

**MINUTES OF THE CITY OF FONTANA  
REGULAR PLANNING COMMISSION MEETING  
August 2, 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, August 2, 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, Vice Chairperson Meyer, Secretary Quiroga, Commissioner Gongora, and Commissioner Sanchez.

Absent: None.

Also Present: Attorney Victor Ponto; Planning Manager Zai AbuBakar; Senior Planner Orlando Hernandez; Sergeant Tracy Dills; Assistant Planner Jon S. Dille; Assistant Planner Alejandro Rico; 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 Sanchez, the Pledge of Allegiance was led by Commissioner Meyer.

**PUBLIC COMMUNICATIONS:**

**A. Public Communications:**

Tressy Capps re-addressed some issues from a previous meeting. She spoke on the Planning Commission appointments - 20 applications were received and the person appointed applied to the Parks and Recreation Commission, not the Planning Commission. She requested the City Attorney address the legality of it. She asked Commissioner Meyer why he misquoted on her comments about Sunset on Sierra. She spoke on the three lives lost at the music festival, crime in Fontana, problems in the north end of town, and video surveillance camera conditions. She invited everyone to visit grindall61 on YouTube. She spoke on the workshop being aired. She asked the Commissioners to plan responsively.

Eddie McCloud thanked the Commissioners for allowing them to speak first instead of at the end of the day. He spoke on the concert at the Auto Club Speedway; the arboretum and the impact it will have on the Police Department. He spoke on neighboring cities' crime ranking. He is running for City Council because he has to. Fontana should look much better than Rancho Cucamonga.

Hakeem Abdul Khallaq has been coming to these meetings for the last several months. He spoke on those that come up and speak needing to bring context to what is being brought forward. He spoke on the situation at the rave as an opportunity to learn from problems and make the event better next year. This event brought 146,000 people to Fontana. He spoke on those that come up and speak about all the crime in Fontana, but what crimes are they talking about. The crime statistics he has seen for Fontana do not look that bad. He spoke on things being better when we talk about them and not in broad strokes. We need to look at the big picture plan for Fontana. There are a lot of things happening; the discussions are not positioned properly – as we move forward, we need to have a real discussion, with real facts and real information to move forward and feel more comfortable about what is going on. People don't feel part of the process, in terms of sitting down and having dialogue of the real vision of Fontana. He hopes as we move forward we can talk about those things on a deeper level.

Kathy Ponce spoke on all the opportunities in the city to sit down and have an open dialogue. The City of Fontana has the most accessible police chief. She spoke on crime being on the rise. She spoke on Pomona bringing their trash to Fontana and someone's pocket getting lined. She loves it when citizens show up to one meeting and say they are not being heard. She spoke on the ease of accessibility with city staff. She hopes citizens will come to Ad Hoc meetings.

## **CONSENT CALENDAR:**

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

Approve the Regular Planning Commission Meeting Minutes of July 19, 2016.

A motion was made by Commissioner Gongora and seconded by Commissioner Sanchez to approve the Minutes of the July 19, 2016, Planning Commission Meeting with a change to the vote count on Public Hearing Item C. Motion passed by a vote of 4-0-1 with Commissioner Meyer abstaining.

## **PUBLIC HEARINGS:**

### **A. Zoning Code Amendment (ZCA) No. 16-008 - A request to amend Section 30-7 of Chapter 30, Article I (General Provisions) of the Fontana Zoning and Development Code to regulate the personal, medical, and commercial use of marijuana.**

Sergeant Tracy Dills provided the staff report.

Discussion was held on this code minimizing the effect on the community if voters approve the Proposition 64.

Discussion was held on the implementation timeline.

Discussion was held on what types of cannabis products this code will encompass.

Discussion was held on the current process to access marijuana.

Discussion was held on this ordinance being the template introduced in other cities and Fontana is the first to move forward with it.

Discussion was held on compliance with federal law versus state law.

Discussion was held on enforcement not changing from what it currently is if Proposition 64 passes.

Attorney Ponto stated that anyone age 21 and over will be able to use marijuana recreationally and grow it in their home; this code is way to try to have a permitting process in place.

The Public Hearing was opened.

Steve Redman asked if there is a test to check if a driver is under the influence of marijuana. This is his second time and he will continue to be more actively involved. He commended the Planning Commission and the Police Department for taking a position on this.

The Public Hearing was closed.

Commissioner Gongora thanked Attorney Ponto for helping Fontana be on the cusp of this new regulation and the Police Department for being a part of this; it's a good show of strength.

