

**MINUTES OF THE CITY OF FONTANA
REGULAR PLANNING COMMISSION MEETING
January 17, 2017
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, January 17, 2017, in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California. Vice Chairperson Meyer called the meeting to order at 6:01 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; Associate Planner Jon S. Dille; 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 Gongora.

PUBLIC COMMUNICATIONS:

A. Public Communications:

Edgar Montes spoke on being a pallet company owner, but was asked to wait until Public Hearing Item A to comment.

CONSENT CALENDAR:

A. Approval of Minutes:

Approve the Regular Planning Commission Meeting Minutes of December 20, 2016.

A motion was made by Commissioner Gongora and seconded by Commissioner Quiroga

to approve the Minutes of the December 20, 2016, Planning Commission Meeting. Motion passed by a vote of 4-0.

PUBLIC HEARINGS:

A. Proposed Continuance for Public Hearing Item: Master Case No. 14-098; Specific Plan Amendment No. 16-001 - Permit Pallet Yards in certain Districts in SWP

Staff requests that Master Case No. 14-098 and Specific Plan Amendment No. 16-001, to be continued to the February 7, 2017, Planning Commission meeting in order to re-notice the proposed project.

Planning Manager AbuBakar provided information on the technicality on notice of the proposed project and the continuance of this item.

Public Hearing was opened.

Frank Montes would like to receive notice on this item and the proposed amendments. Vice Chairperson Meyer notified Mr. Montes to speak with staff to get on the list for notifications.

Steven Figueroa would like to receive notice on this item and the proposed amendments . He spoke on being a business advocate for over 35 years; First Amendment rights; the Brown Act and the Jess Unruh Act - nothing should prevent anybody who is speaking tonight or requesting information tonight from exercising their First Amendment right. He spoke on an atmosphere that Fontana is unfriendly to small business; the Planning Commissioners appointments being questioned when they takes steps to overregulate or to eliminate jobs by any means; the concern that the fire issue at pallets is being ignored; the equal protection of small businesses. He has been successful in assisting other people file claims with the Department of Justice, Fair Housing Act, and Department of Commerce. He spoke on everyone seeing the report and the Commission considering that if it eliminates jobs, it's probably a dumb idea because it eliminates tax base. He spoke on property owner rights.

Attorney Ponto clarified that no one was told they could not speak tonight but only trying to make sure everyone is as informed as possible so when comments are made they are on the administrative record. Anyone is free to speak tonight and on February 7th.

Edgar Montes spoke on his family being in pallet business for almost 30 years since 1990. He grew up in Fontana, went to school here and has seen the city grow. He spoke on the pallet community being here through the good and bad, and through thick and thin. He spoke on some of the people in the pallet company feeling that they are being left behind, forgotten, or receiving the short end of the stick. He spoke on the growth in the city and the success of this community; but some in the pallet community felt that there have been special interests groups that have pushed towards kicking pallet companies out of this community and are making it very difficult to do business here. He spoke on the pallet companies, pawn shops, tire shops, diesel truck mechanic shops and other small businesses who were doing business in county controlled industrial area south of the 10 Freeway before it was annexed into the City of Fontana that went out of business

because they were missing one permit or one certification while other big businesses were given taxpayers money to open up shop or relocate. He spoke on the pallet companies and other small businesses coming together to help each other out to deal with the threat of being thrown or zoned out and also to deal with the arson fires – which the city has recognized and offered a \$5,000 reward to find the arsonist, and theft. They are not here to brow beat or fight, just here to consider being taken into account and request a workshop to include the pallet community before the next meeting.

Lorena Corona spoke on being a great supporter of small businesses and of minority owned businesses in our community. She congratulates and salutes the efforts of the Planning Commission, but the minority owned businesses in this area feel targeted and under attack or suffering by the change of regulations that are not empowering, but disabling and making them vulnerable. She spoke this board and this city supporting small businesses, especially minority owned business so that a legacy of 30, 40, 50 years is not being wasted. She spoke on the pallet industry collaborating and investing in the city despite the neglect they feel; they are willing to go above and beyond and remain a productive part of the community and she requested giving them an opportunity to be heard on the areas in which they feel neglected and under attack. She urged the Planning Commission to take into consideration the needs of the special businesses and create an opportunity for solutions. She spoke on the Commissioner being appointed and serving the city because they have the capacity to create opportunities and requested they allow this group to find the right venue to address these problems. She looks forward to the next steps.

