

**MINUTES OF THE CITY OF FONTANA
REGULAR PLANNING COMMISSION MEETING
October 18, 2016
Grover W. Taylor Council Chambers**

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, October 18, 2016, in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California. Chairperson Gacia called the meeting to order at 6:05 p.m.

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

Absent: None

Also Present: Attorney Victor Ponto; Community Development Manager Zai AbuBakar; Senior Planner Paul Gonzales; Assistant Planner Jon S. Dille; Associate Planner Dawn Rowe; Associate Planner Rina Leung; Assistant Planner Ivan Galeazzi; Associate Engineer Ricardo Garay; 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 Quiroga, the Pledge of Allegiance was led by Commissioner Sanchez.

PUBLIC COMMUNICATIONS:

A. Public Communications:

Jerry McKay spoke in opposition to the tire shop in the Public Hearing items. He spoke on problems with access, cement, fence, and gate opening.

Tressy Capps spoke in opposition to Measure I for Etiwanda School District. She spoke on Jesse Armendarez having the most flyers as he is running for City Council; lots of money was spent electing him to Fontana Unified School Board and now he is running for City Council because he will rubber stamp everything and he needs to run his term on the school board. She spoke on supporting Paul Chabot.

Lorena Corona, Fontana Unified School District Board President spoke on the caring for the safety of our students; she relies on the Planning Commission for safe routes for students and working with the county and other cities to ensure students' safety. She spoke on having the best education for students being the moral imperative. She has big dreams and wants to have a legacy and invest in children's education. She has big plans and a vision for Fontana Unified School District. She would like to see the City of Fontana become a "smart city" and have access to Wi-Fi. She started having this conversation 15 years ago. We could not move forward due to a lack of resources. We rely on the Planning Commission to remain vigilant if we want 21st century education. We need to retain our children, engineers, and scientists. If we are not ready as a city, what can we do in collaboration to make sure we prepare ourselves in the City of Fontana? Her own child is a student at the University of La Verne and is not able to find a job in the City of Fontana. The Planning Commission plays a key role to have jobs in the city; she wants her child to remain here with us. She is grateful for the time Commissioners give to the city and to their families for sacrificing their personal time. She spoke on wanting a magnet middle school and high school. She is grateful for what the Planning Commission has done so far and wants to continue to work together.

Matthew Slowik endorsed Peter Garcia for Fontana Unified School District Board; he knows Peter, his wife, and his family. He has supported this district and does a great job representing this city and his many efforts for our students and youth.

CONSENT CALENDAR:

A. Approval of Minutes:

Approve the Regular Planning Commission Meeting Minutes of October 4, 2016.

A motion was made by Vice Chairperson Meyer and seconded by Commissioner Sanchez to approve the Minutes of the October 4, 2016, Planning Commission Meeting. Motion passed by a vote of 5-0.

PUBLIC HEARINGS:

A. Master Case No. 15-036; Tentative Tract Map No. 20060 (TTM No. 16-012) - A request to subdivide one (1) parcel of approximately 4.5 adjusted gross acres into 19 lots for single-family homes. Lots range in size from approximately 6,707 square feet to approximately 10,756 square feet. Project includes drainage easement across Lots No. 11, 12, 13, 14, 15, 16, 17, 18, and 19.

Staff noted that Condition 17, on page 27 of 150, will be revised to strike "if applicable".

Discussion was held on the visibility of the wall on Oleander Avenue.

Discussion was held on the landscape swale; there is no basin.

The Public Hearing was opened.

Speaking for the applicant, Suzie Aceves, thanked staff for working with the developer on

this project.

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

Applicant corrected that the smallest lot is over 7,040 sq. ft. This tentative map is being resubmitted, and already in Plan Check. Design Review has already been approved.

Discussion was held on potential landscaping plans.

Discussion was held on the temporary construction easement with the Fontana Unified School District.

Discussion was held on the height of the wall facing the school.

Discussion was held on the size of the homes.

Discussion was held on the setbacks.

Bob Copeland, Fontana Unified School District Maintenance and Facilities Director, confirmed that the wall height was sufficient.

Discussion was held on the contractors providing an adequate safety zone around the construction.

The Public Hearing was closed.

ACTION: A 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. 15332 (Class No. 32, In-Fill Development Project) of the CEQA, and direct staff to file a Notice of Exemption; and, 2) Approve Tentative Tract Map No. 20060 based on the findings and subject to the Conditions of Approval with a revision to Condition No. 17. Motion passed by a vote of 5-0.

