

**MINUTES OF THE CITY OF FONTANA
REGULAR PLANNING COMMISSION MEETING
August 18, 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, August 18, 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, Commissioner Quiroga, Commissioner Rowland

Absent: Secretary Garcia

Also Present: Attorney Andrew D. Maiorano; Planning Manager Zai AbuBakar; Senior Planner Shannon J. Casey, AICP; Associate Planner Paul Gonzales; Assistant Planner Dawn Rowe; Senior Engineer Kathy Raasch; Assistant Engineer Keith Tolliver; 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

None.

CONSENT CALENDAR:

A. Approval of Minutes

Approve the Regular Planning Commission Meeting Minutes of July 21, 2015 and August 4, 2015.

A motion was made by Commissioner Rowland and seconded by Chairperson Cothran to approve the minutes of the July 21, 2015, Planning Commission Meeting. Motion passed by a vote of 2-0-2 with Vice Chairperson Meyer and Commissioner Quiroga abstaining.

A motion was made by Vice Chairperson Meyer and seconded by Commissioner Quiroga to approve the minutes of the August 4, 2015, Planning Commission Meeting with corrections provided by Vice Chairperson Meyer. Motion passed by a vote of 3-0-1 with Commissioner Rowland abstaining.

PUBLIC HEARINGS:

- A. Master Case No. 15-029, Conditional Use Permit No. 00-028R1, Proposed Continuance for Public Hearing Item (Continued Item from July 7, 2015).**

Staff requested that the Planning Commission continue this item to the Planning Commission Meeting scheduled for November 17, 2015.

The Public Hearing was opened.

Speaking for the applicant, Christian Duenez stated that they will continue to operate as changes are made.

ACTION: Motion was made by Vice Chairperson Meyer and seconded by Commissioner Quiroga to continue this item to the November 17, 2015, Planning Commission meeting. Motion passed by a vote of 4-0.

- B. Master Case No. 14-087, Tentative Parcel No. 14-016 (TPM 19485), Administrative Site Plan No. 14-042, Minor Use Permit No. 14-010, a request to establish a veterinary hospital (Continued from August 4, 2015).**

Dawn Rowe, Assistant Planner, provided the staff report.

No communication was received by staff in opposition to this project.

Staff shared corrections to the conditions of approval via memo at the dais.

The Public Hearing was opened.

Vice Chairperson Meyer requested staff take a look at striping and signing in the parking area.

Discussion was held on the hours of operation.

Discussion was held on animal boarding only being done as part of medical

care and not as a kennel.

Speaking for the applicant, Rick Manners was happy to be here and thanked Planner Rowe for her help during the process. Applicant has read and agreed to the conditions of approval.

The Public Hearing was closed.

Vice Chairperson Cothran disclosed that the veterinarian is the one he uses.

ACTION: Motion was made by Commissioner Rowland and seconded by Commissioner Quiroga to: 1) Direct Staff to file a Notice of Exemption; 2) Approve Tentative Parcel Map No. 14-016; 3) Approve Administrative Site Plan No. 14-042; 4) Approve Minor Use Permit No. 14-010. Motion passed by a vote of 4-0.

C. Planning Number 11-007, Conditional Use Permit No. 14-038, a request to operate a restaurant in conjunction with a new California Department of Alcoholic Beverage Control (ABC) Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) License.

Staff received communication neither opposed nor in favor of this project.

Discussion was held on this restaurant model in a grocery store and the precedence being set.

Discussion was held on the calls of service being very low; and staff speaking with other cities with this restaurant model.

Discussion was held on a typical restaurant experience in this model.

Discussion was held on access to the store from the restaurant.

Discussion was held on the Police Department's concern of alcohol being brought in from the store for consumption in the restaurant.

Discussion was held on the Police Department's concern of beer being purchased in the restaurant and brought into store. There is a condition for beer to be served in a clear plastic cup.

Discussion was held on the applicant making changes to accommodate the Police Department's concerns.

Discussion was held on entertainment conditions to avoid this restaurant becoming a sports bar.

The Public Hearing was opened.

Speaking for the applicant, Darren Trone, spoke on the history of Cardenas stores and customer requests for beer to be available when people come in to eat. Beer sales are a big profit and there are no issues with ABC. He is not aware of any problems with other locations. City of Fontana and ABC control have not had any problems.

Discussion was held on calls for service on this restaurant model in other cities.

Chairperson Cothran disclosed that he visited the store with no reportable action.

Discussion was held on the entrances and exits to the restaurant.

Discussion was held on the hours of operation.

The Public Hearing was closed.

Staff was directed to provide a report in six months and again in one year.

ACTION: Motion was made by Vice Chairperson Meyer and seconded by Commissioner Rowland to: 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301, (Class No. 1, Existing Facility) of the CEQA Guidelines, and direct staff to file a Notice of Exemption; 2) Approve Conditional Use Permit No. 14-038 subject to the attached findings and conditions of approval and changes. Motion passed by a vote of 4-0.

