

**MINUTES OF THE CITY OF FONTANA  
REGULAR PLANNING COMMISSION MEETING  
October 06, 2015  
Grover W. Taylor 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, October 6, 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 Quiroga, and Commissioner Rowland

Absent: None.

Also Present: Attorney Thomas Rice; Community Development Director James Troyer; Planning Manager Zai AbuBakar; Assistant Planner Dawn Rowe; Associate Planner Paul Gonzales;; 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 Secretary Garcia.

**PUBLIC COMMUNICATIONS:**

**A. Public Communications**

Kathy Ponce invited everyone to a Freedom Tea Party Patriot meeting on October 15, 2015, at Logans with special guest speaker Dan Titus speaking on Agenda 21 2050 Plan.

**CONSENT CALENDAR:**

**A. Approval of Minutes**

Approve the Regular Planning Commission Meeting Minutes of September 15, 2015.

A motion was made by Vice Chairperson Meyer and seconded by Commissioner Rowland to approve the Minutes of the September 15, 2015, Planning Commission Meeting. Motion passed by a vote of 4-0-1 with Secretary Garcia abstaining.

## **WORKSHOP:**

### **A. Climate Action Plan**

A motion was made by Vice Chairperson Meyer and seconded by Secretary Garcia to move this item to the end of the meeting. Motion passed by a vote of 5-0.

## **PUBLIC HEARINGS:**

### **A. Master Case No. 15-002 - Climate Action Plan - Request to continue item to the November 17, 2015 Planning Commission Meeting.**

Staff requests that the Planning Commission continue this item to the November 17, 2015, Planning Commission meeting.

The Public Hearing was opened.

**ACTION:** Motion was made by Vice Chairperson Meyer and seconded by Commissioner Garcia to continue this item to the November 17, 2015, Planning Commission Meeting. Motion passed by a vote of 5-0.

### **B. Master Case No. 12-021; Conditional Use Permit No. 15-024 - CUP is a request to operate a proposed 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.**

Dawn Rowe, Assistant Planner, provided the staff report.

Staff has not received any communication in favor or opposition to this project.

The Public Hearing was opened.

Discussion was held on the allowable signage on windows.

Discussion was held on the hours of operation.

Discussion was held on the age limit to serve alcohol.

Speaking for the applicant, Tri Pho Vo, thanked staff for the opportunity.

Applicant spoke on servers being 21 years old. Applicant requested a change to the hours of operation.

Policing Technician Ratcliffe has no problem with the applicant's hours of operation changing. By consensus, the Planning Commission changed the hours of operation to close at 12:00 a.m.

Discussion was held on the tables and chairs being moveable.

Tressy Capps spoke on the conditional use permits being very restrictive; she has sent a letter to Police Chief Jones regarding real time video feeds and has not received acknowledgement. She has concerns with the Police Department following the law. She shared a letter with City Clerk Lewis to share with the Planning Commission that covers her concerns regarding real time video feed.

The Public Hearing was closed.

**ACTION:** Motion was made by Secretary Garcia and seconded by Commissioner Quiroga 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; and, 2) Approve Conditional Use Permit No. 15-024 subject to the attached findings and conditions of approval. Motion passed by a vote of 5-0.

**C. Master Case No. 12-025; Tentative Parcel Map No. 15-004 (TTM 19964) review and approval of tentative parcel map to subdivide approximately 2.73 adjusted gross acres into 24 lots for condo purposes.**

Paul Gonzales, Associate Planner, provided the staff report.

Staff recommended the addition of Condition 7A regarding public phones.

Discussion was held on the project having sufficient parking spaces for a medical office.

Discussion was held on the building currently being approved for medical offices use.

Discussion was held on the applicant requesting approval of a subdivision at this time.

Discussion was held on the commercial zoning of the project area.

Discussion was held the potential projects that may come forward for this project site in the future and those that would not come before the Planning

Commission.

Discussion was held on how to ensure the project stays a medical facility.

The Public Hearing was opened.

Speaking for the applicant, Jade Wu, appreciates the City' support on this project and spoke on the big investment made for the development as a medical facility. The applicant is not considering the project for other uses. They are looking to occupy it with a medical lab, pharmacy, and if possible a bakery or Starbucks type café.

Chairperson Cothran appreciates the lovely building and the great job done on the design; his concern is if the applicant is building the project for sale.

Applicant stated that the front building will be a surgery building and has spent lots of money invested on electricity development because doctors use a lot of equipment; she is searching for a tenant to use as an urgent care or hospital and not for them to purchase. She does not want to downgrade the development to a regular warehouse as that investment is totally different.

Discussion was held on the project remaining a medical office building if it is not approved tonight.

