

**MINUTES OF THE CITY OF FONTANA
REGULAR PLANNING COMMISSION MEETING
October 20, 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, October 20, 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 Quiroga, and Commissioner Rowland

Absent: Vice Chairperson Meyer

Also Present: Attorney Victor Ponto; Community Development Director James Troyer; Planning Manager Zai AbuBakar; Assistant Planner Dawn Rowe; Associate Planner DiTanyon Johnson; Senior Engineer Kathy Raasch; Policing Technician Wendy Ratcliffe; 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 Chairperson Cothran, the Pledge of Allegiance was led by Commissioner Rowland.

SPECIAL PRESENTATIONS:

A. San Sevaine Trail Master Plan Update

Noel Castillo, Engineering Manager, and Brian Hannegan, Senior Designer, provided an update on the San Sevaine Trail Master Plan. The plan will be presented to the Parks and Community Services Commission on Thursday, October 22, 2015.

PUBLIC COMMUNICATIONS:

A. Public Communications

Tressy Capps spoke on the Climate Action Plan Workshop being scheduled to begin at 6:00 p.m. but was not held until 10:30 p.m. and was not televised. An audio CD is available for \$5 and she has a problem with that. She has submitted a records request for a financial impact report if the plan it was adopted as presented. No analysis has been done and it would be an irresponsible action plan. She requested that the report include how much greenhouse gas is being emitted and the cost for helicopters flying around three hours a day. She requested a workshop be conducted in public. She invited everyone to visit YouTube to view a Fontana Viral video; there is a reason police are here, the citizens are waking up.

Wendy Gish spoke on the Pied Piper, the Hegelian Dialect, and United Nations Agenda 21. Cities have a problem because revenues are down and they have to make ends meet. SANBAG, SCAG, and the State of California are Pied Pipers, but those sweet tunes come with a payment when they tell you how to use those grants; it takes away rights and privileges of citizens. She encouraged everyone to stand up, roll up your sleeves, or your children and your grandchildren will be taken away.

CONSENT CALENDAR:

A. Approval of Minutes

Approve the Regular Planning Commission Meeting Minutes of October 6, 2015.

A motion was made by Commissioner Rowland and seconded by Commissioner Quiroga to approve the Minutes of the October 6, 2015, Planning Commission Meeting. Motion passed by a vote of 4-0.

PUBLIC HEARINGS:

A. Planning Case No. 06-025; Conditional Use Permit No. 10-018R1 - A request to amend CUP No. 10-018R1 in reference to an existing Ceremonial Cleansing Room located within a 420 square foot ancillary building on site. The request is to amend Condition No. 7 and Condition No. 8 as they pertain to the hours of operation and the storage and handling of the deceased within the Ceremonial Cleansing Room.

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 the refrigeration room.

Discussion was held on the licensed funeral director that will handle the services.

Discussion was held on this project being handled as a mortuary.

Discussion was held on the licensing of the facility and the change of the Board of Directors.

A condition was added for the applicant to obtain any appropriate licenses from state agencies regulating the use of the facility and prior to implementing the new condition.

Discussion was held on the drainage of the ceremonial cleansing and the septic tank.

The Public Hearing was opened.

Speaking for the applicant Juma Darwish spoke on the septic tank.

Speaking for the applicant, Goulade Farrah, spoke on this mortuary being 100% green with no caskets and no chemicals being used.

Discussion was held on the difference in draining to the septic tank.

Discussion was held on the minimal amount of water used per each ceremonial cleansing.

Discussion was held on the original CUP being approved in 2010 and the only change to this is to keep the deceased on site for a maximum of five days for extenuating circumstances.

Discussion was held on any restrictions.

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 Facility) of the CEQA Guidelines, and direct staff to file a Notice of Exemption; 2) Approve Conditional Use Permit No. 10-018R1 subject to the attached findings and conditions of approval with the condition for the applicant to obtain any appropriate licenses from state agencies regulating the use of the facility and prior to implementing the new condition. Motion passed by a vote of 4-0.

B. Master Case No. 15-061; Conditional Use Permit No. 15-021;

Conditional Use Permit No. 15-023; Design Review No. 331R1 (Amendment) - To operate a restaurant with a CUP for live entertainment, CUP to operate a restaurant in conjunction with a new California Department of Alcoholic Beverages Control (ABC) Type 47 (On-Sale for a restaurant) license, and a Design Review for the color change to an existing building.

James Troyer, Director of Community Development, provided the staff report.

Discussion was held on the approval process for this business having live entertainment and the type of license.

Discussion was held on the hours of operation.

Discussion was held on the facility being a family restaurant and a sports bar.

The Public Hearing was opened.

Discussion was held parking near the residential area on the other side of the block wall.

