

**MINUTES OF THE CITY OF FONTANA  
REGULAR PLANNING COMMISSION MEETING  
November 1, 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, November 1, 2016, in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California. Vice Chairperson Meyer called the meeting to order at 6:03 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; Senior Planner DiTanyon Johnson; Associate Planner Rina Leung; 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 Meyer.

**PUBLIC COMMUNICATIONS:**

**A. Public Communications:**

Tressy Capps spoke on Measure I, Mayor Acquanetta Warren's disparaging behavior, all the unnecessary political flyers being received; and Jesse Armendarez's illegal activities and being investigated by the Fontana Police Department.

**CONSENT CALENDAR:**

**A. Approval of Minutes:**

Approve the Regular Planning Commission Meeting Minutes of October 18, 2016.

A motion was made by Commissioner Gongora and seconded by Commissioner Sanchez to approve the Minutes of the October 18, 2016, Planning Commission Meeting. Motion passed by a vote of 5-0.

## **PUBLIC HEARINGS:**

**A. Master Case No. 13-017; Tentative Tract Map No. 18894 (TTM No. 13-001) - A request to subdivide three (3) parcels of land, approximately 2.0 adjusted gross acres, into seven (7) lots for the development of single family homes.**

Senior Planner Orlando Hernandez provided the staff report.

Discussion was held on the double block wall; there will be tubular fence at the north side of the lots next to the existing block wall.

Discussion was held on the width of the cul-de-sac. Fire Marshall Brian Headley spoke on this project having a sufficient right-of-way and already meeting the city standard. Condition No. 24 addresses this issue and it is adequate.

Discussion was held on parking restraints.

Commissioner Sanchez had questions regarding the changing of the chain link fence. Planner Hernandez informed him that it is beyond the property line of this applicant.

Discussion was held on the developer's plans to build. The Design Review will be brought back to the Planning Commission in the next few weeks.

Commissioner Gongora asked what was being done in regards to mailboxes. Attorney Ponto answered that mailboxes will be addressed at Design Review.

Discussion was held on street parking. There is no parking on an unfinished side of the street. Senior Engineer Kathy Raasch spoke on regulatory "no parking" signs and an asphalt curb dike preventing parking; as well as "no stopping" signs being posted.

Discussion was held on the development on the south side of the street. There is nothing proposed, but it is zoned residential and would be a mirror image of this development.

The Public Hearing was opened.

Speaking for the applicant, John Wang, spoke on the double wall and his efforts to work with the property owners. The Edison easement puts the wall at the exact property line.

Discussion was held on the development of the other side of the street.

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

Speaking for the applicant, Brendon Thorpe, requested that Condition No. 30 be

removed; this condition is required as part of the Tentative Tract Map and is required as part of the process.

Matt Slowik spoke on needing more detailed information on the easement to avoid a dead cat alley. He encouraged the Planning Commission to not approve this project until the dead cat alley issue is addressed.

Discussion was held on looking at the block wall at Design Review. A condition can be placed on the project at the Design Review.

Patty Espinoza spoke on Planning Commissioners texting or looking at their phones and missing important information during the meeting; she wondered if they were being coached on the project. She spoke on lots of people losing respect for them and she hopes no one in the audience has control over their decision.

Discussion was held on the Edison Easement not being identified on the original Tentative Tract Map.

Discussion was held on the placement of the Edison poles.

Planning Manager AbuBakar spoke on the difficulty of the applicant working with property owners. There is no cooperation from the property owners to the north and the applicant has made that effort and could not reach cooperation with them.

Speaking for the applicant, Brendon Thorpe spoke on the developer making in person visits to each of the houses, not being able to get a hold of all of the property owners; and only one property owner saying they did not want their wall rebuilt. There was personal outreach and flyers with no one agreeing to have the developer remove the fence. City staff provided a form letter that the developer sent to the property owners to remove the walls and replace with a single wall that was consistent with code. The developer went with tubular steel fence when none of the property owners gave permission to remove the existing wall.

Discussion was held on the location of the easement.

Discussion was held on the developer purchasing the strip of land and doing something with it.

Discussion was held on the power poles and the undergrounding of utilities.

Applicant spoke on still having the easement, even with undergrounding.

Discussion was held on where the applicant will get power from for the development.

Commissioner Sanchez spoke on having a Home Owners Association (HOA) and undergrounding. He would like a deal worked out with property owners. Alleys cause calls for service and trash. Both the developer and existing property owners could benefit from having one wall.

Applicant spoke on this being a nearly impossible case.

Commissioner Sanchez spoke on addressing the problem with answers on what has worked in his community.

Discussion was held on the purpose of the easement and the services tied to the poles on the easement.

Discussion was held on tubular fencing being the compromise to this situation.

Discussion was held on access to Tamarind. Commissioner Gongora spoke on the applicant not doing his due diligence to contact the property owners.

Discussion was held on needing the agreement of all property owners to move their fences.

Mr. Slowik spoke on the message from the applicant to the residents regarding removing and replacement of their existing fences.

Speaking for the applicant, Brendon Thorpe spoke on the offer to residents to remove and replace with a new wall; contacting Edison for a letter of non-interference. If the wall requirement was waived, there would not be a double wall issue. He could not argue on what can and cannot be done on property that they do not own.

The Public Hearing was closed.

Discussion was held on taking action on tonight's Tentative Tract Map and then during the Design Review, having the opportunity to provide conditions to revise the fence issue. The applicant knows how important this issue is and will make a better effort to get resolution.

