Commissioner Quiroga.

Absent: None

Also Present: Attorney Andrew D. Maiorano; Planning Manager Zai AbuBakar; Senior Planner Orlando Hernandez; Assistant Planner Salvador Quintanilla; Assistant Engineer Ricardo Garay; Senior Engineer Kathy Raasch; 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 Rowland, the Pledge of Allegiance was led by Vice Chairperson Meyer.

PUBLIC COMMUNICATIONS:

A. Public Communications

Eddie McCloud spoke in opposition to the Westgate Project and requested to speak during the Public Communications portion of the meeting as he had an injured arm and could not wait until the Public Hearing on this item.

CONSENT CALENDAR:

A. Approval of Minutes

Approve the Planning Commission Minutes of April 7, 2015.

A motion was made by Vice Chairperson Meyer and seconded by Secretary Garcia to approve the minutes of the April 7, 2015, Planning Commission Meeting. Motion passed by a vote of 4-0-1 with Chairperson Cothran abstaining.

PUBLIC HEARINGS:

A. MCN# 14-067, CUP#14-027, ASP# 14-029, New Verizon Wireless 62 ft. Monopole and ancillary equipment on existing Stater Brothers shopping center

Staff recommended this item be continued to a date uncertain.

ACTION: Motion was made by Vice Chairperson Meyer and seconded by Commissioner Rowland to continue this item to a date uncertain. Motion passed by a vote of 5-0.

B. DR#14-028, New Condo Complex

Orlando Hernandez, Senior Planner provided the staff report.

Staff received several calls with concerns regarding potential issues and with concerns regarding traffic signal lights.

A correction will be made on the staff report to Condition 53 on Page 51 of 78 to change "apartment" to "condominium".

Discussion was held on the widening of Arrow and Laurel; both will be widened to the ultimate cross section.

The Public Hearing was opened.

Ismael Tejeda, spoke on being glad that something is being done with the empty lot and congratulated Orlando for working with the developer and the property owners to address their concerns. Mr. Tejeda spoke on concerns with having 32 units with no sidewalks and wanted to know what plans there were for sidewalks on Frankfort and Locust. He also spoke on parents walking down the middle of the street and accidents in other areas that resulted in sidewalks and signals; which would avoid being reactive when something happens. He spoke on the area being annexed from the county years ago and there were still no street light improvements.

Discussion was held on where Frankfort ends and the path taken to the school.

Discussion was held on the annexation of the area in 2006 and the prioritization of sidewalks; staff will check with Public Works to see if this area

has been prioritized for a sidewalk.

Discussion was held on the Capital Improvement Project update being on the next agenda.

Discussion was held on the approximate number of people that will occupy the 32 units.

Discussion was held on the existing wall adjacent to the curb on the adjacent property that will not allow for a sidewalk.

Discussion was held on getting an updated safe route to school plan from the school district.

Speaking for the applicant, Saber Awad spoke on no changes having been made from the originally approved plan.

Staff indicated that no rules that would affect this project's amenities have changed in the past seven years; the project is essentially the same with clean up to administrative items.

The applicant spoke on the maintenance, safety, and liability issues of having a swimming pool; a splash area is being provided instead.

Attorney Maiorano reminded the Planning Commission that the only item before the Commission was the Design Review.

Discussion was held on whether a condition could be added to a housing development to require that units be owner occupied. Attorney Maiorano stated that it could not be done at the Design Review phase, but could be looked at for other projects.

Chairperson Cothran asked if the pool was part of the Design Review, it is an amenity; and multi-family projects are required to provide amenities and the Planning Commission has a right to request amenities.

Discussion was held on security.

Policing Technician Ratcliffe spoke on the security items and the variety of amenities the police department looks for in developments.

Discussion was held on surveillance cameras not being necessary and not something typically done on condos, but it can be requested.

Discussion was held on the Police Department preferring apartments over condos because apartments have one owner to deal with and condos have multiple owners.

Discussion was held on the HOA agreement not being developed yet but it will be done before final approval and construction begins.

Discussion was held on enforcement of conditions. Attorney Maiorano indicated that there are remedies in the CC and Rs (Covenant Conditions and Restrictions) for enforcement.

Discussion was held on the location of the basketball courts and the fence around it.

Discussion was held on the gazebos and barbeques for adults.

Discussion was held on the size of the tot lot; it is a standard size.

Discussion was held on the logistics of the water fountains – size, power, design, location, maintenance, etc.

DiChrista Johnson spoke on the HOA taking care of all common areas, including a swimming pool.