B. Master Case No. 15-014; Tentative Tract Map No. 19599 (TTM No. 15-002) - A request to subdivide two (2) parcels totaling approximately 2.5 adjusted gross acres into six (6) lots for the development of single-family homes. Lots range in size from approximately 7,404 square feet to approximately 23,055 square feet. The project includes a remainder parcel of approximately 50,183 square feet.

Staff noted that Condition 18 will be revised to strike "If applicable".

Discussion was held on the types of issues and remedies for the remaining parcel; it could be further developed.

Discussion was held on undergrounding.

The Public Hearing was opened.

Speaking for the applicant, Nasser Mustafa, thanked staff for their work and provided some information on the development of the lot.

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

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

The Public Hearing was closed.

ACTION: A motion was made by Commissioner Gongora 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) and direct staff to file a Notice of Exemption; and, 2) Approve Tentative Tract Map No. 19599 (TTM No. 15-002) based on the findings and subject to the Conditions of Approval with a revision to Condition No. 18. Motion passed by a vote of 5-0.

C. Master Case No. 14-028; Tentative Tract Map No. 18974 (TTM No. 14-002) - A request to approve Tentative Tract Map No. 18974 to subdivide approximately 1.78 gross acres into five (5) single-family residential lots ranging from 10,477 square feet to 15,234 square feet.

Associate Planner Rina Leung provided the staff report.

The Public Hearing was opened.

Speaking for the applicant, Martin Medina.

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

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

The Public Hearing was closed.

Discussion was held on Condition No. 6 regarding the dry sewer.

Discussion was held on connecting to the sewer line when it is available.

Discussion was held on what happens to the septic tanks once they are connected to the sewer line.

Discussion was held on the width of the street.

Discussion was held on the square footage of homes; this is currently only a Tentative Tract Map not a Design Review for any proposed construction.

Discussion was held on the widening of Knox Avenue.

The Public Hearing was opened.

Speaking for the applicant, Refugio Domingues, thanked Rina for her work through the two-year process. He spoke on this construction enhancing the community.

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

Discussion was held on the building plans; the applicant has not made a decision on building or selling.

Discussion was held on the setbacks.

Discussion was held on the cul-de-sac being wide enough for a fire truck; the Fire Department has reviewed and it meets the standard.

Dana Cunningham spoke in opposition to the project. He enjoys the land that they have there. All the houses are almost an acre and that was a big motivation to live and enjoy living there. He is on septic and concerned about being forced to connect to the sewer. He is concerned with construction noise at night. He really enjoys his neighborhood the way it is. He asked if the undergrounding would financially impact him.

Latricia Almeda spoke in opposition to the project. She recently remodeled her home. She was told the sewer is not working because it would be upstream. She is opposed to having five residential homes on one acre. She bought her home for the land and the street is already too small. The city is supposed to be enhanced and they should be comparable to homes on that street. There is already a lot of traffic during school hours and it makes no sense to cram five homes on one acre. The two story homes will invade her privacy. She spoke on not having curbs. She asked for more research to be done. She asked how this is enhancing if they are only putting sidewalks on their homes. She requested it not be approved at this time and to have another hearing so more neighbors could be involved in this matter.

The Public Hearing was closed.

Discussion was held on what sidewalk improvements will be made on Knox Avenue.

Discussion was held on what type of project would happen in the future. As currently zoned, the minimum is 10,000 sq. ft. and it would require block walls around the perimeter of the site to help buffer noise.

Discussion was held on developing all five homes at one time or if they will be developed individually.

Discussion was held standard construction requirements being met.

Discussion was held on existing owners not being forced to hook up to the sewer line.

Discussion was held on existing owners not being required to underground utilities.

Discussion was held on the dry sewer line along Knox Avenue.

Discussion was held on the street being built out to current acceptable standards.

Discussion was held on the zoning in this area, what is allowed in the general area.

Discussion was held on the property owner being allowed to sell each individual property to different buyers or building the five units, then selling them off.

Discussion was held on the development of the adjacent lots.

Discussion was held on all property owners being notified as is required.

Latricia Almeda spoke on other residents not being able to attend due to work. In addition, she spoke on kids walking on Knox Avenue.

Discussion was held on the narrowness of the street and the potential of increased traffic. This may be an opportunity to increase safety.

Chairperson Garcia requested Engineering staff look at that.

Discussion was held on a traffic study not being done because the development of five properties did not make much of an impact.

Discussion was held on needing more research to make sure the right decision is made for the applicant and the neighbors.

Associate Engineer Ricardo Garay spoke on conducting a traffic count on existing traffic.

