

**MINUTES OF THE CITY OF FONTANA
REGULAR PLANNING COMMISSION MEETING
July 21, 2015
Grover W. Taylor 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, July 21, 2015, 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, Secretary Garcia, Commissioner Rowland

Absent: Vice Chairperson Meyer and Commissioner Quiroga

Also Present: Attorney Andrew D. Maiorano; Planning Manager Zai AbuBakar; Senior Planner Orlando Hernandez; Associate Planner Paul Gonzales; Assistant Planner Dawn Rowe; 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 Cothran, 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 July 7, 2015.

A motion was made by Secretary Garcia and seconded by Commissioner Rowland to approve the minutes of the July 7, 2015, Planning Commission

Meeting. Motion passed by a vote of 3-0.

PUBLIC HEARINGS:

A. Master Case No. 12-025, Tentative Tract Map No. 15-004 (TTM 19964), subdivide approximately 2.73 adjusted gross acres into 24 lots for condo purposes.

Paul Gonzales, Associate Planner, provided the staff report.

Staff received one phone call requesting information on the project.

Discussion was held on the call from the resident regarding the fence; there is no request for a fence at this time.

The Public Hearing was opened.

Discussion was held on the parking for individual units.

Speaking for the applicant, Jason Yen, believes the parking situation will be sorted out in the CC and R as it should be assigned/delegated parking.

Attorney Maiorano stated that there is no Condition of Approval up for review this evening.

Discussion was held on requiring sufficient parking now in case of other tenants moving in to avoid having to deal with this issue later.

Planner Gonzales stated that this project is “parked” for a medical office, if another tenant came in, it would need an additional use permit.

Discussion was held on how the City looks at parking if the project is changed to another use. When an application comes in, staff evaluates the new use and the parking at the same time.

Discussion was held on who maintains the building when there are different owners after the project is approved.

Discussion was held on postponing this item to a date certain.

Raquel Hernandez, spoke on the fence that was taken down and the fence that will be put up. She has not allowed the applicant access; a portion was provided on the project site for construction traffic, but they have been going onto her property. She saw plans and there is no wall in the plans.

Discussion was held on the fire department access.

Discussion was held on a solid wall not being required. If a wall was removed, it will have to be replaced.

Staff will go over the permit tomorrow.

Discussion was held on the new property being allowed to back up to the resident's property.

Staff requested this item be brought back to a date uncertain.

The Public Hearing was closed.

ACTION: Motion was made by Commissioner Rowland and seconded by Commissioner Garcia to move this item to a date uncertain. Motion passed by a vote of 3-0.

B. Master Case No. 15-045, Conditional Use Permit No. 15-008, request for an existing restaurant to operate with an incidental live entertainment permit.

Dawn Rowe, Assistant Planner, provided the staff report.

Staff has not received any communication from the public regarding this project.

Discussion was held on the calls for service.

The Public Hearing was opened.

Wendy Ratcliffe, Policing Technician, reported that there were no significant calls for service nor alcohol related problems for this project.

Chairperson Cothran disclosed that he served on the Chamber of Commerce with the applicant.

Speaking for the applicant, Amy Loera, spoke on the restaurant and the need for this type of entertainment in Fontana.

Discussion was held on the space where the entertainment will perform.

No member of the audience spoke in favor or opposition to the project.

The Public Hearing was closed.

ACTION: Motion was made by Secretary Garcia and seconded by Commissioner Rowland 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 2) Approve Conditional Use Permit No. 15-008 for incidental live entertainment. Motion passed by a vote of 3-0.

C. Master Case No. 14-100 - Conditional Use Permit No. 14-042 and Administrative Site Plan No. 14-050, request for the construction of two tilt up warehouse buildings.

Orlando Hernandez, Senior Planner, and Rina Leung, Assistant Planner, provided the staff report.

Staff received two letters from property owners and Mr. Renteria in opposition to the project. One from Mr. Addington and the other from Mr. Renterra.

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

Discussion was held on the glass that goes all the way around the building that makes it look like an office and not a warehouse.

Discussion was held on the security of the building.

The Public Hearing was opened.

Speaking for the applicant, John Killen, appreciates staff's diligent review and support on the project. Applicant has reviewed and agreed to the conditions of approval. He is aware of and respects the inquiries from surrounding property owners. Mr. Killen stated that there will be further reviews to approve the proposed project plans and all matters on the recovery operation are still subject to jurisdictional review by several agencies. There is no discharging as everything is treated within the closed loop on site, any air quality issues are also within the closed loop system. Prior to any operation, the applicant has to go through an in depth review process and require specific and detailed permits. Item number 42 in the staff report as well as other conditions address the requirements and the applicant is in full agreement with them. Applicant agrees with staff's findings and feels this project will be a beneficial improvement and is consistent with the City of Fontana's light industrial designation; it will generate jobs, tax revenue, and provide infrastructure improvements. The applicant has taken a lot time in designing the building.

Chairperson Cothran commended the applicant for the excellent job on the Design Review.

Discussion was held on this project being in the right zoning although it is surrounded by residential property.

Discussion was held on the neighbors not feeling safe with this project.

