

**MINUTES OF THE CITY OF FONTANA  
REGULAR PLANNING COMMISSION MEETING  
December 15, 2015  
Steelworkers' Auditorium**

---

**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, December 15, 2015, in the Steelworkers' Auditorium, 8437 Sierra Avenue, Fontana, California. Chairperson Cothran called the meeting to order at 6:05 p.m.

Present: Chairperson Cothran, Vice Chairperson Meyer, Secretary Garcia, and Commissioner Quiroga.

Absent: Commissioner Rowland

Also Present: Attorney Victor Ponto; Planning Manager Zai AbuBakar; Assistant Planner Jon S. Dille; Assistant Planner Dawn Rowe; Associate Planner DiTanyon Johnson; Associate Planner Paul Gonzales; Assistant Planner Rina Leung; Assistant Planner Alejandro Rico; 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 Secretary Garcia, the Pledge of Allegiance was led by Commissioner Quiroga.

**PUBLIC COMMUNICATIONS:**

**A. Public Communications**

None.

**CONSENT CALENDAR:**

**A. Approval of Minutes**

Approve the Regular Planning Commission Meeting Minutes of December 1, 2015.

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

## **PUBLIC HEARINGS:**

**A. Master Case No. 15-082; Conditional Use Permit #15-034 - Conditional Use Permit (CUP) No. 15-034, a request from the owner of Los Paisanos Restaurant, to operate an existing restaurant (approximately 1,400 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.**

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

Discussion was held on the over concentration of the tract.

Discussion was held on a license issued in 1992.

Speaking for the applicant, Guilberto Diaz, has read and agreed to the conditions of approval.

Chairperson Cothran spoke on visiting the restaurant and not finding any issues. He appreciates the applicant coming forward and wished him well.

Commissioner Quiroga provided translation for the applicant.

The Public Hearing was opened.

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) and Section No. 15332 (Class 32, In-Fill Development Project) of the California Environmental Quality Act, and direct staff to file a Notice of Exemption; and 2) Approve Conditional Use Permit No. 15-034 subject to the attached findings and conditions of approval. Motion passed by a vote 4-0.

**B. Master Case No. 15-068; Administrative Site Plan No. 15-039; Conditional Use Permit No. 15-025 - Administrative Site Plan is a request for site and an architectural review and approval of a new unmanned wireless telecommunications facility. The Conditional Use Permit is a request for a review and approval of the use of the proposed 60 -foot high monopalm for the new wireless telecommunications facility.**

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 ingress and egress easement; applicant will provide a reciprocal access agreement.

Discussion was held on other palms in the area.

Discussion was held on the distance of the palm from the property line.

Speaking for the applicant, Joy Thacker spoke on the durability of the palm.

Discussion was held on the existence of a condition of approval that the applicant will maintain the site and that the palm will not be in disrepair.

The Public Hearing was closed.

**ACTION:** Motion was made by Vice Chairperson Meyer and seconded by Commissioner Quiroga 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. 15-025 and Administrative Site Plan No. 15-039 subject to the attached findings and conditions of approval. Motion passed by a vote 4-0.

**C. Master Case No. 15-034; Conditional Use Permit No. 15-007; Administrative Site Plan No. 15-017 - A request to operate a used car sales lot and convert an existing building into a sales office of approximately 1,129 square feet.**

DiTanyon Johnson, Associate Planner, provided the staff report.

Staff received one phone call requesting general information on the project.

Discussion was held on the applicant not being able to use the project site as is without an application.

Discussion was held on the sewer system.

Discussion was held on sewer improvement on Valley Boulevard. There is no sewer project scheduled at this time.

Discussion was held on requiring applicants to install a dry sewer line.

Discussion was held on the fencing of the project.

The Public Hearing was opened.

Speaking for the applicant, Cy Zermenio, thanked staff for their work on the project. Applicant spoke on the project being redone with a concrete parking, street lighting, and water line. The existing concrete will be used for display and parking; the front portion of the slab will be removed to install a water cleaning basin. The back portion will be vacated before approval and no use will be allowed there. There is an existing block wall

on the north and west end of the property.

Discussion was held on not using the back portion of the property for vehicle storage.

Discussion was held on the parking analysis.

Speaking for the applicant, Mohammed Amar, spoke on the number of people that will be on site throughout the day. He understands that the back space is not to be used for vehicle storage. Applicant has read, understands and agrees to the conditions of approval.

