

**MINUTES OF THE CITY OF FONTANA
REGULAR PLANNING COMMISSION MEETING
December 20, 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, December 20, 2016, in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California. Vice Chairperson Meyer called the meeting to order at 6:02 p.m.

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

Absent: None

Also Present: Attorney Victor Ponto; Planning Manager Zai AbuBakar; Senior Planner Paul Gonzales; Senior Planner DiTanyon Johnson; Associate Planner Jon S. Dille; Associate Planner Dawn Rowe; Assistant Planner Alexander Rico; 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 Quiroga.

PUBLIC COMMUNICATIONS:

A. Public Communications:

None.

CONSENT CALENDAR:

A. Approval of Minutes:

Approve the Regular Planning Commission Meeting Minutes of December 6, 2016.

Approve the Regular Planning Commission Meeting Minutes of December 6, 2016.

A motion was made by Commissioner Gongora and seconded by Commissioner Sanchez to approve the Minutes of the December 6, 2016, Planning Commission Meeting with a correction to "memory" under Vice Chairperson Meyer's comments. Motion passed by a vote of 4-0.

PUBLIC HEARINGS:

A. Master Case No. 12-065; Administrative Site Plan No. 16-040 - Review and approve an Administrative Site Plan application for the installation of LED (light emitting diode) lights to illuminate the canopy of an ARCO service station with a logo, channel letters and a laserline.

By consensus staff reports for Public Hearing Items A, B, C, D, E & F were provided together.

A. Master Case No. 12-065; Administrative Site Plan No. 16-040 - Review and approve an Administrative Site Plan application for the installation of LED (light emitting diode) lights to illuminate the canopy of an ARCO service station with a logo, channel letters and a laserline;

B. Planning Case No. 09-032; Administrative Site Plan No. 16-041 - Review and approve an Administrative Site Plan application for the installation of LED (light emitting diode) lights to illuminate the canopy of an ARCO service station with a logo, channel letters and a laserline;

C. Master Case No. 16-043; Administrative Site Plan No. 16-042 - Review and approve an Administrative Site Plan application for the installation of LED (light emitting diode) lights to illuminate the canopy of an ARCO service station with a logo, channel letters and a laserline;

D. Master Case No. 13-016; Administrative Site Plan No. 16-043 - Review and approve an Administrative Site Plan application for the installation of LED (light emitting diode) lights to illuminate the canopy of an ARCO service station with a logo, channel letters and a laserline;

E. Planning Case No. 09-038; Administrative Site Plan No. 16-044 - Review and approve an Administrative Site Plan application for the installation of LED (light emitting diode) lights to illuminate the canopy of an ARCO service station with a logo, channel letters and a laserline.

F. Planning Case No. 09-002; Administrative Site Plan No. 16-045 - Review and approve an Administrative Site Plan application for the installation of LED (light emitting diode) lights to illuminate the canopy of an ARCO service station with a logo, channel letters and a laserline.

Assistant Planner Alejandro Rico provided the staff report.

Discussion was held on Amazon boxes on the project sites.

By consensus, a condition will be added regarding the use of the boxes on the project sites.

The Public Hearing was opened.

The applicant was unavailable due to a family emergency.

No member of the audience spoke in favor or opposition.

The Public Hearing was closed.

Discussion was held on previous conditions of approval being reviewed and revised as needed.

Assistant Planner Rico visited each site for inspection and notified applicant of any issues that needed to be addressed.

Discussion was held on the storage of alcohol.

Planning Manager AbuBakar held a discussion with Policing Technician Wendy Ratcliffe regarding these projects not having any issues with ABC; typically they stay in compliance with ABC to maintain their license.

Discussion was held on the standard public payphone condition of approval.

Discussion was held on the Amazon box being a staff level review item. Code Enforcement handles any boxes that are not permitted.

Discussion was held on the light spill over in the adjacent housing development.

ACTION: A motion was made by Commissioner Sanchez, seconded by Commissioner Quiroga and passed by a vote of 4-0 to accept staff recommendations for Public Hearing Items A through F as follows:

Public Hearing Item A: 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301, Class No. 1 (Existing Facilities), of the California Environmental Quality Act; and, 2) Approve Administrative Site Plan No. 16-040 with the added condition on the Amazon boxes and movie boxes;

B. Planning Case No. 09-032; Administrative Site Plan No. 16-041 - Review and approve an Administrative Site Plan application for the installation of LED (light emitting diode) lights to illuminate the canopy of an ARCO service station with a logo, channel letters and a laserline.