D. Master Case No. (PLN) 10-019, Conditional Use Permit No. 15-017, a request to operate an auto repair facility.

Shannon J. Casey, AICP, Senior Planner, provided the staff report.

Discussion was held on the possible purchase of the building.

The Public Hearing was opened.

Speaking for the applicant, Erik Perez is looking to improve the project; it is currently a vacant building.

Discussion was held on the machine shop type equipment needed to do good quality work.

Discussion was held on the size of trucks to be serviced; regular light small duty trucks and vehicles, no heavy duty diesel trucks or big rigs.

Speaking for the applicant, John Luttrell, the architect on the project requested a correction from "GP" to "CP" for the name of the project on

record.

The Public Hearing was closed.

ACTION: Motion was made by Commissioner Rowland and seconded by Vice Chairperson Meyer to: 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301, Class No. 01 (Existing Facility), of the California Environmental Quality Act; 2) Approve Conditional Use Permit No. 15-017. Motion passed by a vote of 4-0.

E. Draft Environmental Impact Report (DEIR) Slover Avenue Distribution Center

Shannon J. Casey, AICP, Senior Planner, provided the staff report.

Staff received one communication on this project.

The Public Hearing was opened 1) to receive comments from all interested parties on the Draft EIR prepared for the Slover Avenue Distribution Center project; 2) Review and provide Planning Commission comments on the DEIR; 3) Direct Staff to address comments in the Final EIR.

Discussion was held on biological mitigation measures and possible legal challenges to the EIR if they are not followed.

Discussion was held on the requirement under CEQA to allow the public and other agencies to review and comment on the draft EIR report.

All comments will be addressed and if it appropriate, they will be incorporated or amended in the final EIR or respond to the agency if it has already been addressed. If there are any mitigation measures that need to be added, they will be per CEQA requirements.

Discussion was held on Fish and Game Wildlife comments.

The EIR consultant, David Ornelas, spoke on the Fish and Game Wildlife Department's comments not being atypical; and what CEQA will require is that the consultant and the city address those comments and take them into consideration in preparation of the Final EIR.

Discussion was held on trees on the property. An old aerial map may have been used showing trees that are no longer there. Staff will visit the site to confirm.

Vice Chairperson Meyer requested staff look at the language of section 4.1-2B for clarification; the language of section E regarding the phone being answered 24-7; and under 4.1-6 subsection D that the developer understands

that "construction truck trips shall be scheduled during non-peak hours."

Discussion was held on the unavoidable adverse impact to air quality; it is due to the tail pipe emission from the trucks that will be traveling to and from the project site.

Consultant, David Ornelas, spoke on not being able to mitigate to a level that is less than significant; engine controls are regulated by the federal government and there is nothing the city can do to mitigate the impacts. If nothing can be done, a statement of overriding consideration is made per CEQA on the reasons why the city cannot implement those measures and indicate that they are unavoidable.

Discussion was held on the transportation circulation at the intersection of Etiwanda and Slover Avenues. The intersection is shared with the City of Ontario. It is a heavily impacted intersection.

Senior Engineer Kathy Raasch spoke on having shelf ready plan for intersection improvements and the improvement project is listed in the seven year Capital Improvement Program, but there is no funding available and no estimated time for funding to be available. The estimated cost is \$7 million with \$5 million being the portion the City of Fontana would be responsible for; that would include the cost for utility relocation, retaining wall on Etiwanda, obtaining of right-of-way from Edison and lots of components that take a lot of time to coordinate.

Discussion was held on the number of daily truck trips; 430, with 20 at the morning peak and 27 at the evening peak.

Discussion was held on the traffic impact; it is currently at a level service F.

Tony Raluy has a business with 65 dock doors on Jasmine Street. If this building is going to be built, something has to be done with the intersection; maybe a double right turn lane and a right turn arrow sign at the top of the traffic signal and not just at the bottom where it cannot be seen. He runs 55 trucks out of his business. He spoke on only being able to use one driveway at the intersection because more driveways will cause a mess and back his business up.

Discussion was held on the project only proposes one entrance and one exit at the signal light; with a driveway to the west of the signal. Staff has spoken to the applicant regarding the use of the traffic signal as the main truck entrance when they have a tenant.

Tony Raluy continued speaking in favor of the project, but had concerns regarding the traffic flow at the intersection; especially when the races are run on the weekend at Fontana Speedway, the streets are blocked off and drivers

cannot go in or out.

Chairperson Cothran invited Mr. Raluy back to the Design Review Public Hearing.