Discussion was held on the employee parking.

The Public Hearing was closed.

Discussion continued on parking; display spaces may be used for parking. If there are any issues, staff can go back to the owner and have them submit an application to the City for review and approval to use the back area for parking.

Discussion was held on parking on Valley Boulevard; there are "No Parking" signs on Valley Boulevard.

**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; and 2) Approve Conditional Use Permit No. 15-007 and Administrative Site Plan No. 15-017 subject to the attached findings and conditions of approval. Motion passed by a vote of 4-0.

**D. Master Case No. 15-081; Conditional Use Permit No. 15-028 - A request to operate a 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.**

Paul Gonzales, Associate Planner, provided the staff report.

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

Vice Chairperson Meyer asked for information on the intended use on an adjacent pad – east of the McDonald's and if they are also planning on ABC license. Staff had no information on what is being proposed there, but can obtain the information and provide the answer to the Planning Commission.

Discussion was held on the calls for service in this shopping center. Policing Technician Ratcliffe provided information on the center doing quite well on reducing the calls for service. One of the locations had some issues, but has been under control for the past few months. There are no concerns with this project.

The Public Hearing was opened.

Speaking for the applicant, Robert Ngo, spoke on his restaurant being open for seven months.

Chairperson Cothran spoke on being impressed with the tenant improvements.

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 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. 15-028 subject to the attached findings and conditions of approval. Motion passed by a vote of 4-0.

A recess was called at 7:05 p.m.

The meeting was reconvened at 7:13 p.m.

**E. Master Case No. 14-052; Specific Plan Amendment No. 14-003; and Design Review No. 14-020 - A resolution of the Planning Commission recommending approval to the City Council of Specific Plan Amendment (GPA) No 14-003 to amend parking and development standards within the Fontana Gateway Specific Plan, Design Review (DR) No. 14-020 for site and architectural review of one (1) proposed high-cube logistics distribution building totaling approximately 671,324 square feet, and certification of the Final Environmental Impact Report (FEIR) [State Clearing House No. 2014101070].**

Shannon Casey, Senior Planner, provided the staff report.

Staff has received one phone call and one written communication in opposition to this project.

The Public Hearing was opened.

Rina Leung spoke on AQMD's role in this development. They are a responsible agency under CEQA and have the authority to comment on the EIR.

Speaking for the applicant, David Ornelas spoke on the EIR and that the AQMD is a planning agency that issues permits for certain types of uses; they do not have to issue any permit for this project. AQMD does not have any authority over this project.

Discussion was held on feasible mitigation measures.

Discussion was held on conditions regarding AQMD suggestions.

The applicant spoke on the same improvements being needed at Etiwanda and Slover with or without this project. The improvements are the responsibility of the City of Ontario and the City of Fontana. There is currently no full funding plan in place and the EIR concluded that the impact is significant and unavoidable in the short term, but not in the long term.

Discussion was held on the amount the applicant is contributing for traffic mitigation. There are shelf ready set of plans available pending funding.

Discussion was held on possible funding for the intersection improvement.

Speaking for the applicant, Charlene So spoke on the fee program; the applicant is contributing fees to that program and the city determines where those fees will be spent.

Discussion was held on any other big projects in the city. The Slover and Etiwanda improvement is a high priority project.

Discussion was held on the net number of truck trips for the project.

Discussion was held on the vehicle delay at the signal light.

Discussion was held on the level service grades.

Discussion was held on this project being identified to be funded. Staff and City Managers of Fontana and Ontario are seeking grant opportunities and funding sources to move forward with the project. Fontana's portion is two-thirds and Ontario's is one-third.

Discussion was held on adding "noise and dust" to the condition regarding posting a sign for complaints on noise for construction during off hours.

Evan Kaizer spoke in opposition to this project and the reasons why the Planning Commission should support a resolution of something that will have a dramatic negative impact on the western side of Fontana. It is a significant and unavoidable impact that can be avoided if the right parties get together. The Planning Commission is raising the right issues because we want economic growth, but gridlock without a plan is not a good plan.

Discussion was held on the number of vehicle trips and how they were determined.

The Public Hearing was closed.

Speaking for the applicant, Clark Neuhoff spoke on the traffic analysis and learning that it is unproductive to put trucks on the road during peak hours. They all have a vested interest in the city; they can also use Cherry Avenue to the east. The primary access is a signalized intersection at Jasmine and there are two truck access points. He spoke on the significant setback on Slover and the design of the project.