Public Hearing Item B: 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301, Class No. 1 (Existing Facilities), of the California Environmental Quality Act; and, 2) Approve Administrative Site Plan No. 16-041; with the added condition on the Amazon boxes and movie boxes.

C. Master Case No. 16-043; Administrative Site Plan No. 16-042 - Review and

approve an Administrative Site Plan application for the installation of LED (light emitting diode) lights to illuminate the canopy of an ARCO service station with a logo, channel letters and a laserline.

Public Hearing Item C: 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301, Class No. 1 (Existing Facilities), of the California Environmental Quality Act; and, 2) Approve Administrative Site Plan No. 16-042;

D. Master Case No. 13-016; Administrative Site Plan No. 16-043 - Review and approve an Administrative Site Plan application for the installation of LED (light emitting diode) lights to illuminate the canopy of an ARCO service station with a logo, channel letters and a laserline.

Public Hearing Item D: 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301, Class No. 1 (Existing Facilities), of the California Environmental Quality Act; and, 2) Approve Administrative Site Plan No. 16-043;

E. Planning Case No. 09-038; Administrative Site Plan No. 16-044 - Review and approve an Administrative Site Plan application for the installation of LED (light emitting diode) lights to illuminate the canopy of an ARCO service station with a logo, channel letters and a laserline.

Public Hearing Item E: 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301, Class No. 1 (Existing Facilities), of the California Environmental Quality Act; and, 2) Approve Administrative Site Plan No. 16-044;

F. Planning Case No. 09-002; Administrative Site Plan No. 16-045 - Review and approve an Administrative Site Plan application for the installation of LED (light emitting diode) lights to illuminate the canopy of an ARCO service station with a logo, channel letters and a laserline.

Public Hearing Item F: 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301, Class No. 1 (Existing Facilities), of the California Environmental Quality Act; and, 2) Approve Administrative Site Plan No. 16-045.

G. Master Case No. 16-015; Administrative Site Plan No. 16-014; Conditional Use Permit No. 16-007 - ASP is a request for site and architectural review; CUP is a request to establish the use of an automobile repair shop with the proposed commercial building.

Associate Planner Dawn Rowe provided the staff report.

Discussion was held on the zoning code change need.

Discussion was held on overnight parking.

Discussion was held on the color renderings.

The Public Hearing was opened.

Speaking for the applicant, Rick Manners, was available for any questions.

Speaking for the applicant, Brian Charles, representing Jiffy Lube was available for any questions.

Discussion was held on the hours of operation.

Discussion was held on the north elevation.

No member of the audience spoke in favor or opposition.

The Public Hearing was closed.

By consensus, the hours of operation will be changed to Monday through Saturday, 7:00 a.m. to 7:00 p.m.

Discussion was held on restrooms; a workshop was previously held on restroom requirements.

Discussion was held on adequate parking.

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. 15332, (Class 32, Infill Development Projects) of the CEQA, and direct staff to file a Notice of Exemption; 2) Approve Administrative Site Plan No. 16-014, and, 3) Approve Conditional Use Permit No. 16-007, with a change to the hours of operation. Motion passed by a vote of 4-0.

H. Master Case No. 16-037; Design Review No. 03-020R1 - A request for approval of the site and architectural review to split an existing suite (former Sports Authority) of approximately 35,290 square feet into four (4) separate units. The project includes substantial change to the existing façade by creating three (3) storefronts with additional architectural features.

Associate Planner Jon S. Dille provided the staff report.

A memo at the dais was provided to strike out Condition Nos. 17, 18, and 19.

Discussion was held on the certain or potential tenants.

Discussion was held on the pedestrian crossing; traffic circulation has been addressed. Planning Manager AbuBakar will address the issue with the property management company.

The Public Hearing was opened.

Speaking for the applicant, Jeff Martin, spoke on the tenants of the development and being excited to get the space online with new tenants. He is in conversation with the City Engineer regarding a plan for the traffic at the entrance.

Discussion was held on shopping carts damaging parked vehicles. The applicant will address the issue with the property manager.

Commissioner Sanchez thanked the applicant for bringing business to the City of Fontana.

Discussion was held on creative ideas to improve the circulation.

Jim Hall, Construction Manager for 5 Below, spoke on holding the grand opening April 21, 2017, with a soft opening on April 19, 2017.

The Public Hearing was closed.

Commissioner Gongora said it was great to have development in that area.

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 15301, (Class No. 1, Existing Facility) of the CEQA, and direct staff to file a Notice of Exemption; and, 2) Approve Design Review Project No. 03-020R1 with the deletion of Condition Nos. 17, 18, and 19. Motion passed by a vote of 4-0.