Sean Ponce spoke on HOAs being against the law in California and they are a bad thing.

The Public Hearing was closed.

Discussion was held on not knowing what the amenities are and would like the splash park to look like what is at Martin Tudor Park.

Discussion was held on the possible design of the splash area; there will be no standing water in a 29 x 23 foot area with water spouts about 1 foot apart using recycled water. There is only a concept of what it will be.

Discussion was held on having standards for this type of amenity that once it is approved, will likely come up more often.

Discussion was held on continuing this item to the May 19, 2015, Planning Commission meeting to allow the applicant to work on the design details.

The Public Hearing was reopened.

Applicant spoke on possibly changing the amenities, if needed.

ACTION: Motion was made by Vice Chairperson Meyer and seconded by Secretary Garcia to bring this item back to the May 19, 2015, Planning Commission meeting. Motion passed by a vote of 5-0.

C. MCN# 14-043, GPA#14-006, ZCA#14-007, TTM#18987, Subdivision of

approximately 19.8 acres into 114 single-family residential lots

Orlando Hernandez, Senior Planner provided the staff report.

Staff did not receive any comments regarding this project.

Staff provided a memo at the dais with additional Conditions of Approval.

The Public Hearing was opened.

Vice Chairperson Meyer disclosed that he met briefly with the engineer on this project with no reportable action.

Chairperson Cothran disclosed that he spoke with the owner and the engineer on this project with no reportable action.

Discussion was held on the wash on the north side of the project and what will be used to conceal that area.

Discussion was held on the location, size, and height of the sound wall.

Discussion was held on the roadway realignment.

Discussion was held on the Edison easement and the requirements that must be followed.

Discussion was held on the roundabout helping to circumvent traffic.

Discussion was held on whether Edison was a government entity that could dictate to the City and by whose authority must the City comply with Edison's requirements. Attorney Maiorano indicated that is probably under the California Public Utilities Commission.

Chairperson Cothran requested the code or state authorization for Edison to dictate to the City whether we want a street at a certain angle under the wires that they probably do not own the property under. Staff indicated that they could research that information and provide it to Chairperson Cothran.

Speaking for the applicant, Ray Allard, spoke on the issue with Edison being worked out years ago during the early stages of the Westgate Specific Plan. Edison cited a lot of safety issues including the proximity of a traffic signal to the wires and potential residential arcing; and crossing issues. Although the City does have a pretty good backbone in standing up to Edison there is trouble up and down the corridor with perpendicular crossing. On this project, the applicant felt that the roundabout is pretty effective solution.

Discussion was held on the history of roundabouts in Fontana; they are done at the request of the Planning Division and seem to be effective.

Speaking for the applicant, Doug Ford spoke on renegotiating the alignment with the owner of the adjacent development. The applicant owns the land under the towers and the adjacent development has an easement on the property. In all cases, Edison pushes hard to get the road perpendicular across their power lines and the main reason this was pulled away was for signalization which they did not want under the power lines.

Chairperson Cothran just wanted to make sure there was no kowtowing to Edison.

Senior Engineer Kathy Raasch spoke on roundabouts being very effective if they are built correctly; they are not seen very much because they take a lot of right-of-way, but developers like to use the right-of-way for other reasons. Staff can come back with some numbers.

Discussion was held on the connectivity on the project to the east and the exits lining up.

Discussion was held on providing enough pavement for an interim intersection on the sliver of land on the northwest corner above Sierra Lakes Parkway. The applicant no longer owns that piece of land, as they gave it up as part of the renegotiation, and it is no longer part of this project.

Discussion was held on the realignment of Sierra Lakes Parkway. Staff confirmed that the right-of-way is in place.

Discussion was held on the noise barriers; they will be reviewed at the project's Design Review.

Discussion was held on the amenities being addressed more specifically at Design Review.

Applicant agreed to the Conditions of Approval and requested to limit the traffic study to a review of the site plan and egress and ingress. Staff could limit to a focused traffic study which would include just the adjacent intersection and the access points of the site.

Discussion was held on the revised R2 Development Standards; the amenity list was approved a few months ago.

Discussion was held on the amenities on the project.

Discussion was held on street parking and meeting the City's parking requirement.

Frances Zettmaier spoke in opposition to this project; she enjoys having a

nice community and is frustrated with what will happen to it with this project. She is concerned with noise; they put in a pool to drown out some noise. The former mayor spoke on people moving in after the freeways and many have put a lot of money into their homes because they want a nice community.

