

**MINUTES OF THE CITY OF FONTANA
REGULAR PLANNING COMMISSION MEETING
November 03, 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, November 3, 2015, in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, California. Chairperson Cothran called the meeting to order at 6:01 p.m.

Present: Chairperson Cothran, Vice Chairperson Meyer, Secretary Garcia (arrived at 6:10 p.m.), Commissioner Quiroga, and Commissioner Rowland.

Absent: None.

Also Present: Attorney Victor Ponto; Community Development Director James Troyer; Planning Manager Zai AbuBakar; Senior Planner Orlando Hernandez; Senior Planner Shannon J. Casey, AICP; Assistant Planner Dawn Rowe; Assistant Planner Rina Leung; Associate Planner Paul Gonzales; Associate Planner Catherine Lin; Associate Planner DiTanyon Johnson; Fire Marshall Brian Headley; City Clerk Tonia Lewis, and Planning Commission Secretary Ysela Aguirre.

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Invocation/Pledge of Allegiance

Following the Invocation given by Vice Chairperson Meyer, the Pledge of Allegiance was led by Commissioner Rowland.

PUBLIC COMMUNICATIONS:

A. Public Communications

Victor Sanchez, Sales Executive, Fontana Chamber of Commerce spoke on a community event on November 9, 2015, at 5:30 at R & B Auto Center, 16020 Foothill Blvd, Fontana, California.

CONSENT CALENDAR:

A. Approval of Minutes

Approve the Regular Planning Commission Meeting Minutes of October 20, 2015.

A motion was made by Commissioner Rowland and seconded by Commissioner Quiroga to approve the Minutes of the October 20, 2015, Planning Commission Meeting. Motion passed by a vote of 3-0-1 with Vice Chairperson Meyer abstaining.

PUBLIC HEARINGS:

A. Master Case No. 15-030; Tentative Parcel Map No. 15-003 (TPM No. 19580) - Review and approval of Tentative Parcel Map to subdivide one (1) parcel of approximately 0.93 acres into three (3) single-family residential lots. (Continued from September 15, 2015)

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

Discussion was held on the configuration and other possible configurations.

The Public Hearing was opened.

Speaking for the applicant, Raul Rojas spoke on the configuration; his intent is to build three single-family residences.

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 15315; Class 15, Minor Subdivision and 15332; Class 32, Infill Development Projects of the California Environmental Quality Act; and 2) Approve Tentative Parcel Map No. 15-003 (TPM No. 19580). Motion passed by a vote of 5-0.

B. Planning Case No. 11-052; Tentative Tract Map No. 11-004Ex. (TTM 18825) - A request for a two (2) year extension for Tentative Tract Map No. 11-004Ex.

Dawn Rowe, Assistant Planner, provided the staff report.

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

Discussion was held on what happens if the extension is not approved.

The Public Hearing was opened.

Speaking for the applicant, Jeff Evans, Stratham Homes, commended staff for their help on the project.

Discussion was held on when construction will begin. Applicant hopes to have construction started by next year.

The Public Hearing was closed.

ACTION: Motion was made by Commissioner Rowland and seconded by Commissioner Quiroga to: 1) Determine that the previously adopted Negative Declaration is adequate without modification since the project proposes no changes to Tentative Tract Map No. 11-004Ex. (TTM 18825), and there are no changes in the circumstances under which the project will be undertaken that will require major revisions to the previously adopted Negative Declaration pursuant to Section 15162 through 15164, of the California Environmental Quality Act and direct staff to file the Notice of Determination; and 2) Approve the Time Extension for Tentative Tract Map No. 11- 004Ex. (TTM 18825), subject to the original Conditions of Approval, granting a two-year extension of time to TTM No. 11-004Ex. (TTM 18825), extending the expiration date to February 7, 2018. Motion passed by a vote of 5-0.

C. Master Case No. 15-044; Design Review No. 15-006 - A Design Review request to construct seven (7) single-family homes.