Latricia Almeda spoke on being required to widen the street when she remodeled. She requested the traffic study be done from 6:00 a.m. to 3:00 p.m.

Discussion was held on directing staff to conduct a traffic analysis, whether or not this project is approved and to look at what else might be done on Knox Avenue.

Chairperson Garcia asked if this is something staff can look at for safe routes to school.

Planning Manager AbuBakar provided language for new Condition #6 requiring the applicant to install dry sewer within the cul-de-sac and connect to the dry sewer line on Knox Avenue.

ACTION: A 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. Section 15332; Class 32, (In-Fill Development) of the California Environmental Quality Act, direct staff to file a Notice of Exemption; and, 2) Approve Tentative Tract Map No. 18974 (TTM No. 14-002) based on the findings and subject to the Conditions of Approval with the language change to Condition No. 6. Motion passed by a vote of 4-1 with Commissioner Gongora opposing.

- D. Master Case No. 13-046; Design Review No. 16-019; Temporary Use Permit No. 16-088 - Design Review Project No. 16-019, is a request for approval for the site and architecture review to construct seventy-seven (77) single-family homes ranging in size from 1,689 square feet to 2,479 square feet.**

Associate Planner Dawn Rowe provided the staff report.

Staff provided a memo at the dais to add Condition No. 1A.

Discussion was held on the park location.

Discussion was held on widening of Summit Avenue; it is discussed in the fee credit agreement.

Discussion was held on the condition of approval regarding mailboxes.

Discussion was held on sidewalks being included.

Discussion was held on adequate lighting on mailboxes.

Discussion was held on flooding and storm events; 10 year storm is sufficient.

The Public Hearing was opened.

Speaking for the applicant, Vernell Williams, spoke on KB Homes being excited to come back to Fontana and thanked Dawn Rowe for her support and guidance.

Vice Chairperson Meyer commended the applicant on the color presentation.

Discussion was held on the different plans and conversion to a bedroom on one plan. The conversion is done at the time of purchase; the low wall is to ensure required garages and bedrooms are not converted.

Speaking for the applicant, Ray Allard stated that this development allows language in the Development Agreement for the City Manager to allow changes, the exhibit should have been modified. He spoke on the tract being split into two, having a smaller park, and having sidewalks on both sides of street.

Discussion was held on the widening of Summit Avenue.

The applicant spoke on there not being any discussion on the purchase of the property owned by Stratham.

Discussion was held on what happens to the temporary parking lot.

Discussion was held on the swimming pool and clubhouse being the Home Owners Association (HOA) portion.

Discussion was held on the estimated date of completion.

Discussion was held on the access and build out of streets.

Discussion was held on the mailbox location, proper lighting, and security.

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

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

The Public Hearing was closed.

Discussion was held on adding a condition regarding adequate lighting for the mailboxes.

Planning Manager AbuBakar spoke on adding language to condition No. 9 "and be constructed at a location with adequate lighting".

Applicant Ray Allard spoke on the developer being at the mercy of the postal service. He would rather move the mailbox to the light than move the light to the mailbox.

Mailboxes should be located in a manner to have sufficient lighting to deter theft.

ACTION: A motion was made by Commissioner Gongora and seconded by Commissioner Quiroga to 1) Find the environmental impacts associated with this proposal were previously analyzed in the Mitigated Negative Declaration adopted by the Planning Commission on February 7, 2012. Based on the California Environmental Quality Act (CEQA), Sections 15162 through 15164 et seq, staff has determined that the Mitigated Negative Declaration prepared for Tentative Tract Map No. 18825, has adequately identified the impacts associated with the project, and no previously reviewed impact areas have substantially changed and direct staff to file the attached Notice of Determination; and, 2) Approve Design Review Project No. 16-019 based on the findings and subject to the Conditions of Approval; and, 3) Approve Temporary Use Permit No. 16-088 with the addition of Condition 1A and a condition regarding mailboxes. Motion passed by a vote of 5-0.

E. Master Case No. 13-021; Administrative Site Plan No. 13-015R1; Variance No. 16-004 - A request to re-approve a previously approved Administrative Site Plan (ASP) for site and architectural review with no proposed changes and a Variance (VAR) to allow the reduction in the depth of the landscape setback along Sierra Avenue and Valley Boulevard and reduce the size of the loading area.

Assistant Planner Ivan Galeazzi provided the staff report.

Discussion was held on traffic on Sierra Avenue and street widening.

Commissioner Gongora loves the upgrades.

Associate Engineer Ricardo Garay spoke on Sierra Avenue already being built out to the ultimate. Northbound Sierra Avenue lanes will be widened to three lanes.

Discussion was held on black out windows.

