

**MINUTES OF THE CITY OF FONTANA  
REGULAR PLANNING COMMISSION MEETING  
July 19, 2016  
Grover W. Taylor Council Chambers**

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**CALL TO ORDER/ROLL CALL:**

**A. Call To Order/Roll Call:**

A regular meeting of the City of Fontana Planning Commission was held on Tuesday, July 19, 2016, in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California. Chairperson Garcia called the meeting to order at 6:01 p.m.

Present: Chairperson Garcia, Secretary Quiroga, Commissioner Gongora, and Commissioner Sanchez.

Absent: Vice Chairperson Meyer

Also Present: Attorney Victor Ponto; Planning Manager Zai AbuBakar; Senior Planner Shannon J. Casey, AICP; Associate Planner Paul Gonzales; Assistant Planner Dawn Rowe; Assistant Planner Jon S. Dille; Assistant Planner Alejandro Rico; 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 Commissioner Gongora, the Pledge of Allegiance was led by Commissioner Sanchez.

**PUBLIC COMMUNICATIONS:**

**A. Public Communications:**

Tressy Capps spoke on Commissioner Meyers comments at the previous Planning Commission meeting. She spoke on the GPAC meetings being a priority for her and not being able to attend both the GPAC meeting and the Planning Commission meeting as they are held on the same night. She spoke on Grindall61 on YouTube. She spoke on Kathy Ponce attending the Republican National Convention as a member of the Freedom Tea Party Patriots representing California. She spoke on the Freedom Tea Party Patriots holding a meeting at 7:00 at Logan's on Thursday. She spoke on a records request to find out how long Commissioner Meyer has been on the Planning Commission and if there is a limit for serving. She asked how Commissioner Gongora was appointed

without an application. She spoke on exploring that process. She spoke on the City needing to be transparent, follow policies and put them in place and not just throw people up there. Residents should be assured there is nothing untoward going on here. She spoke on being unhappy with Commissioner Meyer and his behavior was unconscionable.

## **CONSENT CALENDAR:**

### **A. Approval of Minutes:**

Approve the Regular Planning Commission Meeting Minutes of June 21, 2016.

A motion was made by Commissioner Gongora and seconded by Commissioner Sanchez to approve the Minutes of the June 21, 2016, Planning Commission Meeting. Motion passed by a vote of 4-0.

## **PUBLIC HEARINGS:**

Chairperson Garcia proposed a workshop from staff for more information on this important project before voting on this item.

Commissioner Gongora has spoken to staff and based on that information, would like to postpone this item.

Commissioner Quiroga would like the community involved on a project of this size and the impact it will have.

Commissioner Sanchez would like to have a Workshop with more involvement from the school district.

Staff anticipates holding a workshop after the regular meeting.

Attorney Ponto suggested moving this item to a date certain on August 16, 2016; with a workshop on August 2, 2016.

A motion was made by Commissioner Sanchez and seconded by Commissioner Sanchez to move agenda item E. Master Case No. 15-065; Specific Plan Amendment No. 15-001; General Plan Amendment No. 15-003; Development Agreement No. 16-004; Tentative Tract Map Nos. 19960, 19961, and 19962; Administrative Site Plan Nos. 15-035 and 15-037 - Arboretum Specific Plan to be heard as Public Hearing Agenda Item A. Motion passed by a vote of 4-0.

### **A. Master Case No. 15-065; Specific Plan Amendment No. 15-001; General Plan Amendment No. 15-003; Development Agreement No. 16-004; Tentative Tract Map Nos. 19960, 19961, and 19962; Administrative Site Plan Nos. 15-035 and 15-037 - Arboretum Specific Plan**

**ACTION:** Motion was made by Commissioner Sanchez and seconded by Commissioner Gongora to move this item to the August 16, 2016, Planning Commission Meeting. Motion passed by a vote of 4-0.

Eddie McCloud spoke on this project being on land that is valuable and we should be telling developers what we want built there. He spoke on 4,000 sq. ft. lots not being the minimum for the city. He spoke on the master plan. He spoke on having this type of project centrally located in the right area. He spoke on the five homicides in five months. He spoke on contacting the police department about the few police on the north end. He spoke on Victorville's ranking No. 9 in crime. He spoke on running for City Council. He will be here on August 2 and August 16.