Rina Leung, Assistant Planner, provided the staff report.

The Public Hearing was opened.

Discussion was held on the project begin connected to sewer.

Speaking for the applicant, Doug Andresen, has reviewed and agreed to the conditions of approval.

Discussion was held on the doors to the kitchen.

Vice Chairperson commended the applicant on the easy to see and understand plans.

Discussion was held on the size of the homes.

Discussion was held on considering information that is relevant to what the Planning Commission is considering.

Discussion was held on the developer determines the size of the homes.

Discussion was held on the name of the street; it was previously named.

The Public Hearing was closed.

ACTION: Motion was made by Secretary Garcia and seconded by Vice Chairperson Meyer to: 1) Determine that the project is Categorically Exempt per Section No. 15332 - Class 32 (In-fill Development Projects) of the California Environmental Quality Act (CEQA) and direct staff to file a Notice of Exemption; and 2) Approve Design Review No. 15-006. Motion passed by a vote of 5-0.

D. Master Case No. 15-048; Design Review No. 15-007; Tentative Parcel Map No. 19653 - Tentative Parcel Map request to subdivide two (2) parcels into three (3) lots; a Design Review request to construct three (3) warehouses.

DiTanyon Johnson, Associate Planner, provided the staff report.

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

The Public Hearing was opened.

Speaking for the applicant John Atwell spoke on this being the 5th, 6th, and 7th building in the city.

Discussion was held on changes to the southwest corner.

The Public Hearing was closed.

ACTION: Motion was made by Commissioner Quiroga and seconded by Commissioner Rowland to: 1) Adopt the Initial Study/Negative Declaration and direct staff to file a Notice of Determination; 2) Approve Design Review No. 15-007 and Tentative Parcel Map No. 19653 with changes to the southwest corner building on Cherry Avenue. Motion passed by a vote of 5-0.

E. Master Case No. 15-072; General Plan Amendment No. 15-004; Zone Change No. 15-088; Tentative Parcel Map No. 19672; and Design Review No. 15-012 - General Plan Amendment is a request to change the General Plan Land Use; Zone Change is a request to change zoning; Tentative Parcel Map is a request to merge two (2) parcels; and Design Review is a request to construct family apartments.

DiTanyon Johnson, Associate Planner, provided the staff report.

Staff received one communication neither in favor nor opposition to this project.

Vice Chairperson Meyer requested a condition regarding payphones be added.

Discussion was held on the density zoning of the project.

Discussion was held on the entrance at Sierra and walking gates.

The Public Hearing was opened.

Speaking for the applicant, Stan Smith spoke on previous projects he has worked on in the city; a project down the street has a waiting list of 1,300.

Chairperson Cothran spoke on Stan Smith having an excellent history with Fontana and this is a different type of project for him.

The applicant spoke on keeping the density low to get a more family oriented project; he will continue to make sure the design does not impede on family life in this project.

Discussion was held on the size of the units and the ability to keep the rent low.

The applicant spoke on having the selection of residents that are screened prior to moving in; it is hard to get into these properties and the last thing they want to do is have to leave. Residents have respect for where they live, they maintain their units and live their lives. They have had very successful projects in Fontana.

Discussion was held on the architectural style.

Discussion was held on meeting the parking requirement.

Discussion was held on exiting to Olive instead of Sierra.

Discussion was held on the applicant being a good neighbor; none of the neighbors on Olive or Hawthorn will have any costs associated with the new block wall.

Discussion was held on the barbeques.

Applicant thanked staff for their work on the project.

The Public Hearing was closed.

ACTION: Motion was made by Secretary Garcia and seconded by Vice Chairperson Meyer to Adopt Resolution No. PC 2015- 07 and forward a

recommendation to the City Council to: 1) Adopt a resolution approving General Plan Amendment No. 15-004; 2) Adopt an ordinance approving Zone Change No. 15-008; and 3) Approve Tentative Parcel Map No. 19672 and Design Review No. 15-012 subject to the attached Findings and Conditions of Approval with an added condition regarding pay phones. Motion passed by a vote of 5-0.