- I. Master Case No. 13-029; Design Review No. 16-016 - A Design Review request to construct 96 single-family homes ranging in size from approximately 1,934 square feet to approximately 2,735 square feet (all two-story homes), including a model home complex and a park site of approximately 33,822 square feet.**

Senior Planner DiTanyon Johnson provided the staff report.

Discussion was held on zoning and school district maps being in place when models are opened.

Discussion was held on modern phone lines.

Discussion was held on this item being previously denied, but the City Council overturned that decision.

Discussion was held on exits at Sierra, Hemlock, and Beech.

Discuss was held on the shutters only being on one side.

Discussion was held on the private park.

Discussion was held on adding a condition regarding parking.

Discussion was held on improvements to Hemlock, Sierra Lakes, and Beech.
Discussion was held on the wall on Sierra Lakes Parkway.

The Public Hearing was opened.

Speaking for the applicant, Brian Jacobson, spoke on maps being provided to all homeowners and they sign that they have received them; the applicant has no problem

with posting them. He spoke on the modernization of communication being standard in their homes and there are also sell options; the construction of the sewer is in process; and there will be sidewalks in all areas. He spoke on overnight parking not typically regulated nor included in restrictions, it is left up to the HOA board.

Discussion was held on overnight parking restrictions and enforcement.

Discussion was held on the 360 degree architecture of the homes.

Discussion was held on the shutters on all homes; the applicant spoke on creating diversity without changing the floor plans.

Julius Weathersbee is happy to see the development of this project; his only concern was the size of the lots.

The Public Hearing was closed.

Discussion was held on HOA conditions being added.

The applicant spoke on rules and regulations outside of CC&Rs, and HOA boards separately adopting rules and regulations.

Discussion was held on the City being a party to the CC&Rs that requires a parking program.

Discussion was held on the setback.

The Planning Commissioners thanked the applicant for their project.

ACTION: A motion was made by Commissioner Sanchez and seconded by Commissioner Quiroga to 1) Find that the project has been reviewed under the previous Mitigated Negative Declaration for associated Tentative Tract Map No. 18881 and has adequately identified the impacts associated with the project, pursuant to Section 15162 of the CEQA Guidelines and direct staff to file a Notice of Determination; and, 2) Approve Design Review No. 16-016 with direction to staff on additional conditions related to parking management. Motion passed by a vote of 4-0.

J. Master Case No. 13-001; Specific Plan Amendment No. 15-003; Zone Code Amendment No. 16-004 - Electric Fence Ordinance Amendments

Senior Planner Paul Gonzales provided the staff report.

Discussion was held on why staff was not recommending approval of this project.

Discussion was held on the use of electric fence next to schools, sidewalks, and residential uses.

Discussion was held on what areas electric fences are permitted.

Speaking for the applicant, John Lee, thanked the Planning Commission for their

consideration of this item; and thanked staff for their work on the project over the years. Submitted for the record their position on this matter in a memo at the dais; spoke on the safety of the product near schools. He spoke on the companies that are requesting approval of this project.

The Public Hearing was opened.

Mark Beadleston, Foundation Pile, Inc., spoke in favor of this project; his business has suffered loss due to theft and feels this is a safer alternative. It will work as a deterrent. He cannot afford to put a block wall around his property and the electric fence would go inside his chain link fence.

Discussion was held on screening from the Pacific Electric Trail.

Bob Copeland spoke in opposition to this project and in favor of staff's recommendation. He works for a large school district and wants to keep school students safe from electric fences. He spoke on growing up around and personal experience with electric fences.

Ernest Reza spoke in favor of this project. He spoke on building a block wall at a high costs. For the enhancement and protection of a property; the electric fence is a deterrent. He spoke on the terminals that they have with electric fences and have never had an instance with the fences.

Victor LaBreck spoke in favor of this project. Security guards cannot stop the thieves. He has spoken to several property owners who would like to have the electric fences.

Shannon Jeffers spoke in favor of this project. She has an electric fence, but it is currently not connected. Thieves come in and steal tires and batteries. They have not been robbed since installing the electric fence.

The Public Hearing was closed.

Commissioner Sanchez sympathized with the business owners, but the issue is that the City has rules that have to be followed in the best interest of the entire community.

Commissioner Quiroga understands their frustration and concurs with Commissioner Sanchez.

Discussion was held on the electric fence being behind the front setback.

The Public Hearing was reopened.

Shannon Jeffers spoke on having a brick wall bringing out gang bangers and graffiti.

The Public Hearing was closed.

Commissioner Gongora appreciates the property owners need to secure their property, but only supports the electric fences where they are allowed; not throughout the city.