**ACTION:** Motion was made by Commissioner Gongora and seconded by Commissioner Meyer to adopt Resolution No. PC 2016-006, and forward a recommendation to the City Council to adopt an ordinance amending Section 30-7 to further clarify its desire to prohibit dispensaries, cannabis manufacturers, cultivation, and delivery of cannabis in the City. Motion passed by a vote of 5-0.

**B. Master Case No. 16-030; Conditional Use Permit No. 16-016 - Review and approval of a Conditional Use Permit (CUP) to establish a day care facility for a maximum of 14 children located within an existing residence of approximately 2,993 square feet on a 5,000 square foot lot.**

Assistant Planner, Alejandro Rico, provided the staff report.

Staff did not receive any communication in favor or opposition.

Discussion was held on the hours of operation.

Discussion was held on concerns or complaints with other similar facilities in the city.

Discussion was held on a "Children Present" street sign.

Discussion was held on the state reviewing the adequacy of the inside of the home.

Discussion was held on noticing for this item and no one coming forward with any concerns.

Discussion was held on the parking for staff and parents.

Discussion was held on the occupancy.

Discussion was held on any proposed changes to the property.

Discussion was held on the age limit of the children.

The Public Hearing was opened.

Speaking for the applicant, Elaina Cortez, spoke on the age limit, adult to child ratio, and maximum child occupancy.

The applicant addressed Commissioner Gongora's traffic concerns.

The applicant has been in business for four years.

The applicant described the drop off procedure.

The applicant addressed parent and staff parking concerns.

The applicant is requesting the hours of operation be 6:00 a.m. to 7:00 p.m.

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

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

The Public Hearing was closed.

**ACTION:** Motion was made by Commissioner Meyer and seconded by Commissioner Gongora to 1) Determine that the project is statutorily and categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section No. 15274 (Family Day Care Homes), and Section No. 15301 (Class No. 1, Existing Facilities), and direct staff to file a Notice of Exemption; and 2) Approve Conditional Use Permit No. 16-016 subject to the attached Findings and Conditions of Approval. Motion passed by a vote of 4-1 with Commissioner Sanchez opposing.

- C. Master Case No. 16-003; Conditional Use Permit No. 16-003 - A request from the owner of El Pareja Tacos, to operate an existing restaurant (approximately 2,400 square feet) 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.**

Assistant Planner, Alejandro Rico, provided the staff report.

Discussion was held on other restaurants with ABC licenses in the area. Commissioner Meyer suggested staff check their window covering. Policing Technician, Wendy Ratcliffe, will look into it.

Discussion was held on the Census Tract.

Discussion was held on the Planning Commission getting a list of currently operating licenses.

Staff shared the process for applying for and getting an ABC license.

Discussion was held on the condition prohibiting games; any kind of entertainment requires a separate permit.

The Public Hearing was opened.

Speaking for the applicant, Jorge Salinas.

Discussion was held on fridge accessibility.

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

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

Commissioner Gongora visited the restaurant and the owner is a proud business man and proud father.

Commissioner Quiroga stated that his wife eats at the restaurant after exercising.

**ACTION:** Motion was made by Commissioner Gongora 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 and Section No. 15332 (Class 32, In-Fill Development Project), and direct staff to file a Notice of Exemption; and, 2) Approve Conditional Use Permit No. 16-003 subject to the attached findings and conditions of approval with the additional condition provided at the dais. Motion passed by a vote of 5-0.

**D. Master Case No. 14-085; Conditional Use Permit No. 16-013 - A request from the owner of Bigg Dane and Beale's Texas BBQ Restaurant (approximately 2,200 square feet), 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 Bona Fide Public Eating Place) license.**

Assistant Planner, Jon S. Dille, provided the staff report.

Staff provided a revision to Condition No. 7 at the dais.

Discussion was held on the two shopping centers not being connected. Manager AbuBakar stated that the issue is between two private parties and staff has tried to get them together to agree to connect the two parcels.

Discussion was held on the Kinder Care Learning nearby.

Discussion was held on how many ABC licenses are on the lot.

The Public Hearing was opened.

Speaking for the applicant, Brett Beale. Applicant has read, understood and agreed to the conditions of approval. Applicant spoke on being on a cooking team from Texas. This restaurant was for sale, had 100's of people coming by to buy their food. His daughter attends at Rancho Cucamonga High School. They purchased and have been in business one year.