F. Master Case No. 14-062; General Plan Amendment No. 14-009; Zone Change No. 14-010; Tentative Tract Map No. 18981 - A General Plan Amendment to change the General Plan Land Use Designation; A Zone Change to change the zoning district; and a Tentative Tract Map to subdivide approximately 25.4 acres into 105 single-family residential lots.

Orlando Hernandez, Senior Planner provided the staff report.

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

The Public Hearing was opened.

Speaking for the applicant, Ray Allard has reviewed, understands and accepts the conditions of approval.

Discussion was held on the water reservoir north of the project and the property remaining to develop; 15 acres of 1 acre lots approved and recorded in 1926.

Robert Copeland, Director of Facilities, Fontana Unified School District, spoke on this project wrapping around the proposed elementary school. The District is ok with this project.

The Public Hearing was closed.

ACTION: Motion was made by Vice Chairperson Meyer and seconded by Commissioner Rowland to: Adopt Resolution PC No. 2015-08 forwarding a recommendation to the City Council to: 1) 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. 14-009; 3) Adopt an ordinance approving Zone Change No. 14-010 and 4) Approve Tentative Tract Map No. 18981. Motion passed by a vote of 5-0.

G. Master Case No. 15-046; Appeal No. 15-001 - Appeal of Director of Community Development's decision denying a submitted plan check for an electric fence.

Paul Gonzales, Associate Planner, provided the staff report.

Discussion was held on allowing the applicant to speak on this item.

Speaking for the applicant, Alice Wong, represents The Electric Guard Dog, asks the Planning Commission to allow the fence to be built and be de-electrified on the west side.

Vice Chairperson Meyer disclosed that the applicant's law firm represents his employer on certain issues.

Speaking for the applicant, Ken Motzenbecker, spoke on the de-electrified fence serving as a deterrent; and only someone that has jumped into the site would be affected by the electric fence.

Discussion was held on the logical interpretations of the electric fence ordinances.

Discussion was held on having a de-electrified fence that is still connected to an electric fence that may be electrified at a future date.

Discussion was held on the applicant having come in two years go asking for this electric fence ordinance and the wording on the ordinance.

Discussion was held on the property owner putting up an electric fence next to a residence with knowledge of the ordinance.

Discussion was held on the screening material being the minimum required.

The Public Hearing was opened.

Scott Roach spoke on his easterly property line bordering the electric fence property. His concern is that it is not restrictive. Instead of a fake electric fence is to look at some other effective options for that property line that can more directly help both him and the applicant.

The Public Hearing was closed.

Secretary Garcia spoke on being in agreement with the Community Development Director's decision on the electric fence.

Chairperson Cothran is concerned that the ordinance is not right. Director Troyer can have staff take a look at it.

Applicant spoke on the electric fence being owned by The Electric Guard Dog and being leased to the business owner; it could not be electrified by the business owner. A condition of approval could address that issue.

Discussion was held on the suggestion made by Mr. Roach for the applicant

to work with the resident for options to provide security to both properties.

Discussion was held on this item coming forward as a variance.

Applicant spoke on the wording on the ordinance being wrong and whether the Planning Commission is going to allow a fence with three electric sides and one non-electric side with heavy duty mesh to stop hands from poking through.

Discussion was held on a section in the SWIP regarding fencing that refers to materials; and if someone came and said they have a fence that looks like electrical fencing, it would not be approved because of the material being used.

Secretary Garcia stated that is good policy not to have an electric fence, real or look alike, next to a residential property.

Applicant stated that it is a battery powered electric fence; it is the appearance that deters theft.

ACTION: Motion was made by Vice Chairperson Meyer and seconded by Chair Cothran to Deny Appeal No. 15-001, thereby upholding the decision of the Director of Community Development. Motion passed by a vote of 5-0.