The Public Hearing was closed.

Chairperson Cothran has a problem with 4,000 foot lots and does not like this project.

Secretary Garcia does not support 4,000 foot lots and does not like that trend; he is glad the ordinance has changed; but he is compelled in fairness to the process to give it consideration.

Vice Chairperson Meyer is glad to be getting rid of 4,000 foot lots; but this applicant is within their right because that was the rule at the time and it is still the rule for them.

Chairperson Cothran stated that not all apartments are bad, but he is anti-bad apartments. He felt the north end was the prime spot to find the great projects.

Commissioner Quiroga understands that the rules are the rules and there are minimum requirements, but you do not have to go by the minimums, you can still do something larger. Commissioner Quiroga has seen some other communities that have smaller lot sizes that are nice, but not comfortable. Everything here is being done by what was in effect at that time.

The Public Hearing was closed.

ACTION: Motion was made by Vice Chairperson Meyer and seconded by Secretary Garcia to 1) Adopt Resolution PC No. 2015-04 forwarding a recommendation to the City Council to Adopt the Mitigated Negative Declaration and Mitigation Monitoring Program and direct staff to file a Notice of Determination; 2) Adopt a resolution approving General Plan Amendment No. 14-006; 3) Adopt an ordinance approving Zone Change No. 14-007; and 4) Approve Tentative Tract Map No. 18987 with an addition of a condition regarding development of the street and the added conditions presented at the dais. Motion passed by a vote of 3-2 with Commissioners Quiroga and Rowland opposing.

A recess was called at 8:23 p.m.

The meeting was called to order at 8:27 p.m.

DIRECTOR COMMUNICATIONS:

A. Director Communications:

The Planning Commission reviewed an update of future City Council Agenda items for the April 28, 2015, May 12, 2015, and May 26, 2015, meetings for the Planning Commission's information; and an update of future Planning Commission items for the May 5, 2015 and May 19, 2015, meetings for the Planning Commission's information.

COMMISSION COMMENTS:

A. Planning Commission Remarks

Vice Chairperson Meyer requested a prayer for his father who is ill.

Vice Chairperson Meyer spoke on the Confirmation at Sacred Heart and Our Lady of Mount Carmel.

Vice Chairperson Meyer wished everyone a good evening.

Secretary Garcia spoke on it seeming as if the Planning Commission pays a lot of attention to the aesthetics of a building to make things look nice in our city. One of the issues he has come to know is that there are some particular issues with properties that are not developed; an absentee landlord who does not maintain his property and the property looks bad for the city. His understanding is that on a routine basis, the City issues weed abatement notices; trash, debris and general aesthetics are handled on a complaint basis. If anyone sees an unkempt property, the city will take care of it when it is reported. It can get frustrating and seems recalcitrant with no long term remedy. He would prefer a three strikes type of process; if it doesn't get cleaned up, there should be some other remedies. Maybe the ordinance needs to be relooked at and he is not sure if it is a Planning Commission responsibility or if it falls under the Planning Division for undeveloped properties. He would make some recommendations, and take a look at an ordinance. He knows of two particular properties that routinely have trash on them. It is a battle and has been a battle over several years. When the Commissioners sit on the dais, they are making sure people have aesthetically pleasing projects.

Chairperson Cothran suggested it be agendized.

Planning Manager AbuBakar will speak with the Community Development Director to get information.

Commissioner Quiroga will keep Vice Chairperson Meyer's dad in prayers.

Commissioner Quiroga spoke on teaching at Fontana Middle School for 15 years, and loves it there; it is a great place and has seen his school grow and advance. It is the oldest school in Fontana and back then, they did not have the codes and the expectations they we have nowadays. The school was lucky to have been awarded a grant from the United Way and had 20 murals painted at the school. Many companies donated supplies and he thanked them all for doing so, including Chairperson Cothran. The students really appreciate it and it brought some life to the campus.

Commissioner Quiroga spoke on living in Fontana, loving it here and being proud to be here. He plans to stay here and has plans to have his kids stay here. He is glad to be on this Commission and have a say in what happens in the city. He always encourages his students to do their best. As a Planning Commissioner, he knows what the minimum is – it is fair and it is legal - but he wants the best for Fontana; for those that plan to come do business in Fontana, the minimum isn't going to cut it; he wants to bring Fontana up above the surrounding communities.

Commissioner Rowland was born and raised here and has worked in the school district for 28 years; she appreciates the community coming out and hearing what they want to say.