Jehu Melchor works with his father who has been in the pallet industry 30-35 years. He thanked the Commission for everything they do for the city. He spoke on how the pallet industry benefits all of us and appreciates that the Commissioners have taken the time to learn more about it and see that it's not just some shack with wooden things. He spoke on the pallet industry being important to California, the United States, and the economy. He encouraged the Planning Commission to continue to put time in to get to know them as business owners, as an industry and how important it is for everyone. He spoke on how hard they work and dedicating their lives to working hard. He spoke on feeling that they are getting the short end of the stick, getting pushed aside and causing people to react a certain way. He understands that the Commissioners are appointed and it's their job to make sure the City of Fontana moves forward and becomes a better place. He feels the pallet industry has a place in the great City of Fontana. He thanked the Planning Commissioner for continuing to give them time to express how they feel and requested they consider helping them out.

Fran Givens seconded everything that everyone said; some are senior citizens, hardship to move out of town; great loss of tax income.

The Public Hearing was closed.

Planning Manager AbuBakar spoke on the majority of pallet owners being involved in the development of the ordinance. All pallet owners will be provided with the same staff report that will be provided to the Planning Commissioners. Everyone is welcome to contact Planning Manager Zai AbuBakar at 909.350.7625 for more information.

Commissioner Gongora requested a workshop to have a more transparent process. It would be an act of good faith and to maintain inclusivity to the potential of regulating and impacting jobs.

Discussion was held on holding a workshop and postponing this item to a date uncertain.

Planning Manager AbuBakar spoke on postponing to a date uncertain if a workshop is held before the Public Hearing on this item or the other option was for staff to meet with the pallet yards owners. The Commissioners concur that staff should meet with the pallet yard owners in advance of the public hearing on February 7th

ACTION: A motion was made by Commissioner Quiroga and seconded by Commissioner Gongora to continue this item to the February 7, 2017, Planning Commission meeting in order to re-notice the proposed project. Motion passed by a vote of 4-0.

B. Master Case No. 15-047; Tentative Tract Map No. 19997 (TTM 15-006); Design Review Project No. 16-002; Tentative Tract Map is a request to subdivide three (3) parcels totaling approximately 3.0 adjusted gross acres into 13 lots for the development of single family homes; Design Review Project is a request for approval of the site and architecture review to construct 13 single-family homes ranging in size from 2,562 square feet up to 2,826 square feet.

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

Discussion was held on the two lots that are oddly shaped.

Discussion was held on the minimum frontage of the cul-de-sac and the access for emergency vehicles. The Fire Department has reviewed this project and did not have any problems with it.

Discussion was held on the minimum requirements for the front door access.

Discussion was held on mitigation measures to avoid the loft being converted into a room.

Discussion was held on the California Room included in the plan.

The Public Hearing was opened.

Speaking for the applicant, Jimmy Lee, thanked Planner Dille for the detailed presentation. He spoke on the construction beginning as soon as possible. There are only 13 houses and there may not be model homes. He described the "California room" as a room with one opened side.

Applicant has read, understands and agrees to all of the conditions.

Discussion was held on the landscaping.

Fran Givens spoke on the width of the front door; she finds that ADA Compliance is not used and it would be nice if that could be thrown into the conversations.

The Public Hearing was closed.

Discussion was held on the ADA compliance of the doors; staff indicated that Title 24 addressed ADA compliance and it is reviewed through the Plan Check Process with Building and Safety.

ACTION: A motion was made by Commissioner Sanchez 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) and direct staff to file a Notice of Exemption; 2) Approve Tentative Tract Map No. 19997 and Design Review Project No. 16-002. Motion passed by a vote of 4-0.