Tressy Capps spoke on behalf of Kathy Ponce reading her message shared at the dais.

Fran Givens spoke on needing ten (10) times more senior apartments. She spoke on everyone getting older, and not having places to live available; we're not looking ahead long enough. By 2020, 80 year olds will be 1/3 of the population. She spoke on the possibilities for projects. There are 1,000 disable people living near the corner of Marigold and Sierra Avenue. Unless you are a senior, you do not know what senior issues are. She suggested building a park near a senior living facility so they are not too far from parks that they can't walk to. She spoke on needing showers in the senior facilities as many die from falling out of the shower.

**B. Master Case No. 14-003; Tentative Tract Map No. 06-15EX (TPM No. 18193) - A request for a two (2) year time extension for a subdivision of two (2) single-family lots, of approximately 22,801 square feet, and approximately 20,018 square feet. The Tentative Parcel Map was originally approved on December 19, 2006.**

Assistant Planner Alejandro Rico provided the staff report.

Speaking for the applicant, Jesse Armendarez, requested the extension be increased to five (5) years. He spoke on developing or selling; if developed, it will be done within two (2) years. He is requesting a longer extension because every time an extension is requested, he has to pay \$3,000.

Attorney Ponto spoke on the extension time limits is designed to motivate folks to move along instead of slacking; the historical practice is granting a two (2) year extension.

Manager AbuBakar spoke on a limit of 15 years for map life. Historically, the most given is two (2) years; that is the amount of time it takes to complete a final map and get the bond for improvement.

Commissioner Quiroga spoke on other projects having gone longer than that; this not being a huge area, so not being developed in two (2) years would not significantly impact the area. He has no problem extending it longer.

Commissioner Gongora spoke on giving the extension as needed to develop as needed.

Commissioner Sanchez agreed.

Applicant spoke on developing once the sewer is installed.

Discussion was held on the purpose of only allowing two (2) year extensions; to make

sure development moves along. Once the map is recorded, development can happen at any time.

Discussion was held on the map recording process.  
No member of the public spoke in favor or opposition to this item.

Discussion was held on the 15 year extension maximum.

Discussion was held on the practice of having a tighter time frame is a good one, but it should be looked at on a case-by-case basis.

**ACTION:** Motion was made by Commissioner Sanchez and seconded by Commissioner Gongora to 1) Determine that the project is Categorically Exempt pursuant to Sections 15378 (Project), and 15061 (b) (3) (Review of Exemption). This proposal does not permit specific development; and 2) Approve Tentative Parcel Map No. 06-015EX (TPM No. 18193) with a modification to approve a five (5) year extension instead of the requested two (2) years. Motion passed by a vote of 4-0.

**C. Master Case No. 15-074; Design Review Project No. 86-132R2; Conditional Use Permit No. 16-017 - Design Review Project request is for the site and architectural review to allow the applicant to erect a new warehouse addition; the Condition Use Permit is a request for approval of the Planning Commission for the use of metal as the primary building facade.**

Assistant Planner Jon S. Dille provided the staff report.

Discussion was held on landscaping renderings.

Discussion was held on truck access to the building.

Speaking for the applicant, Spencer Brog has read, understood and agreed to the conditions of approval.

Commissioner Quiroga thanked the applicant for his business in Fontana.

Discussion was held on the primary building metal façade.

**ACTION:** Motion was made by Commissioner Quiroga and seconded by Commissioner Sanchez to 1) Determine that the project is Categorically Exempt pursuant to Section 15332, (Class No. 32, In-Fill Development Project) of the California Environmental Quality Act (CEQA) and direct staff to file a Notice of Exemption; and, 2) Approve Design Review No. 83-132R2 and Conditional Use Permit No. 16-017. Motion passed by a vote of 5-0.

**D. Master Case No. 16-004; Conditional Use Permit No. 16-004 - A request to operate an existing restaurant in conjunction with a new California Department of Alcoholic Beverage Control (ABC) Type 41 (On-Sale Beer and Wine, for a Bona Fide Public Eating Place) license.**

Assistant Planner Dawn Rowe provided the staff report.