Discussion was held on the video surveillance condition being consistent with what is currently imposed on new ABC licenses. The CUP is not an action this evening, so it cannot be changed.

Discussion was held on transients on the property.

Discussion was held on the elevation and trash enclosure.

Discussion was held on the grading permits; staff is waiting for the applicant to resubmit the plans.

The Public Hearing was opened.

Speaking for the applicant, Pezhman Dashti, spoke on the setbacks, 15 feet were taken on each side in 1995 and they have been working on making the flow better. They have been working with the city since 1989 and this will be similar to latest project on Sierra Avenue. He spoke on the trash enclosure helping to eliminate the transient issue. He is also considering opening his property to allow access to the shopping center. He will also be switching brands to be a 76 gas station.

Discussion was held on improved circulation.

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

Discussion was held on the date of project completion.

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

The Public Hearing was closed.

Discussion was held on what measures are in place in case of a vehicle crashing into a gas pump. It is difficult to speculate, but the design meets the city standards.

ACTION: A motion was made by Commissioner Sanchez and seconded by Commissioner Quiroga to 1) Determine that this project qualifies for a Categorical Exemption pursuant to Section No. 15301 (Class No. 1, Existing Facilities) and Section No 15332. (Class No. 32 In-Fill Development Projects) of the California Environmental Quality Act (CEQA) and direct staff to file a notice of exemption; and, 2) Approve Administrative Site Plan No. 13-015R1 and Variance No. 16-004 based on the findings and subject to the Conditions of Approval. Motion passed by a vote of 5-0.

F. Master Case No. 12-047; Conditional Use Permit No. 16-014; Administrative Site Plan No. 16-025 - Conditional Use Permit is a request for the use of a tire store and Administrative Site Plan is a request for site and architectural review of an approximate 10,200 square foot retail tire store and repair garage on a 42,408 square foot site.

Senior Planner Paul Gonzales provided the staff report.

Staff provided a memo at the dais to modify Condition No. 59.b.

Planner Gonzales provided background information on what Farmer Boys had done for residents affected by their development of this property.

Discussion was held on the residents requesting gates to allow RV access.

Discussion was held on Farmer Boys accommodating residents every step of the way.

Discussion was held to address issues brought forward by Mr. McKay during Public Communication.

Discussion was held on a similar project on Sierra Lakes and the position of the garage doors. A six foot wall was installed to mitigate the noise.

Discussion was held on the improvements done for property owners to access their back yards. The applicant took some time and worked with staff to provide all they could for the residents.

The Public Hearing was opened.

Speaking for the applicant, Nate Abbott thanked everyone for their time on this project. He thanked Paul for guiding him through the process. He is excited to have another Les Schwab in the City of Fontana.

Discussion was held on complaints on a previous project on Sierra Lakes Parkway and Sierra Avenue not being what was approved.

The applicant spoke on not being directly involved in the previous project. His firm has now taken over construction administration. He recognized the frustration and will be personally involved in this project and gave his word that Les Schwab does not operate that way. He will talk to staff on the other project and will have to do some research to find out what happened there; but tonight, he is here to discuss the Foothill Boulevard and Cherry Avenue project.

Vice Chairperson Meyer spoke on getting burned once, and does not want to get burned again.

The applicant is aware of the conditions on the project and intends to fully comply.

Discussion was held on the hours of operation.

Discussion was held on the video surveillance condition.

Vice Chairperson Meyer likes the architecture on the current project.

The applicant spoke on the stucco enclosure matching the building and the bull pen area matching the stone on the building. He is working with staff and apologized for what happened in the past.

Commissioner Sanchez spoke on this project looking really nice; they have a great business and appreciates them investing in the city again.

Commissioner Gongora asked what we can implement to ensure the applicant adheres to the conditions.

Attorney Ponto suggested training and workshop to brainstorm instead of trying to look at that during this application.

Planning Manager AbuBakar spoke on the current inspection process; Rena Sweeney will do the inspection and looks at approved plans.

Chairperson Garcia said it is a matter of enforcement.

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

Joe Mineo spoke in favor of the project. He has been working with Paul Gonzales for five years on this project and over the past two years, Paul has been nothing but professional and responsive to all requests. He provided background information on the interactions with local property owners and what was done for them in the past.

The Public Hearing was closed.

ACTION: A motion was made by Commissioner Sanchez and seconded by Commissioner Gongora to 1) Determine that the project is Categorically Exempt pursuant to Section No. 15332, Class No. 32 (In-fill Development), of the California Environmental Quality Act; and, 2) Approve Conditional Use Permit No. 16-014 based on the findings and subject to the Conditions of Approval; and, 3) Approve Administrative Site Plan No. 16-025 based on the findings and subject to the Conditions of Approval with changes discussed. Motion passed by a vote of 5-0.