Discussion was held on not requiring setbacks or block walls.

Discussion was held on supporting business and there being two sides to every issue.

The Public Hearing was re-opened.

John Lee spoke on not requesting carte blanche and not requiring perimeter fences.

The Public Hearing was closed.

Commissioner Sanchez sympathized with the business owners, but is also sympathetic as a parent.

ACTION: A motion was made by Commissioner Gongora and seconded by Commissioner Sanchez to 1) Determine that ZCA No. 16-004 and SPA No. 15-003 are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15270 (Projects Which Are Disapproved) of the California Environmental Quality Act), and direct staff to file a Notice of Exemption; 2) Deny the request to allow electric fencing within all permitted and conditionally permitted land uses listed in the Development Code located in the General Commercial (C-2) zoning district as depicted on the most recently adopted Zoning District Map; and deny the request for amendments to the M-1 and M-2 Industrial Districts as proposed with ZCA No.16-004,and; 3) Deny the request to amendments to the Southwest Industrial Park Specific Plan as proposed with and SPA No. 15-003. Motion passed by a vote of 4-0.

DIRECTOR COMMUNICATIONS:

A. Director Communications:

The Planning Commission reviewed an update of future City Council Agenda items for the December 27, 2016, January 10, 2017, and January 24, 2017, for the Planning Commission's information; and an update of future Planning Commission agenda items for the January 3, 2017 and January 17, 2017 , 2017, for the Planning Commission's information.

Planning Manager AbuBakar announced a Joint Workshop with the City Council and Planning Commission on February 14, 2017, to discuss General Plan Land Use Alternative.

Planning Manager AbuBakar wished everyone Happy Holidays and a Happy New Year.

COMMISSION COMMENTS:

A. Planning Commission Remarks:

Commissioner Quiroga wished the community of Fontana a Merry Christmas.

Commissioner Gongora attended the tree lighting ceremony with Commissioner Quiroga and Commissioner Sanchez and had a good time.

Commissioner Gongora attended the Downtown General Plan meeting at the Fontana Community Senior Center with Commissioner Meyer.

Commissioner Gongora attended the Winter Festival and Parade and was the sole Commissioner in attendance. It was a great parade, a great festival, with so many attendees.

Commissioner Gongora attended the Fontana Unified School District Santa's Program with volunteers throughout the city. He requested to keep those families in prayer.

Commissioner Gongora wished his son, Preston Gongora, a happy birthday.

Commissioner Gongora thanked his wife and family for allowing him to be here.

Commissioner Gongora wished his colleagues, staff, first responders, volunteers, and residents a very merry Christmas and a happy New Year.

Commissioner Gongora wished everyone a good night.

Commissioner Sanchez echoed Commissioner Gongora's comments on the Tree Lighting Ceremony; it was his first time attending because as a business owner, he is very busy running his business, but it was exciting to see young kids singing.

Commissioner Sanchez was unable to attend the parade because he was sick.

Commissioner Sanchez spoke on making tough decisions as a business owner, have to do what is good for businesses, but also for those that walk by.

Commissioner Sanchez thanked his wife and beautiful kids for giving him a purpose in life.

Commissioner Sanchez wished his friends a Merry Christmas, Happy Hanukah and a Happy New Year.

Commissioner Sanchez requested that tonight's meeting be adjourned in memory of those run over in Germany.

Vice-Chairperson Meyer spoke on having to balance things and do what is right for the community at-large. Some decisions are more difficult than others and he is comfortable good decisions were made tonight.

Vice-Chairperson Meyer wished his fellow Commissioners, families, community, and staff a very merry and heartfelt blessed Christmas and Happy New Year!

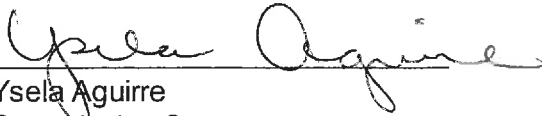
Vice-Chairperson Meyer spent last weekend with teenagers in the mountains and is proud of the young adults that participate in the retreat.

WORKSHOP:

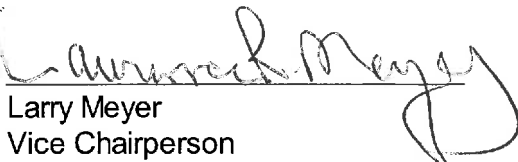
None.

ADJOURNMENT:

By consensus, the Planning Commission adjourned at 8:41 p.m. in memory of the victims of Berlin to the Regular Planning Commission Meeting on Tuesday, January 17, 2017, 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 17th DAY OF JANUARY, 2017.**


Larry Meyer
Vice Chairperson