Discussion was held on the CEQA document regarding an analysis of chemicals that will be used and their potential risk to sensitive receptors off site; but the CEQA document did not have any information on the hazards of sodium cyanide.

Discussion was held on mitigation measures for the release of hazardous materials into the environment.

Planner Leung indicated that there are provisions in law and other governmental agencies that require the operation of this project in a manner that meets the law and that it will be safe for the residents.

Kari Cano helped prepare the environmental document for the project and it does address accidental release and it is part of the Conditions of Approval.

Discussion was held on the study of the impact area in the event of accidental release and relying on another agency to tell what the impact area would be. If all regulations on health and safety are followed, there would not be an impact.

Discussion was held on the regulation of the separation of chemicals.

Speaking for the applicant, Dan Boronkal, spoke on the agencies that focus on their own environmental issues and their regulations are very prohibitive. All equipment brought in and the rooms have built in containment. The chemicals used are very diluted. There is a lot of back up and redundancy in these systems. By going through this tough permitting process, each agency wants to see containment and will not give permission until they are fully satisfied that the applicant will be operating safely.

Discussion was held on the chemicals that will be found at the project; everything is in closed loop system, with covers, and nothing is open to the atmosphere. There is no outside storage of materials or waste.

Discussion was held on not relying on other agencies to regulate the health and safety of this project.

Discussion was held on the land use compatibility of this project.

Discussion was held on the permit being required for treatment of hazardous waste.

Applicant spoke on the water treatment removing pollutants from the water and it will be evaporated so that all that remains is salts and water and that is sent out for disposal. There is a filter process and any sludge will be generated and moved off site there will no discharge.

Planner Leung spoke on this project's use being consistent with the land use designation and was anticipated in the general plan. Staff will work with DTSC to ensure all requirements are being met.

Manager AbuBakar recommended adding a condition of approval for the applicant to come back with approved certificates from other agencies before the Certificate of Occupancy is issued.

Applicant stated that there will be a risk analysis done and it will be provided to the Planning Commission.

Planner Hernandez stated that anytime they are dealing with CEQA, there are certain standards and thresholds required. Based on the analysis that was done and that the applicant has to get permitted by various agencies, it was staff's belief that the hazardous section of the environmental document would be less than significant and this type of analysis was not required.

Discussion was held on how this is the typical process, but because there is a land use compatibility issue, due to the residential and school uses nearby, may have to do something different.

Discussion was held on the having sanitary sewers only; no chemical waste will be washing down the drain.

Robert Copland, FUSD, shared a few thoughts on the project regarding catastrophic failure. He would like to be reasonably assured that safeguards will meet or exceed a 7.8 seismic impact and some type of computer modeling of how it would play out. He would like to see sensors and preventative measures in place. He would support the project if there is assurance that there would be containment after contamination.

Randall Addington spoke in opposition to this project; there should have been EIR done. There should be more study before a permit is granted. He shared that he has several signatures from homeowners who are opposed to this project. The chemicals being used are dangerous. He is concerned if something goes wrong, what happens to people in the area. He suggested this project be in some other commercial area. Traffic is going to be created and it will have an environmental impact. He moved here to retire and die, but not die from cyanide. He asked what the possibility was of a scrubber or something else going down. What happens if there is an earthquake and the containment goes under? People will die or get critically injured.

Greg Stafford spoke in opposition to the project. There is a hazardous potential in case of disaster/accident; it is a bad choice for the community. There are several locations that are available to build this place, they don't need to be right next to houses and schools.

Raymond Buford spoke in opposition to the project being built in the residential area. He said there should have been notification to a bigger area than the 660 feet. There is a school $\frac{1}{4}$ mile from this facility and three other schools nearby. We need to be diligent about this facility. What if there accidents on the street?

Discussion was held on how the materials will be transported in; the sodium cyanide is in powder form and transported in a solid sealed container. There are separate storage areas for different compatibilities. They are separated at all times. They are shipped in compatible containers per Department of Transportation regulations. They are not trucked together. The applicant must have a separate third party professional engineering firm come in and make sure seismic guidelines are met on the anchoring of equipment.

Discussion was held on the tank integrity and containment.

Discussion was held on where the applicant was in the process of permitting with DTSC.

Discussion was held on the light industrial zoning.

Discussion was held on the applicant having any facilities operating like this now; there are none. This will be their only precious metal refinery.

Discussion was held on the facility not being open to the public; all of the applicants recycling product is shipped in.

Discussion was held on how many jobs are expected to be created; approximately 20.

Discussion was held on the quantity of chemicals to be used and that number cannot change. DTSC only regulates waste; they give you the permit, they do not regulate storage or use of product.

Discussion was held on the volume of chemicals permitted on site.

Discussion was held on the Planning Commissioners understanding the process and being more comfortable and knowing what they are approving.

Discussion was held on the preparation of the off-site consequence analysis in case of anything going wrong and what is to be done in case of an accident; staff will take the lead with the consultant to prepare the report.

Attorney Maiorano spoke on discussion he had with Chairperson Cothran regarding environmental deadlines and the impact of the Planning Commission's action tonight on those deadlines. Attorney Maiorano suggested the Planning Commission add a condition of approval that certain

reports be completed and reviewed by city staff and experts to their satisfaction in lieu of continuing this item to a future date.