Discussion was held the parking being checked for sufficiency if the property is sold to be used for another purpose.

Discussion was held on the narrow building and the area in the back not being highly visible.

Attorney Rice spoke on the zoning codes setting forth what the uses can be, and parking requirements for medical offices are the same for C1 zoning; other uses require a Conditional Use Permit.

Discussion was held on the purpose of the Covenant, Conditions, and Restrictions (CC&Rs).

Discussion was held on different parking uses for different standards; and all requirements having to be met.

Discussion was held on limiting the types of uses on the property.

Speaking for the applicant, Jason You confirmed that the applicant was in agreement to the conditions of approval.

Art Jones spoke on the proximity of the project to the Hernandez' property line; family is concerned the Fire Department access to the property because

it is so narrow. He spoke on the family being concerned that it is a hazard to their property. He spoke on the back property limiting the area that a truck has to turn. He suggested a good simple solution is to make the land next to it more viable and to work with the Hernandez' family. Safety should be main concern to make this plan more sufficient.

Discussion was held on an easement; one was never granted.

Discussion was held on the second point of access; future development of the adjacent property would have connectivity to provide a second point of access. If the Fire Department can get within 150 feet to all points of the building, they do not require a second access.

Raquel Hernandez spoke in opposition to the project; she spoke on the applicant not being willing to pay what she is asking. The Fire Department will access this project through her property and she does not want that; she also does not want any parking on her property.

Discussion was held on needing clarification from the Fire Department that it is safe to have this building. Attorney Rice reminded the Planning Commission that the item before them tonight is just to subdivide a Tentative Parcel Map and not the actual building itself.

The Public Hearing was closed.

Discussion was held on the Fire Department approving the project and providing the Conditions of Approval.

**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 Facilities), of the California Environmental Quality Act and 2) Approve Tentative Tract Map No. 15-004 (TTM 19964) with addition of Condition No. 7A and a report from staff addressing the issues raised. Motion passed by a vote of 5-0.

**D. Master Case No. 14-102; Tentative Parcel Map No. 14-051; Conditional Use Permit No. 14-044 - The ASP is a request to construct a 6,050 sq. ft. auto dealership and a 5,500 sq. ft. service center and a repair bay. The CUP is a request to operate a used car dealership, automobile repair facility, and car display areas located in the landscape set back.**

Paul Gonzales, Associate Planner, provided the staff report.

Staff received communication regarding concerns with the project.

Discussion was held on the direction the service bays will be facing.

Discussion was held on condition prohibiting music.

Discussion was held on the lighting and residential screening of the lighting to avoid light spilling into the residential properties nearby.

Discussion was held on the parcels owned by the applicant.

Discussion was held on the hours of delivery.

Discussion was held on the excessive noise ordinance; there are no time constraints on it.

Discussion was held on this project being a standalone project from the applicant's other business on the adjacent property. Chairman Cothran indicated that the dealership is expanding; however, it appears that the proposed project is a separate business.

The Public Hearing was opened.

Speaking for the applicant, Doug Andresen spoke on the ownership of the two separate parcels; although it is the same owner, this is its own separate business. The applicant is not going to retrofit the business to the west. This business could be sold off as separate self-contained project; it is not dependent on the other parcel.

Discussion was held on the delivery of vehicles; there is currently no other place where they can unload. The new property has a loading zone in the back where the truck can pull in, unload and leave.

Vice Chairperson Meyer said the plans are great, but is concerned that the applicant is not a good neighbor.

Speaking for the applicant, Hossein Yazdani purchased the property next door to be a better neighbor; his business is good and has grown. He is spending \$4 million on this project and is trying to make parking so trucks do not park in the middle of the street; he will also address parking. The music was removed after complaints from neighbors. There is no light illuminating in back yards and he makes sure they do not shine in residents' yards.

Discussion was held on moving deliveries, temporary parking until construction begins.

Discussion was held on this new project remedying the concerns.

Chairperson Cothran appreciates the applicant's honesty on why he is not putting these projects together.

Linda Dockery spoke in favor of the project; any issues she had have been addressed. She asked that employee parking be confined to the applicant's project or on the premises of the adjacent property; she also wanted to know who she should report any violations to. She stated that there are 45 cars parked east and west bound on Valley when the applicants says there are only 23 employees. She had questions on the new project having separate business offices or if they will be shared with the old business. She asked where it will be designated for car carriers to load and unload, they are currently using the center lane on Valley Boulevard and they do it from 8:00 a.m. to 10:00 p.m. when there are little kids being put down to bed and it is very noisy. She spoke on the employees being very rude when she went and spoke to them, driving on the wrong side of the street, sometimes without lights on. She requested that a permit be issued so the applicant cannot park cars on Valley Boulevard and in front of their homes.