Discussion was held on alcohol sales within 600 feet of parks and schools.

Discussion was held on the number of ABC licenses permitted in each census tract.

Commissioner Quiroga stopped by the restaurant and has no concern; it is a family restaurant where you can have beer with food.

Discussion was held on the Police Department supporting this project.

Discussion was held on the updated surveillance system condition of approval.

Speaking for the applicant, Maria Hernandez has read, understood and agreed to the conditions of approval.

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

**ACTION:** Motion was made by Commissioner Gongora and seconded by Commissioner Sanchez 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. 16-004 subject to the attached findings and conditions of approval. Motion passed by a vote of 4-0.

**E. Master Case No. 13-085; Tentative Tract Map No. 13-011Ex (TTM 18944) - A request for a two-year time extension for Tentative Tract Map to subdivide approximately 29.4 net acres into 179 single-family (medium density) residential lots. The Tentative Tract Map was originally approved on October 14, 2014.**

Associate Planner Paul Gonzales provided the staff report.

Discussion was held on street improvements.

Discussion was held on the fluctuation on the size of the lots.

Discussion was held on the change in City Code requiring larger lots after this project was approved with this size lots.

Discussion was held on being unable to make recommendations to the tract map because it has already been approved; only the extension can be considered.

Speaking for the applicant, Stacy Sassaman, spoke on the three (3) phases of this project. This is the second (2nd) phase and it is a continuation of the Meritage project. She is requesting a five (5) year extension.

Discussion was held on the motivation for the lot sizes.

Attorney Ponto spoke on not opening the discussion on the lot sizes as no action can be taken on that item.

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

Applicant stated that if the extension was not approved, the decision would be appealed.

Discussion was held on the average lot size being 4,500 sq. feet and the largest is 12,000.

Discussion was held on this being the applicant's first extension request.

Applicant spoke on the lot sizes being based on market conditions.

Discussion was held on the applicant having to reapply with lots meeting the current code size if the appeal is denied by City Council.

Applicant spoke on the larger lots not selling as well as smaller lots; the possible reasons for those sales; and the development being in the Rialto School District.

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

Commissioner Quiroga spoke on not being able to recommend lot sizes; his concern is still there and wants to make sure that it is a good product for us.

Commissioner Gongora shared similar concerns.

Chairperson Garcia spoke on this project possibly being grandfathered in since it was approved before 5,000 sq. ft. lots were required. It is an older plan with older requirements. It does not seem like there is any urgency to get this project done within the two (2) year time frame.

Commissioner Quiroga spoke on newer neighborhoods with good sized spacious lots.

Chairperson Garcia spoke on a recent project that was approved by the Planning Commission with 4,000 sq. ft. lots on Foothill near the DMV and the City Council overturned that project to go with larger lot sizes.

Commissioner Gongora spoke on wanting people that invest here to be successful but wants to know what the motivation behind the lot sizes is because that factors into his decision. If the product that is not selling well because of the smaller lots, who are they targeting.

Attorney Ponto spoke on the lot sizes not being determinate upon their decision of the extension. Some level of discourse was permitted for background information, but this issue was discussed in December 2015 before this body and the decision was to allow this modification because of the unique ownership of these properties.

Commissioner Sanchez echoed his fellow Commissioners. It is a big responsibility to make decisions for the future of the City. He understands growth and making a profit, but on whose back. He has to do what is right for the City. He wants to ensure families can spend time in their backyards and not congregate at every park in town.

**ACTION:** Motion was made by Commissioner Gongora and seconded by Commissioner Sanchez to not approve staff's recommendation and deny an extension of time. Motion passed by a vote of 4-0.

#### **F. Master Case No. 15-091; Conditional Use Permit No. 15-040; Administrative**

**Site Plan No. 15-057 - Conditional Use Permit is a request for the review and approval to construct a public access compressed natural gas (CNG) fueling facility at the northerly portion of the existing Southern California Gas Company fleet facility within the General Commercial (C-2) zoning district; Administrative Site Plan is a request for the review and approval of site and architectural design of the proposed public access CNG fueling facility.**

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

Discussion was held on revision to landscaping to be compliant with current code.