Chairperson Cothran spoke on prior approved CUPs that were to have reviews and he wants to see those reviews. He was wrong about a CUP on Arrow that was approved and wants to make sure decisions made were the right ones. The reviews will come back as part of a Director's report.

Chairperson Cothran thanked Code Enforcement for being the ones that make Fontana a nice community and enforces what needs to be done.

Public comments were taken for items on the Workshop Agenda as follows:

Angelina Jones moved to Fontana to start a family and saw a lot of potential in Summit Heights. There have been a lot of developments and a lot of nice things coming through there, but Longs, Stapes, Police Department, Century 21, Mattress Store, and billiards are all gone. It is pretty empty on the west side. This whole thing is overwhelming with the mixed used, retail, R1 housing, etc. She is not against apartment people. She questioned by putting more retail in when there is nothing filling the other spots. She doesn't want to live in the City of Commerce, traffic is not bad and she brags about being in North Fontana, but would move if that was compromised and it was just a cluster of stuff.

Vice Chairperson Meyer stated that a proposal to put a grocery store where the Longs used to be was just approved.

Michael Allen spoke on living in Fontana since 2007; He moved to a great

community with everything within walking distance and great stores. He is concerned about property values with apartments being put in and how it affects us as a community. There are 800 thousand dollar homes across the way.

Kathy Ponce of the Freedom Tea Party Patriots spoke in opposition to the Westgate Village Plan. She asked why that project if we want to take Fontana in a new direction; why more retail if others are shutting down; why apartments. The Planning Commission is not listening to what the people want – the people do not want Westgate Village. Ms. Ponce will bring more people to the next Planning Commission and City Council meeting because they do not want Westgate Village. She asked if we wanted to be a Rancho Cucamonga or a San Bernardino. People do not want to move to a bankrupt city. People used to make fun of Fontana, but now, thanks to great development and great leadership, people that want to retire here, but they will move. You can see what kind of community you will get. People do not want environmental issues, they are atrocious, and human health risks are involved. The Freedom Tea Party Patriots are a grass roots organization and they will bring the people to the Planning Commission; it is about we the people upholding our community leaders to what we want and what we expect for our city.

Sean Ponce spoke on how we can go about eradicating the high density.

Chairperson Cothran reminded the public that the Planning Commission is seeing the project as they are seeing it; no one has approved it. He encouraged everyone to continue to do what they are doing.

Sean Ponce asked if he could bring signatures of people that do not want it to be a slum; low density and higher end homes will help the community. We don't want anyone to move out of Fontana. Mr. Ponce requested information on when this item would be heard again.

Planning Manager AbuBakar asked Mr. Ponce to leave his contact information with Associate Planner Johnson.

Discussion was held on the EIR for the Westgate project. Public comment has been taken and the EIR consultant is preparing the report.

Beth Connors spoke on moving from San Bernardino to Fontana and having lived in what is being proposed – inside the gated area, she was fine, but outside of the gated areas there were drugs and gangs and she does not want that for Fontana.

DiChrista Johnson spoke on the problem of traffic. If the goal is to be like Rancho Cucamonga, they have to put something like Victoria Gardens with that type of building. Fontana is trying to move towards that, but once you put

apartments in that area, it will be Fontucky. In order to keep maximum capacity, they will have to have low income people living there. The lots are so small, how do you justify the price point with larger lots. Westgate is not specific, it is a planning process; with the proposal of mixed use, they can come in with anything. Half of the retail centers are gone; they are not going to get business there. They are not making it conducive for business to be there; so what is the purpose of Westgate. It's not going to be viable; there will be empty space which is conducive to loitering. The street is not developed, the traffic impact is going to be higher, and these plans are not solid. Kids go to Etiwanda school district, but can't walk there because there are no sidewalks. These issues should have been addressed a long time ago.

Chairperson Cothran stated that it is one gentleman that owns all of Westgate property.

WORKSHOP:

A Planning Commission Workshop will be held immediately following this meeting regarding the Westgate Specific Plan.

ACTION: Motion was made by Vice Chairperson Meyer and seconded by Commissioner Rowland to extend the Planning Commission meeting until 11:00 p.m. Motion passed by a vote of 5-0.

ADJOURNMENT:

By consensus, the Planning Commission adjourned at 9:06 p.m. to a Workshop immediately following, then to the Regular Planning Commission meeting on Tuesday, May 5, 2015, at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.


Ysela Aquirre
Commission Secretary

THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING COMMISSION ON THE 21st DAY OF APRIL, 2015.


Phil Cothran
Chairperson