Applicant wants to make sure everyone is completely satisfied and safe; they want to make Fontana proud.

Discussion was held on moving this project forward with a condition that the report is done or the Planning Commission will vote to continue this item until the report is done and this item is brought back to the Commission.

Discussion was held on how to determine what is acceptable.

The project will be conditioned to allow for a report before a building permit is issued.

A new Condition No. 8 will be added to the CUP and Condition No. 20 to the ASP to read as follows:

"A Risk Management Plan with an Off Site Consequence Analysis will be prepared and given to the City of Fontana subject to approval by the County Fire Department and County Hazardous Waste Material Section prior to the issuance of building permits."

Applicant agreed to the additional condition of approval.

The Public Hearing was closed.

The DTSC will go through a public involvement process also and will provide some other opportunities for the public to be involved.

Chairperson Cothran understands that the neighbors want to be fully informed.

The Public Hearing was reopened.

Ana Mendoza requested that once the reports are ready, that more people be notified and not just those within the 600 feet. She said that she works in the fuel industry and even though they say everything is in containment, accidents do happen. Kids go on the bus and that walk through the area she wants to know what is going to happen if a release does happen. Even though it is heavily guarded, people will want to get in just to see what is in there.

Randall Addington has handled these materials in the past as he worked for 28 years in the industry and they are very dangerous.

The Public Hearing was closed.

ACTION: Motion was made by Commissioner Garcia and seconded by Commissioner Rowland to 1) Adopt the Mitigated Negative Declaration and direct staff to file a Notice of Determination; and 2) Approve Conditional Use Permit No. 14-042 and Administrative Site Plan No. 14-050 with the changes to the conditions as provided in the memo at the dais and the addition of CUP Condition No. 8 and ASP Condition No. 20. Motion passed by a vote of 3-0.

Commissioner Garcia requested the Planning Commission be kept in the loop regarding the report

A recess was called at 8:35.

Meeting was reconvened at 8:46.

D. Draft Environmental Impact Report (State Clearinghouse No. 2015031026) for Sierra Lakes Commerce Center High Cube Warehouse Project

Zai AbuBakar, Planning Manager, provided the staff report.

The last day for public comment is August 10, 2015; this item will come back to the Planning Commission for approval in September.

The Public Hearing was opened to 1) Receive comments from all interested parties on the Draft EIR on the project; 2) Review and provide Planning Commission comments on the Draft EIR; and 3) Direct staff to address the comments received.

No member of the audience spoke on the project.

Discussion was held on the significant irreversible sections.

Speaking for the applicant, Charles Holcomb, spoke on CEQA Guidelines and things that cannot be mitigated.

Discussion was held on the signal modification and restriping of turn lanes on Sierra Avenue, Sierra Lakes Parkway, and Summit.

Discussion was held on truck traffic on Sierra Avenue versus Mango Avenue.

Speaking for the applicant, Ray Allard, stated that the "pork chops" were added.

Speaking for the applicant, David Drake spoke on this project taking a lot of participation; what is being seen is the current design. The truck traffic is coming in off of Mango Avenue, circulates on site and exits back onto Mango Avenue. The access gates on Sierra Avenue will be secured to now allow

access from them. The site design tonight has always been the same, the only change done was at the direction of the Planning staff was to add the pork chop to prevent big rigs from going onto Sierra Avenue. They will not allow any trucks to come into the facility without going through the guardhouse on Mango. There is access to the site for the Fire Department on the four corners of the site and under certain circumstances there may be auto parking on the Sierra side.

Discussion was held on how the conflict of private passenger vehicles will be handled.

Discussion was held on the truck circulation, mixing of truck, automobile and pedestrian traffic.

Discussion was held on the gated entrances on Sierra Avenue.

Discussion was held on the access points for trucks and automobiles on Mango Avenue and Sierra Avenue.

The Planning Commission's comments will be addressed.

The Public Hearing was closed.

DIRECTOR COMMUNICATIONS:

A. Director Communications:

The Planning Commission reviewed an update of future City Council Agenda items for the July 28, 2015, meetings for the Planning Commission's information; and an update of future Planning Commission items for the August 4, 2015, and August 18, 2015, meetings for the Planning Commission's information.

The Citrus and I-10 Freeway item listed as a Public Hearing item will be corrected to a Workshop.

The Vet Clinic item at Sierra Lakes Parkway requires a Public Hearing.

COMMISSION COMMENTS:

A. Planning Commission Remarks

Secretary Garcia wished everyone a good evening.

Commissioner Rowland had no comments.

Chairperson Cothran requested that tonight's meeting be adjourned in

memory of Buck James, his son Mike James often attends the Planning Commission meetings, and Buck was a life time resident of Fontana.

ADJOURNMENT:

By consensus, the Planning Commission adjourned at 9:29 p.m. in memory of Buck James to the Regular Planning Commission Meeting on Tuesday, August 4, 2015 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 4th DAY OF AUGUST, 2015.


Phil Cothran
Chairperson