Speaking for the applicant, Kristie Scott thanked staff for their guidance and assistance through this process; she is excited for this project and the natural gas service provided. Discussion was held on other natural gas stations in Fontana.

Discussion was held on the safety of an unmanned public use natural gas station.

Speaking for the applicant, Peter Le, spoke on this natural gas station operating like any other gasoline dispensing machine; the difference is this is a gas instead of liquid. He spoke on the site being operational since the early 1980's and they have not had any incidence on their facilities. There are measures in place and a shutdown procedure.

Commissioner Gongora thanked the applicant for bringing this good opportunity to Fontana.

Discussion was held on how this station will be marketed.

Applicant has read, understood and agreed to the conditions of approval.

Fran Givens requested information on the actual location of the facility and spoke on natural gas storage effects on health.

Discussion was held on existing gas tanks on the project site that are used for gasoline operation for fleet vehicles.

Applicant spoke on proposing above ground storage/buffer tanks.

Joe Millan spoke in opposition to this project; he noted the situations at Porter Ranch and Omni Trans. He has lived in the area since 2000 and in Fontana since 1979; he has seen it grow. He loves the city and loves the area, but he is seeing so many warehouses and now this facility that it is time to make an exit before something bad happens. He babysits his grandchildren and worries about everybody in the neighborhood. Not everyone understands what is happening; he will go to the City Council meeting because safety comes first. He spoke on the lawsuit in San Bernardino. He spoke on many residents leaving if this project is approved. He spoke on all of the warehouses and trucks parking everywhere, being a constant hazard and no one does anything. He wants a guarantee that there will be no leaks and no dangers. Residents have been here a long time, don't force them out.

Applicant spoke on not building a warehouse; their facility has been there since 1960, it is where their trucks are located and the base operations. It is a natural gas fueling station for their fleet trucks. Porter Ranch was a storage field with thousands of gas being stored there. Measures are taken for safe operation of natural gas stations. They have not had any incidences. They take pride in being in Fontana and do not anticipate going anywhere.

Applicant spoke on the operation of the gas station. He is excited for growth in the industry. They have been operating this fueling station since the early '80's and they are very confident and very successful at it. He is excited for growth in the industry. Buses and trash trucks use it and they are making it a public station due to overwhelming demand. It is a centralized location and they can provide a very good and safe fuel for the public.

Discussion was held on the mechanics of the station.

Applicant explained that the fueling station will be two compressors that will take high pressure gas and compress it for vehicle use. It runs through an above ground tank that is a fuel storage tank; it will then end up at the pump for the customers' vehicle.

Discussion was held on the safety mechanisms in place in case of a leak.

Fire Marshall Brian Headly, spoke on gas station safety being handled by the Haz Mat Team. All safety measures at other gas station facilities are in place at this facility including emergency shut off, double wall protection piping, and anything that alleviates release.

Commissioner Quiroga thanked the gentleman for sharing his thoughts - residents have to be taken into consideration. He spoke on wanting the applicant to be successful, but it has to be a safe facility.

Applicant spoke on operating this facility since the early '80's without any incident. There are piping and fitting leaks that are taken care of right away with staff on call 24/7. There are also routine checks. If there are any incidents, it is a third party at fault. The facility is overseen by the Department of Transportation and the California Public Utilities Commission and each year rules and guidelines are set that the applicant must follow. Leak inspections are routinely done as safety is their top priority.

Applicant spoke on the Porter Ranch incident being the first time in 150 years they had that problem and they are working to improve that.

Applicant spoke on this project being a completely different situation than Porter Ranch.

Commissioner Gongora welcomed the speaker and invited him to continue participating.

Steve Redman spoke on this being his first time attending a meeting and would hope that more residents would come out and listen and get firsthand knowledge of what is going on. He commended each of the Commissioners for serving the city. He asked if there would be a tank up in the air and will the public come up to tank. He is concerned if a vehicle will come up to the tank. He asked where the nearest fire station is located;

because the public will now be near this so anything can happen very quickly and how quick can the fire department get there.

Applicant spoke on having a gas storage tank that is anchored to a solid foundation, well within the property, behind a wall and not exposed to the public.

Applicant spoke on regular natural gas fire briefings and a partnership developed with public officials.