Paul Mohr spoke in opposition to the project. He does not have the impression that the applicant is a good neighbor. He spoke on being able to hear a loud feedback sound from the loud speaker system before they make an announcement, and it sounds like it's in his back yard. He has called over there before, but it has not done any good. He suggested the applicant get new speakers or get phones for their employees that way everyone else is not disturbed. He wishes the applicant the best and makes money, but don't disturb the neighbors.

Angela Palomino spoke on her concern regarding parking along Valley Boulevard. Her aunt and grandmother live across the street and when they have visitors, they have to park blocks away because employees park in front of their driveways. It is an inconvenience to have their driveway blocked. No one accounts for the cars that are there. Truck deliveries are done on Valley Boulevard in the left turning lane. When she asks them to move so the driveway can be used, they are rude and not accommodating. The Police Department has given them tickets. She has seen business come and go and hopes the applicant gets what he needs to do something about the parking, lighting, trucks, and noise.

Samuel Antuna spoke in opposition to the project. There have been problems with music from employees, noise from tools, and employees talking loudly. He has complained to Code Enforcement. He is happy they are building and hopes it will take most of the problems away; but, if they don't clean up, it will still be a problem.

Gabe Ramirez lives across the street from the project. He has two little ones and is concerned with parking on Valley Boulevard where there are no sidewalks. The bus picks them up for school. He is glad the applicant is doing this. Hopefully, it will take care of some of the problems and the city will look better on the west side. He said Airgas is closed on Saturday and the applicant parks his vehicles there. If Airgas starts on fire, they Fire

Department will not be able to get in. When customers are buying vehicles from the applicant, they drive out blindly and the building is not up to code. He spoke on the noise at 11:00 p.m. from the delivery trucks and the ramps they use. He spoke on employees not being good neighbors and being rude.

Discussion was held on the amplified sound including announcements.

Discussion was held on the number of employee parking spaces versus the number of employees the applicant says he has.

Discussion was held on a traffic study not being required.

Senior Engineer Kathy Raasch spoke on the crosswalk at Cypress and Valley; the signals will be moved; and there will be a traffic signal at Oleander and Valley that is under design and will create gaps in the traffic.

Discussion was held on signing the parking on Valley Boulevard to limit parking on a public street to only residents.

Residents on Valley are to call Police dispatch when someone is blocking their driveway.

Discussion was held on the block wall.

Discussion was held on the applicant's existing building and business to the west of this project.

Attorney Rice reminded the Planning Commission that they ought to be focusing on the project before them and not on parcel to the west; that parcel should not be a factor in this decision. Those concerns should be referred to the Police Department and Code Enforcement.

Discussion was held on the sound system.

Discussion was held on unloading on Valley Boulevard or Cypress Avenue and adding a condition to prohibit it.

Discussion was held on having an 8 foot retaining wall, instead of a 6 foot wall.

Discussion was held on having delivery trucks unload from 8:00 a.m. to 8:00 p.m.

Discussion was held on the applicant's other business continuing as is.

Discussion was held on making sure some of the concerns being addressed.



Applicant spoke on working with the property owner behind the wall to make it work; he spoke on having to park on Valley Boulevard because there is currently nowhere else to park. He spoke on this project helping with other problems that will go away.

Applicant referred neighbors to his office manager.

Mr. Andresen re-affirmed the Commission that lot of problems will be resolved with this project.

The Public Hearing was closed.

**ACTION:** Motion was made by Vice Chairperson Meyer and seconded by Secretary Garcia to 1) Determine that the project is Categorically Exempt pursuant to Section No. Section 15332; Class 32, (In-Fill Development) of the California Environmental Quality Act, and direct staff to file a Notice of Exemption; 2) Approve Conditional Use Permit No. 14-044; and 3) Approve Administrative Site Plan No. 14-051 with amendment to the conditions regarding the intercom use, unloading after 8:00 p.m. on Valley Boulevard and on Cypress Avenue, and no spillover of lights into adjacent properties. Motion passed by a vote of 5-0.

**E. Master Case No. 15-053; Administrative Site Plan No. 15-030; Conditional Use Permit No. 15-014 - ASP is a request for site and architectural review and approval of a new unmanned wireless telecommunications facility; CUP is a request for review and approval of the use of the proposed 75 foot high mono-pine for the new wireless telecommunications facility.**

Paul Gonzales, Associate Planner, provided the staff report.

The Public Hearing was opened.

Speaking for the applicant, James Rogers.

Michael Morales spoke in opposition to this project.