H. General Plan Amendment No. 14-011; Zone Change No. 14-015 for the Fire Hazard Overlay District.

Catherine Lin, Associate Planner, provided the staff report.

Discussion was held on the number of exits and mitigation measures.

Discussion was held on following the Building Code already in place.

The Public Hearing was opened.

No member of the audience spoke in favor or opposition.

The Public Hearing was closed.

ACTION: Motion was made by Commissioner Rowland and seconded by Commissioner Quiroga to: adopt Resolution No. PC 2015-09, and forward a recommendation to the City Council to: 1) Find that there will be no significant environmental impacts caused by this project as concluded by the Initial Study prepared for this project; therefore, an Addendum to the General Plan Environmental Impact Report has been prepared pursuant to Section 15164 of the California Environmental Quality Act (CEQA); 2) Adopt a resolution to approve General Plan Amendment (GPA) No. 14-11 to amend Chapter 3

(Land Use Element) of the General Plan, creating the Fire Hazard Overlay District and adding a new overlay district to the General Plan Land Use Map; and 3) Adopt an ordinance to approve Zoning Code Amendment (ZCA) No. 14-015 to amend Chapter 30, Article IX (Overlay Districts), Division 11 of the Municipal Code, establishing regulations governing new residential developments within the proposed Fire Hazard Overlay District and adding the new overlay district to the Zoning Map. Motion passed by a vote of 5-0.

DIRECTOR COMMUNICATIONS:

A. Director Communications:

Planning Commission reviewed an update of future City Council Agenda items for the November 10, 2015, and November 24, 2015, meetings for the Planning Commission's information; and an update of future Planning Commission items for the November 17, 2015, and December 1, 2015, meetings for the Planning Commission's information.

Director Troyer thanked the Planning Commissioners and City Clerk Lewis for attending the community planning meeting.

COMMISSION COMMENTS:

A. Planning Commission Remarks

Secretary Garcia is happy to learn of one acre lots.

Secretary Garcia wished everyone a good evening.

Commissioner Rowland wished Vice Chairperson Meyer a happy birthday.

Commissioner Quiroga welcomed his sister to the meeting.

Commissioner Quiroga attended the Jessie Turner Trunk or Treat and the Water of Life event on Halloween.

Commissioner Quiroga greeted his students.

Vice Chairperson Meyer wished School Board Member Matthew Slowik a belated happy birthday.

Vice Chairperson Meyer spoke on Election Day.

Vice Chairperson Meyer spoke on Veteran's Day and how great our Veterans are.

Vice Chairperson Meyer spoke on the Planning Commission's project tours.

Vice Chairperson Meyer spoke on the difficult time he has recently endured and thanked everyone for their support.

Vice Chairperson Meyer thanked everyone for the birthday greetings.

Chairperson Cothran congratulated his daughter on her wedding on October 23; and announced his son's upcoming wedding.

Vice Chairperson Meyer spoke on the massive operation at the LG building that is located at the northeast corner of Sierra and Summit avenues.

Chairperson Cothran invited the Planning Commission to the Water of Life Dedication Ceremony on Sunday, November 15, 2015 at 5:00 p.m.

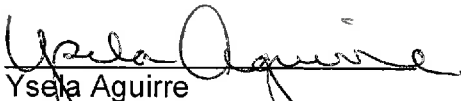
City Clerk Lewis thanked everyone that came to the Pepper Street Open House.

City Clerk Lewis wished Vice Chairperson Meyer a happy birthday.


City Clerk Lewis congratulated her grandson, Sean, on being selected to serve in Pasadena Rose Parade Honor Band.

ADJOURNMENT:

By consensus, the Planning Commission adjourned at 8:37 p.m. to the Regular Planning Commission Meeting on Tuesday, November 17, 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 17TH DAY OF NOVEMBER, 2015.


Phil Cothran
Chairperson