Matthew Slowik spoke on the area for dispensing being available for the public.

Commissioner Gongora spoke on safety being non-negotiable; residents have to be assured of safety in the community being a priority.

Commissioner Sanchez echoed that safety is important.

Chairperson Garcia spoke on this project bringing natural gas users to the city.

**ACTION:** Motion was made by Commissioner Sanchez and seconded by Commissioner Gongora to 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301, (Class 1, Existing Facility) of the California Environmental Quality Act, and direct staff to file a Notice of Exemption; and, 2) Approve Conditional Use Permit No. 15-040 and Administrative Site Plan No. 15-057. 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 July 26, 2016, August 9, 2016, and August 23, 2016, meetings for the Planning Commission's information; and an update of future Planning Commission items for the August 2, 2016, and August 16, 2016, regular meetings for the Planning Commission's information.

Planning Manager AbuBakar reminded the Planning Commission that the Workshop on August 2, 2016, will be on the Arboretum project and not the Citrus Heights project.

## **COMMISSION COMMENTS:**

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

Commissioner Gongora thanked staff for all of their hard work.

Commissioner Gongora thanked the residents for coming out and encouraged them to return.

Commissioner Gongora thanked the Parks and Community Services Commissioners for a great 4th of July event.

Commissioner Gongora attended the Summer Concerts in the Park and encouraged everyone to attend.

Commissioner Gongora spoke on the City of Fontana giving him hope and the people in it are the best.

Commissioner Gongora requested that tonight's meeting be adjourned in memory of the officers lost over the past few days.

Commissioner Gongora greeted his family watching at home.

Commissioner Quiroga spoke on all the good things happening in Fontana.

Commissioner Quiroga thanked the residents that showed up and encouraged them to be involved.

Quiroga attended the Concert in the Park; it was safe, it was fun and it was packed.

Commissioner Quiroga wished his mom a happy birthday.

Commissioner Sanchez spoke on the importance of civic engagement; it's a hot seat to make decisions that will affect people for years to come. They have to consider if it is good for Fontana, kids, seniors, and business owners - picking the right homes and businesses is important.

Commissioner Sanchez encouraged others to come out.

Commissioner Sanchez spoke on the recent tragedies. It is important that we teach our kids respect of our leaders and police officers. It saddens him to see the lack of respect. He is proud to be up here.

Chairperson Garcia spoke on mail theft in the City of Fontana and how bad of a problem it is. The residents are responsible for the mail boxes, but the Post Office will not allow them to have their own mail box. We need to come together and fix it. He spoke on the Planning Commission looking at the Design Review and if single boxes are needed. He proposed a workshop to look at the code and have discussions on future developments so that we do not perpetuate the problem.

Chairperson Garcia spoke on the General Plan Update. As Commissioners, they are charged with making decisions as the General Plan is being done; decisions have to be made now with the existing General Plan. He proposed having a workshop to look at the remaining undeveloped land in the city and is needed; the percentage of homes; square footage; what is residential; what is commercial. He spoke on a decision being made tonight on an older policy on lot sizes. More information is needed to be well informed on what the city really needs.

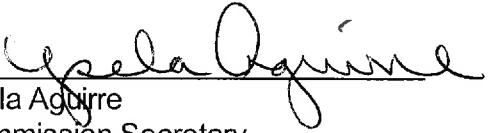
Chairperson Garcia asked the Commissioners to share any items they would like to have a workshop on.

Chairperson Garcia attended the 4th of July event; he shared that the "Mick Jagger" of the Stones vs. Beatles Band was his mother's neighbor from Belmont Shore. He mentioned that the City treated him very well, he enjoyed performing here and hopes to get invited back again!

Chairperson Garcia spoke on the concerts in the park.

## **ADJOURNMENT:**

By consensus, the Planning Commission adjourned in memory of the officers lost in Dallas and Baton Rouge at 8:40 p.m. to the Regular Planning Commission Meeting on Tuesday, August 2, 2016, at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

  
Ysela Aguirre  
Commission Secretary

**THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING COMMISSION  
ON THE 2nd DAY OF AUGUST, 2016.**

  
Peter Garcia  
Chairperson