Discussion was held on the height of the natural trees compared to the monopine.

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. 15303 (Class 3, New Construction of Small Structures) of the CEQA, and direct staff to file a Notice of Exemption; and 2) Approve Conditional Use Permit No. 15-014 and Administrative Site Plan No.

15-030. Motion passed by a vote of 5-0.

**F. Master Case No. 15-018; Tentative Parcel Map No. 15-001 (TPM 19618); Conditional Use Permit No. 15-004; Design Review No. 15-002 - Highland Village Shopping Center**

Zai AbuBakar, Planning Manager, provided the staff report.

The Public Hearing was opened.

There is a typo on page 138, instead of \$8,605.00, it should be \$8.605

Commissioner Rowland left at 9:15 p.m.

Discussion was held on the decorative retaining wall.

Discussion was held on having projects be approved as Administrative Site Plan (ASP) or before the Planning Commission.

Discussion was held on the project's phasing and approval process.

Discussion was held on the standard for corner building.

Senior Engineer Kathy Raasch spoke on the traffic flow and plans for a median on Highland, signal lights, and circulation.

Policing Technician Wendy Ratcliffe indicated the Police Department is fine with this project; any ABC licenses will come back for the Planning Commission's review.

Discussion was held on the corner rendering.

Speaking for the applicant, Mike Adler appreciates the time spent looking at the project. He spoke on the rendering the architect did; there is ground cover, where it looks like turf and various types of drought resistant ground covering.

Speaking for the applicant, Greg Clark spoke on landscaping options.

Mike Adler spoke on the design being in compliance with current city requirements.

Speaking for the applicant, Pat Harrison spoke on the landscaping being downplayed to draw attention to the building.

Speaking for the applicant, Bryan Lirley spoke on the decorative retaining wall.

Discussion was held on grade of the northeast corner.

Discussion was held why there is a retaining wall and not view wall.

**ACTION:** Motion was made by Secretary Garcia and seconded by Vice Chairperson Meyer to extend the Planning Commission meeting until 11:00 p.m. Motion passed by a vote of 4-0.

Kathy Ponce had a concern with the disorganization of the meeting and out of respect for those that could not stay to participate in the workshop, she asked that it be rescheduled to November 2, 2015.

Discussion was held on the importance of having a nice entrance.

Speaking for the applicant, Brent Harrison spoke on the objective of the rendering.

Discussion was held on the model landscaping ordinance that the City is working on.

Discussion was held on possible tenants.

Discussion was held on the possible time frame for development.

Discussion was held on the walkability; and parking between pad 5A and B.

Discussion was held on the water feature.

Kathy Ponce spoke in favor of this project and the applicants' being willing to work with citizens; this is the kind of development we need in our city. She had some reservations at first, but after seeing this has changed her mind. She also had the pleasure of meeting with Manager AbuBakar and Planner Casey and walked through the project plans.

Discussion was held on phasing of the project.

The Public Hearing was closed.

By consensus, the restaurant, fast food restaurant, the gas station and the water feature will come back before the Planning Commission instead of as an ASP (Pads 2, 3, 4, 5 and the corner monument and water feature.)

**ACTION:** Motion was made by Vice Chairperson and seconded by Secretary Garcia to 1) Adopt Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Program and Direct Staff to file a Notice of Determination; 2) Approve Tentative Parcel Map No. 15-001; 3) Approve Conditional Use Permit No. 15-004; and 4) Approve Design Review No. 15-002 with Pads 2,

3, 4, 5, the corner monument and water feature coming back before the Planning Commission for review and approval and a change to the dollar amount on page 138. Motion passed by a vote of 4-0.

## **DIRECTOR COMMUNICATIONS:**

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

Planning Commission reviewed an update of future City Council Agenda items for the October 13, 2015 and October 27, 2015, meetings for the Planning Commission's information; and an update of future Planning Commission items for the October 20, 2015 and November 3, 2015, meetings for the Planning Commission's information.

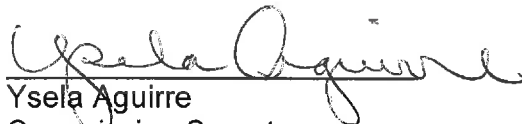
## **COMMISSION COMMENTS:**

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

Vice Chairperson Meyer thanked the city of Fontana staff for the sympathy card he received.


## **ADJOURNMENT:**

By consensus, the Planning Commission adjourned at 10:16 p.m. to a Workshop in the Executive Conference Room then to the Regular Planning Commission Meeting on Tuesday, October 20, 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 20th DAY OF OCTOBER, 2015.**



Phil Cothran  
Chairperson