Evan Kaiser spoke in favor of having something on the property but is concerned with the scale of what is being proposed. The plan that he has seen has the potential for four truck entrances (staff clarified that one is an employee entrance and one has the option for trucks). Mr. Kaiser spoke on this being a potentially great project, but when the draft EIR says there are "significant" and "unavoidable" issues, there is an F on the level of service at the intersection, and you have something of this scale, there is going to be a problem. He cares about the intersection of Etiwanda and Slover and the traffic mess on Etiwanda. There are significant issues that are not mitigated. When he last developed in Chino, there were certain development impact fees he had to contribute or agree to contribute to mitigate some of the concerns. A \$7 million intersection is needed and cannot be avoided. The plan has to be expedited to improve that intersection in order to facilitate a great development that is great for Fontana. He doesn't see how something the scope of this could go forward without addressing the traffic in some rationale logical way. He encouraged the Commission to listen to the neighbors.

Discussion was held on mitigation payments.

Vice Chairperson Meyer spoke on the problem of cooperating with another city and suggested that if the speakers had any power over what goes on in Ontario, to have their construction staff talk to our staff and maybe they can figure out a solution.

Evan Kaiser commented that there should be a relationship between the two Planning Commissions and the two Mayors of the cities to find another funding source to mitigate the intersection.

The applicant, Clark Nehueff, thanked staff for all of their work and being professional. He spoke stating that the specific plan amendment concerning parking is to get the parking ratios in Fontana Gateway Specific Plan consistent with the recently approved South West Industrial Park Specific Plan (staff clarified that the current ratios are from 1987 and the applicant is asking that the parking standards reflect modern high cube logistic parking standards). Parking is being provided for 232 employees; with the Edison easement supporting 100 vehicles. If parking on the Edison easement is eliminated, the applicant would still meet the new parking standard if the Specific Plan Amendment is approved.

Discussion was held on the Edison easement; it will be paved for parking.

Staff has looked at the parking and has worked with the applicant, so they will be recommending support.

Discussion was held on how the applicant knows how much parking they will need without knowing who the tenant will be.

The applicant was given high marks on the elevations.

The Public Hearing was closed.

OTHER COMMISSION BUSINESS:

A. Status Report for Options for Youth, 7-Eleven, and Alfredo's Pizza

Manager AbuBakar provided status reports on Options for Youth, 7-Eleven, and Alfredo's Pizza.

The Fire Department is working with two businesses (Alfredo's Pizza and 7-Eleven) to inspect violations of terms.

Attorney Maiorano advised the Planning Commission to not have any discussion on the items, but only receive the status report from staff. If the Planning Commission wants staff to investigate further and move forward with some type of formal hearing; that is a next step. No further action can be taken at this point.

Chairperson Cothran spoke on valuing our business folks in town, but the calls for service seemed a little high.

Discussion was held on the three businesses being aware that the city is watching them.

The consensus of the Planning Commission was to have staff provide another status report in six months.

Question was raised about multiple businesses in a shopping center with high calls of service and what can be done about it. Policing Technician Ratcliffe responded that the Police Department staff can go out and talk to all the business and explain what their ABC requirements are and have them work together.

Discussion was held applicants not meeting all of their conditions of approval. Each applicant's conditions of approval would have to be reviewed, and a Public Hearing held for evidence to be offered and to determine if there needs to be a revocation or modification.

The Planning Commission requested to add Pancho Villas and the Carniceria

in the next status report. (The Pancho Villas will be moving from that site.)

DIRECTOR COMMUNICATIONS:

A. Director Communications:

Planning Commission reviewed an update of future City Council Agenda items for the August 25, 2015 and September 8, 2015, meetings for the Planning Commission's information; and an update of future Planning Commission items for the September 1, 2015 and September 15, 2015, meetings for the Planning Commission's information.

COMMISSION COMMENTS:

A. Planning Commission Remarks

Commissioner Rowland really appreciates how much effort staff puts into putting together the reports, they answer lots of questions that she has.

Commissioner Rowland announced that the Relay for Life is having a fundraiser on September 26, 2015, at the Ontario Improv.

Commissioner Quiroga wished everyone a nice evening and reminded everyone to be safe.

Commissioner Quiroga reminded all students to do good in school.

Vice Chairperson Meyer shared that it was a humongous crowd at Father Ben's celebration.

Vice Chairperson Meyer invited everyone to the Multicultural Luau at Sacred Heart Church.

Vice Chairperson Meyer reminded everyone to be careful.

Vice Chairperson Meyer is looking forward to the Duncan Canyon opening.

Vice Chairperson Meyer wished everyone a good evening.

Chairperson Cothran commended Manager AbuBakar and Police Technician Ratcliffe on their hard work.

ADJOURNMENT:

By consensus, the Planning Commission adjourned at 7:55 p.m. to the Regular Planning Commission Meeting on Tuesday, September 1, 2015, at 6:00 p.m. in the Grover W. Taylor City Council Chambers located at 8353

Sierra Avenue, Fontana, California.

Ysela Aguirre
Ysela Aguirre
Commission Secretary

**THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING
COMMISSION ON THE 1st DAY OF SEPTEMBER, 2015.**

Phil Cothran
Phil Cothran
Chairperson