Discussion was held the enforcement of no loitering.

Discussion was held on the owner monitoring the noise that occurs outside of the building and the CUP allowing this project be brought back to the Planning Commission for additional conditions.

Conditions Nos. 8-18 were missing from the packet.

Discussion was held adding a condition regarding noise not occurring outside of the building.

Policing Technician Wendy Ratcliffe stated that ABC requires the applicant to be aware of what is going on outside in the parking lot; the applicants is responsible for making people leave. There is also a condition that if there are issues in the parking lot, the applicant will be required to get security.

Discussion was held on the conditions regarding music being heard outside of the building.

Discussion was held on parking lot lighting.

Speaking for the applicant Vianey Guerrero stated that there will be security guards on the premises in the late hour to monitor loitering and to avoid having any problems. Security guards will check inside and outside of the facility. The live entertainment will be indoors only, with a small dining room and music will not be loud.

Discussion was held on facing the speakers away from the front door; The Applicant agreed to face the speakers away from the door and face them to the west.

Discussion was held on the hours of security guard(s); one hour before and one hour after the live entertainment on Friday, Saturday and Sunday.

The applicant, Saul Navarro requested to have live entertainment on Friday and Saturday from 2:00 p.m. to 12:00 a.m.; and on Sunday through Thursday to 10:00 p.m.

Discussion was held on the hours of operation and time of live entertainment.

Policing Technician Ratcliffe did not support the time of 12:00 a.m. since the project is directly adjacent to a residential area.

Chairperson Cothran suggested a review in six months and if there are no complaints, the Planning Commission may consider extending the end time to 12:00 a.m.

Live entertainment can begin at 5:00 p.m. to be consistent with other live entertainment CUPs.

Discussion was held on building code requirements being given after the applicant's plan is submitted.

Discussion was held on work being done before all of the plans being submitted.

Applicant spoke on not always having live entertainment.

Discussion was held on the ABC condition not superseding the CUP.

Consensus was to approve the hours of operation to be Sunday through Thursday from 10:00 a.m. to 10:00 p.m. with live entertainment from 5:00 p.m. to 9:00 p.m.; and Friday and Saturday from 10:00 a.m. to 11:00 p.m. with entertainment from 5:00 p.m. to 11:00 p.m. and have the applicant come back in six months.

Discussion was held on the project meeting the parking standard in 1981, but over time the parking code changed for office and retail uses. The parking standard now is more restrictive. It has adequate parking even if the center as a whole is legal non-conforming. Many of the other uses close at 5:00 p.m. This applicant was able to get a parking agreement with the neighbor next door. The 143 parking spaces include the property next door. They have a reciprocal parking agreement.

The applicant does want to use the banquet room in the future, but is not proposing it at this time because he just wants to get the restaurant approved and opened. A parking study will need to be done before the banquet facility is approved for use.

Discussion was held on the current parking and if it is sufficient for the banquet room's to be open.

Discussion was held on the banquet hall being vacant for more than six months and now it has to meet the current parking standard.

Discussion was held on including approval for use of the banquet room now with the understanding that the parking is not up to standard; if the Planning Commission wants to add it into the project, it can do so.

Speaking for the applicant, Amado Landin Architect, the architect on this project explained that the banquet room was leased by a church, which recently vacated and now the applicant is interested in opening the banquet facility.

Discussion was held on staff working with the applicant to add a corner water fountain feature.

Discussion was held on the conditions of approval for the banquet facility.

Fire Marshall Brian Headley will have the banquet hall checked for current code at plan check.

By consensus, the hours for live entertainment will be extended to begin at 3:00 p.m.

Architect Amado Landin is committed to letting the applicant know that there is a permitting process for anything that needs to be done to the building.

Tressy Capps spoke on it not being easy to start a business in Fontana because applicants have to put up with Mr. Troyer and Wendy. She spoke on the video surveillance system and not wanting to be spied on while eating. She believes Rod Jones wants to bring what is happening in Redlands to Fontana. She invited everyone to visit YouTube to view a Fontana Viral video. She stated that Mr. Troyer left Rancho Cucamonga under suspicious circumstances; his demeanor is very short and he is not a pleasant person who needs to treat people better.

Director Troyer spoke on conditions of approval being required for businesses that serve beer and alcohol.

Terri Canales thanked the Planning Commission for this evening. She lives

across the street from the restaurant. She spoke on not being able to use all of the rooms in their house because of the prior business having loud music that was heard in her house. She appreciates the neighbors being considered this time. She has lived in the area for 35 years and looks forward to a nice restaurant there; she appreciates the security.