Commissioner Quiroga thanked the Farmer Boys representative for sharing his thoughts; it is awesome to hear how professional our staff is.

DIRECTOR COMMUNICATIONS:

A. Director Communications:

The Planning Commission reviewed an update of future City Council Agenda items for October 25, 2016, and November 8, 2016, for the Planning Commission's information; and an update of future Planning Commission agenda items for the November 1, 2016 and November 15, 2016 for the Planning Commission's information.

Planning Manager AbuBakar invited everyone to the General Plan Advisory Committee meeting on October 27, 2016, at 6:00 p.m.

Planning Manager AbuBakar invited everyone to an Open House on Saturday, October 29, 2016, to talk about land use and transportation.

Planning Manager AbuBakar congratulated Paul Gonzales on his promotion to Senior Planner.

Chairperson Garcia requested Traffic and Engineering take a look at traffic on Miller Avenue between Almeria Avenue and Tokay Avenue to address an issue raised by a resident requesting speed bumps.

COMMISSION COMMENTS:

A. Planning Commission Remarks:

Vice Chairperson Meyer spoke on visiting Washington, DC.

Vice Chairperson Meyer requested looking at adding a requirement to be more open to high speed technology per Ms. Corona's comments on making this a Wi-Fi accessible city. Generally, four phone lines are required for plotting and design criteria at Design Review, may be time to look at changing that. It would be very valuable and goes to bringing more Wi-Fi capability to the community.

Vice Chairperson Meyer congratulated Paul Gonzales on being promoted to Senior Planner.

Vice Chairperson Meyer wished everyone a good evening.

Commissioner Gongora addressed a concern from a resident on Citrus and Oleander Avenues. He will bring this item back to a future meeting.

Commissioner Gongora spoke on a daycare that had several citations and asked what steps we take to ensure they are holding themselves to a higher regard. A child passed away from lack of supervision. Is there any existing way we can enforce? What is the notification process when not upholding?

Commissioner Gongora spoke on a fun week in Fontana – Healthy Fontana's Walk on the Trail was a great event. There were lots of people participating in activities; and City staff was engaged. Planning Staff was on the trail taking feedback from the community and he appreciates that.

Commissioner Gongora attended the Dolores Huerta International Academy Open House with Mr. Garcia; it was a great historical event.

Commissioner Gongora celebrated his one year wedding anniversary and thanked Christina for putting up with him for one year.

Commissioner Gongora requested tonight's meeting be adjourned in memory of the two officers killed in the line of duty in Palm Springs, California.

Vice Chairperson Meyer congratulated Commissioner Gongora on his anniversary.

Commissioner Sanchez said the success to a happy marriage is happy wife, happy life.

Commissioner Sanchez spoke on the secret to happy marriage is to remember "casados" means "casa de dos".

Commissioner Sanchez appreciates what this country provides.

Commissioner Sanchez spoke on being sensitive to individual's property rights and the community's needs.

Commissioner Sanchez spoke on the Planning Commissioners caring.

Commissioner Sanchez thanked his wife and kids.

Commissioner Sanchez congratulated Paul on his promotion.

Commissioner Quiroga spoke on this being a great team to be a part of; this is a balancing act, and the goal is to do what is best for Fontana, the people, and the future of the community.

Commissioner Quiroga congratulated Commissioner Gongora on his anniversary.

Commissioner Quiroga spoke on the situation with clowns threatening nationwide and strongly urged everyone to not dress up like a clown on Halloween. He reminded kids to be safe and parents to drive carefully.

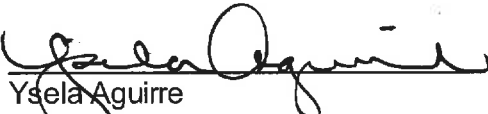
Chairperson Garcia spoke on making difficult decisions dealing with the expectation of the full enjoyment and use of your property and the rights of others to enjoy the highest and best use of their property. He encouraged everyone to be aware of what their surrounding zoning and allowable uses are near their properties.

WORKSHOP:

None.

ADJOURNMENT:

By consensus, the Planning Commission adjourned at 9:57 p.m. in memory of the police officers killed in the line of duty in Palm Springs and the officer killed in Lancaster to the Regular Planning Commission Meeting on Tuesday, November 1, 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 1st DAY OF NOVEMBER, 2016.**


Peter Garcia
Chairperson