The applicant spoke on the property owner having agreed to pay for the opening if the other property owner agrees to it. He has spoken to the Mayor on it.

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

The Public Hearing was closed.

**ACTION:** Motion was made by Commissioner Meyer 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, and direct staff to file a Notice of Exemption; and, 2) Approve Conditional Use Permit No. 16-013 subject to the attached findings and conditions of approval with the revision to Condition No. 7. 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 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 16, 2016 and September 6, 2016, regular meetings for the Planning Commission's information.

Memorandum from Robert W. Ramsey, Chief of Police, regarding Video Surveillance Camera Conditions was shared at the dais.

Discussion was held "recommending" versus "requiring" the property owner to have video surveillance capability.

Policing Technician Wendy Ratcliffe provided examples on how the video surveillance would work.

Manager AbuBakar will speak with the Police Chief to see if the recommendations can be

revised.

Discussion was held on the language of the original condition versus the language in the new condition.

Staff will ask Chief Ramsey to attend a future meeting to address the Planning Commission's questions.

Discussion was held on mailbox locations for future developments. Staff is doing research on this item.

By consensus, tonight's Workshop will be held in the City Council Chambers.

## **COMMISSION COMMENTS:**

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

Commissioner Quiroga had a long summer vacation. He had a great time taking his daughter to swimming lessons. He has a strong support system at home.

Commissioner Quiroga is excited to return to work for another great year.

Commissioner Meyer complimented our entire Police Department - in a neighboring city, a building was vandalized and when the police were called, they said there is no police report for vandalism.

Commissioner Meyer thanked staff for the Sunset on Sierra event; it was a wonderful event; he hopes it would be held again next year.

Commissioner Meyer noted that the music concert this weekend was not held in the City of Fontana, it was on county land; that is an important thing to remember. It was a good concert with 146,000 attendees over two days.

Commissioner Meyer asked that tonight's meeting be adjourned in memory of the three lives lost at the concert and those lost in the Angeles Forest.

Commissioner Meyer invited everyone to Sacred Heart's 10th Anniversary of their new building on August 20, 2016. A fun day is planned.

Commissioner Meyer wished everyone a good evening.

Commissioner Gongora spoke on a meeting he attended with Council Member Wibert and City Manager Hunt, on the January 17, 2016, fire at a pallet business. The Police Department have found an image of the vehicle fleeing the scene. There is a \$33,000 reward available. There is a great effort to stop pallet arson fires – there have been several in the past five years.

Commissioner Gongora attended Sunset on Sierra with his family and had a phenomenal time. He encouraged City staff to hold it again next year.

Commissioner Gongora reminded everyone that school starts next week; his son will be attending Dolores Huerta Dual Immersion International Baccalaureate School and his son will be attending Summit High School.

Commissioner Gongora wished Commissioner Quiroga well on his return to school.

Commissioner Gongora thanked his wife for picking up all the slack while he is out and about serving the community; the Planning Commission has tough decisions to make and they take a lot of thought.

Commissioner Sanchez wished his daughter a happy birthday.

Commissioner Sanchez would like to focus on the positive in the city. He is honored to be on this Planning Commission and it is important that we do not forget where we come from and where we want to go. It is important to hear input from all sides. He is proud of the Police Department, they are doing a great job based on the ratio of people in the city. He commended the police officers and the Chief. His son is police officer. It is important to him to be here; and it is important to hear what citizens want from them.

Chairperson Garcia attended Sunset on Sierra. It was a great event that got the community together. He had a great time and would like to see more events like that in Fontana; it fosters a strong community. The Police Department did a great job, there were no incidents, just people having a great time.

Chairperson Garcia attended the Summit Football Fundraiser at Sierra Lakes and wished Coach Nick a great season.

Chairperson Garcia wished his daughter a happy birthday; Katherine was in the audience.


Chairperson Garcia announced that the Mayor's Roundtable will be held on Wednesday, August 3, 6:00 p.m. to 8:00 p.m. at Center Stage Theater.

## **WORKSHOP:**

Arboretum Specific Plan

## **ADJOURNMENT:**

By consensus, the Planning Commission adjourned at 7:51 p.m. in memory of the three young persons that lost their lives in the Angeles National Forest and the three that lost their lives at the concert this weekend to a Workshop in the Grover W. Taylor Council Chambers then to the Regular Planning Commission Meeting on Tuesday, August 16, 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 16th DAY OF AUGUST, 2016.**



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Peter Garcia  
Chairperson