Chairperson Garcia suggested having City staff take an active role in meeting with residents on the north side and have a conversation with them regarding the double wall and avoiding having an alley to facilitate an agreement with the developer.

Discussion was held on what could be done with the Edison easement.

Chairperson Garcia spoke on the applicant being cooperative and the need to facilitate a solution with the property owners before the next meeting. Staff will assist with the process.

**ACTION:** A motion was made by Commissioner Meyer 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. 18894 and not approving final placement of the walls. Motion passed by a vote of 5-0.

**B. Master Case No. 16-039; Design Review No. 16-015 - A request to construct eight (8) single-family homes ranging in size from 2,110 square feet to 2,455 square feet.**

Associate Planner Rina Leung provided the staff report.

Staff provided written communication received in opposition to this item.

Discussion was held on the opposing person's concerns.

Discussion was held on the width of the cul-de-sac.

The Public Hearing was opened.

Speaking for the applicant, Doug Andresen was available to answer any questions.

Commissioner Meyer commended the applicant on what was done with the garages.

Commissioner Sanchez asked if these homes offered solar panels.

Speaking for the applicant, Charles Ussef, is looking into solar panels, but not on this project.

Commissioner Sanchez spoke on his daughter selling solar panels and the tax credits being offered for developers.

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 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 Design Review No. 16-015. Motion passed by a vote of 5-0.

## **DIRECTOR COMMUNICATIONS:**

### **A. Director Communications:**

The Planning Commission reviewed an update of future City Council Agenda items for November 8, 2016, and November 22, 2016 for the Planning Commission's information; and an update of future Planning Commission agenda items for the November 15, 2016 and December 6, 2016 for the Planning Commission's information.

Planning Manager AbuBakar announced the General Plan Update – Downtown Workshop No. 3 on Saturday, December 3, 2016, from 9:00 a.m. to 12:00 p.m. at the Fontana Community Senior Center, at 16710 Ceres Avenue, Fontana, California 92335.

## **COMMISSION COMMENTS:**

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

Commissioner Quiroga wished everyone a happy Thanksgiving.

Commissioner Quiroga encouraged everyone to go out and vote next week and do their research. If you are not registered, it is too late, but if you are vote.

Commissioner Quiroga spoke on having the honor of being on this Commission and regardless of what is going on in the city or in the country, they do what is best; they ask the questions and they vote on what they think is best. He ensured the public that they do vote with their own conscience, and not take advice. They look at opinions and do research and visit the sites. They push the buttons and vote the same way. He clarified that no one here votes without making sure what they are voting is what they think is best for Fontana.

Commissioner Quiroga wished everyone a good evening.

Commissioner Gongora had a good Halloween at the Cypress Center and Fontana Park. Staff did a great job and there was lots of foot traffic. He recommended the events begin a little later.

Commissioner Gongora encouraged everyone to make sure they exercise their right to vote.

Commissioner Gongora wished everyone a good evening and thanked them for allowing him to be here. He is honored to be among these gentlemen. They each have different philosophical views.

Commissioner Gongora thanked staff for working hard.

Commissioner Gongora thanked law enforcement and men and woman in uniform.

Vice Chairperson Meyer spoke on voting two weeks ago and encouraged everyone to vote early and get it over with. He wished the candidates good luck.

Vice Chairperson Meyer wished everyone a happy All Saint's Day; All Soul's Day and Day of the Dead is tomorrow and it has a special significance since losing his father. He sent prayers and best wishes to everyone who has lost a loved one.

Commissioner Sanchez spoke on taking time to look at properties and taking notes on his phone; he is a grown man and does not text, he takes notes on his phone. He sticks to what he says and does what he says. He echoed what Commissioner Quiroga said about this being a big responsibility and they try to make the right decision; if it's not right for Fontana, we do not want it. We have to be careful when infringing on people's property rights. He knows people look at them all the time, and they are held at a high standard. He appreciates the comments. They have a difference of opinions, but they get along really good. He is honored to be part of this Commission. He is a God fearing man and no one can judge him but Him.

Chairperson Garcia hopes everyone had a great Halloween.

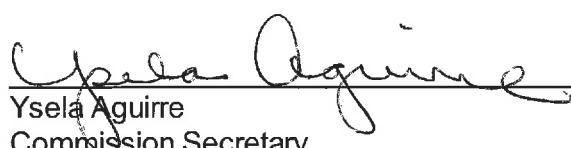
Chairperson Garcia encouraged everyone to vote on November 8; exercise their right and privilege.

## **WORKSHOP:**

Planning Commission Training - Administrative Site Plan and Design Review

## **ADJOURNMENT:**

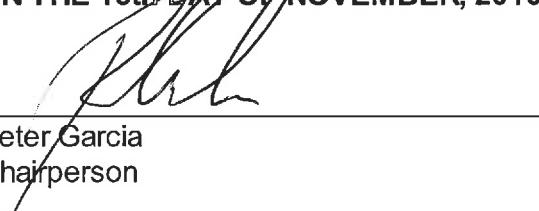
By consensus, the Planning Commission adjourned at 7:34 p.m. to a Workshop in the City Hall Executive Conference Room and then to the Regular Planning Commission Meeting on Tuesday, November 15, 2016, at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.



Ysela Aguirre

Commission Secretary

**THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING COMMISSION  
ON THE 15th DAY OF NOVEMBER, 2016.**



Peter Garcia

Chairperson