Bill and Mickie Bender live next to the business and spoke on the music and people in the parking lot being the problem. They go to bed at 10:00 p.m. and if there is loud noise after that, it will keep them from their normal routine. There were problems with prior businesses that came in in illegally before they were finally closed by Code Enforcement. There were workers making lots of noise when they were leaving and there were fighting in the parking lot. They would like to have the restaurant there and see the property being used with an ongoing business. They are concerned with the type of music. They will be back in six months to provide feedback. They would like to see the parking issue reviewed.

The applicant spoke on not wanting to be an inconvenience or nuisance, they do not want to create any problems for the city or the people; they want to provide work and increase sales in that location with consideration for the residents. There will not be bottles; everything will be clean and organized. They will not be noisy like past tenants. They want to create work and create jobs for the city.

Quiroga thanked the applicant for their interest in Fontana. There are people who live there that have to be taken into consideration. He asked the applicant to take those concerns into serious consideration because we want residents to be happy here too.

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; 2) Approve Conditional Use Permit No. 15-021 subject to the attached findings and conditions of approval; 3) Approve Conditional Use Permit No. 15-023 subject to the attached findings and conditions of approval; 4) Approve Design Review No. 331R1 subject to the attached findings and added conditions regarding security, the banquet hall, water fountain, revised hours of operation for live entertainment, and a review in six months. Motion passed by a vote of 4-0.

C. General Plan Amendment No. 09-001; General Plan Amendment No. 15-001; Zone Change No. 09-001; Specific Plan No. 09-001 - Westgate Specific Plan

DiTanyon Johnson, Associate Planner, provided the staff report.

Staff has received 30 written communication in opposition to this project.

Speaking for the applicant, Doug Ford spoke on the team working on projects in the City of Fontana for years – Hunter's Ridge, Village of Heritage, Fontana Commerce Center, Falcon Ridge Town Center. They are very committed and have always put a lot of effort the projects in the City of Fontana. The Westgate Master Plan involves four villages each one is unique in itself and a variety of product.

Jeff Harris provided a slide presentation on the Westgate Specific Plan and shared specific information on the project.

Discussion was held on the number of units and the changes as compared to the originally approved plan.

Discussion was held on the project not having anything upscale.

Applicant invited the Planning Commission to visit another similar project in Orange County or Eden Glen in Ontario, which has the same prototype as this project. He invited anyone to check it out and they will not find anyone that will say it is not a superb community.

Discussion was held on the increase of density

Chairperson Cothran reminded the audience that the Planning Commission is not the enemy and their input is valued.

City Clerk Lewis requested that the audience respect the speakers.

The Public Hearing was opened.

Eddie McCloud spoke in opposition to the project.

Linda Gilchrist, resident in Harmony Community, spoke in opposition to the project.

Kathy Ponce spoke in opposition to the project.

Kevin Forrester, resident in Harmony Community, spoke in opposition to the project.

Andres Baron spoke in opposition to the project.

Tressy Capps spoke in opposition to the project.

Nohra Rojas, resident in Morning Side Community, spoke in opposition to the

project.

Ronny Macias spoke in opposition to the project.

Roosevelt Tolbert spoke in opposition to the project.

Wendy Gish spoke in opposition to the project.

Sandy Silva spoke in opposition to the project.

Applicant clarified that the location of the high school is not part of the plan, the school district made that decision.

Discussion was held on the district already owned the site and could build the high school regardless of what happens with this project.

The Public Hearing was closed.

Secretary Garcia spoke on having looked at this plan over the past year and we have plenty middle of the road type developments. He is not against what the developer has said, but we need a mix of housing in the city. We need executive type housing. There have been some major changes, but it's the same plan with input; he is looking for a bigger mix.

Commissioner Quiroga spoke on spending a lot of time looking at the plan, visiting the site, and listening to comments from people that live here. He would like to continue to see Fontana evolve. He has driven around the city and we have lots of apartment and small lots, but we lack large executive style homes. He thanked Mr. McCloud. We do not want to be like Rancho, he wants Rancho Cucamonga to want to be like Fontana.

Commissioner Rowland commented that she is not elected, but appointed and she is not here for political reasons; her vote is for what is best for Fontana.

ACTION: Motion was made by Commissioner Rowland and seconded by Commissioner Quiroga to deny staff's recommendation. 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 27, 2015 and November 10, 2015, meetings for the Planning Commission's information; and an update of future Planning Commission items for the November 3, 2015 and November 17, 2015,

meetings for the Planning Commission's information.

COMMISSION COMMENTS:

A. Planning Commission Remarks


None.

ADJOURNMENT:

By consensus, the Planning Commission adjourned at 9:47 p.m. to the Regular Planning Commission Meeting on Tuesday, November 3, 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 3RD DAY OF NOVEMBER, 2015.**


Phil Cothran
Chairperson