Discussion was held on providing a recommendation to the City Council to look at the intersection as a priority in the CIP and to work with the City of Ontario to ensure it is high on their priority list also.

The minutes will reflect the Planning Commission's recommendation and will be provided to the City Council.

**ACTION:** Motion was made by Vice Chairperson Meyer and seconded by Secretary

Garcia to adopt Resolution No. PC 2015-12 and forward a recommendation to the City Council to 1) Adopt a resolution to certify the EIR, adopt a Statement of Overriding Consideration, a Mitigation Monitoring and Reporting Program, and a Statement of Facts and Findings, and direct staff to file a Notice of Determination; 2) Adopt an ordinance approving Specific Plan Amendment No. 14-003; 3) Approve Design Review No. 14-020 subject to the attached Findings and Conditions of Approval with a recommendation that the City Council consider methods of improvement at Slover and Etiwanda as a priority in the CIP and to work with the City of Ontario to ensure it is high on their priority list also. Motion passed by a vote of 4-0.

**F. Planning Commission Determinations (PCI) Nos. 15-001 and 15-002 - requests that Planning Commission make a determination on setback requirements pursuant to Section 30-141 of the Zoning and Development Code.**

Alejandro Rico, Assistant Planner, provided the staff report.

Staff received communication for more information on this project.

Discussion was held on approved maps that expire having to come back and meet the new standards.

The Public Hearing was opened.

The Public Hearing was closed.

**ACTION:** Motion was made by Secretary Garcia and seconded by Commissioner Quiroga to adopt PC Resolution No. 15-13 and 1) Finding that there will be no significant environmental impacts caused by this project pursuant to Section 15061(6)(3) of CEQA; and direct staff a Notice of Exemption; and 2) Determine and approve the following setback requirements for Tentative Tract Maps 18944, 18939, 18881, 18975, 18825, 18825-1 and 18915: Proposed Development Standards: Front yard 20' (s)(t); Rear yard 15' (l). (l) For lots located on a cul-de-sac or knuckle, the rear setback can be calculated by averaging both rear corners of dwelling provided the average is not less than the specified setback for that zoning district. (s) The habitable living space of a building may be allowed to encroach into the required front yard setback in compliance with the Plotting and Design Criteria; in no case, however, shall the garage portion of a building encroach into the required front yard setback, except as provided for by (t). (t) Side-on garages may be allowed to encroach into the required front yard setback up to a maximum of six feet. 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 December 22, 2015, January 12, 2016, and January 26, 2016; and an update of future Planning Commission items for the January 5, 2016 and January 19, 2016, meetings for the Planning Commission's information.

The January 5, 2016, Regular Planning Commission meeting is cancelled.

## **COMMISSION COMMENTS:**

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

Vice Chairperson Meyer commented on the Confirmation II retreat and the outstanding individuals that participated.

Vice Chairperson Meyer wished everyone a Merry Christmas, Happy New Year and Happy Hanukkah.

Commissioner Quiroga spoke on the beautiful day for the Fontana Christmas Parade and thanked everyone that came out to support the City.

Commissioner Quiroga wished everyone a Merry Christmas and a safe New Year.

Secretary Garcia wished everyone a Merry Christmas and a Happy New Year.

Chairperson Cothran wished everyone a Merry Christmas and a Happy New Year.

Vice Chairperson Meyer commented on the Confirmation II retreat and the outstanding individuals that participated.

Vice Chairperson Meyer wished everyone a Merry Christmas, Happy New Year and Happy Hanukkah.

Commissioner Quiroga spoke on the beautiful day for the Fontana Christmas Parade and thanked everyone that came out to support the City.

Commissioner Quiroga wished everyone a Merry Christmas and a safe New Year.

Secretary Garcia wished everyone a Merry Christmas and a Happy New Year.

Chairperson Cothran wished everyone a Merry Christmas and a Happy New Year.

## **WORKSHOP:**

OPR's General Plan Guidelines and Climate Action Plan

## **ADJOURNMENT:**

By consensus, the Planning Commission adjourned at 8:58 p.m. in memory of the victims of the San Bernardino Inland Regional Center incident to a Workshop in the Executive Conference Room then to the Regular Planning Commission Meeting on Tuesday, January 19, 2016, 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 19th DAY OF JANUARY, 2016.



Phil Cothran  
Chairperson