C. Master Case No. 16-027; Design Review No. 16-013 - A request to review and approve site and architectural review of a proposed 230,260 square foot industrial warehouse building.

Senior Planner Paul Gonzales provided the staff report.

Consultant Collin Ramsey spoke on addressing the letter with concerns received by staff.

Discussion was held on the man doors on the north side of the building.

Discussion was held on any improvements on Catawba Avenue.
Discussion was held on prohibiting parking on Catawba Avenue.

Discussion was held on the line of sight for trucks turning left out of the property.

Commissioner Gongora requested letters with concerns be provided to him sooner to have more time to review items.

Commissioner Gongora requested information on the pollution numbers. Consultant Ramsey provided the information.

Discussion was held on providing a response to the letter of concern in a timely manner.

The Public Hearing was opened.

Speaking for the applicant, John Atwell, spoke on this being the eighth building they constructed in the City of Fontana and they enjoy working with the city. He commended Planner Gonzalez for a great job. It is typical to have an office in the corner, man doors are for fire, but can be left open for others to get in. They are doing a full widening of the street and taking the power poles down. He spoke on the street improvements being done by his company for this project and by other companies for their projects.

Discussion was held on fire and public safety entrance.

Speaking for the applicant, Chris Savage, spoke on the possibility of adding windows to the north side of the project.

Applicant Atwell spoke on adding windows.

By consensus, the Planning Commission requested that windows be added to the north side of the project.

Applicant has read, understands and agrees to all of the conditions.

Discussion was held on truck travel to the freeway.

Discussion was held on neither Engineering nor Traffic having any concerns with left turns.

Discussion was held on providing an employee break room. Applicant Atwell noted that a break room is included.

Discussion was held on prospective tenants.

Commissioner Gongora thanked the applicant for their business in Fontana.

Fran Givens requested information on the location of the project.

The Public Hearing was closed.

Discussion was held on regional air quality thresholds.

ACTION: A motion was made by Commissioner Sanchez and seconded by Commissioner Quiroga to 1) Adopt the Mitigated Negative Declaration and direct staff to file a Notice of Determination; and, 2) Approve Design Review No. 16-013 with the addition of the windows to the north side of the project. 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 January 24, 2017, February 14, 2017, and February 28, 2017, for the Planning Commission's information; and an update of future Planning Commission agenda items for the February 7, 2017, February 14, 2017, and February 21, 2017, for the Planning Commission's information.

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

COMMISSION COMMENTS:

A. Planning Commission Remarks:

Commissioner Quiroga wished his daughter, Valentina, a happy 10th birthday.

Commissioner Quiroga welcomed his nephew, Nicolas, visiting from Columbia.

Commissioner Quiroga spoke on having fun being up here and doing good work.

Commissioner Gongora spoke on celebrating Martin Luther King Jr. Day.

Commissioner Gongora thanked city staff, Police Department, Fire Department and other personnel that make this city go.

Commissioner Gongora spoke on the business community that came forward tonight and the transparency of the city. He thanked Planning Manager AbuBakar

Commissioner Gongora thanked his wife for picking up all the work that he is unable to do with three children.

Commissioner Gongora spoke on the transition of power on the national level.

Commissioner Gongora thanked the City Council for allowing him to be here and the Planning Commissioners for supporting him.

Commissioner Sanchez congratulated Zai AbuBakar on her promotion to Community Development Director.

Commissioner Sanchez wished Fran Givens a happy birthday.

Commissioner Sanchez spoke on being pro-businesses and listening to people's concerns.

Commissioner Sanchez thanked his wife for letting him serve.

Commissioner Sanchez congratulated his daughter on her promotion with Tesla.

Commissioner Sanchez is looking forward to 2017 and looking forward to working with all parties.

Vice Chairperson Meyer hopes everyone had a blessed holiday season.

Vice Chairperson Meyer invited everyone to the Mardi Gras at Sacred Heart on February 4, 2017.

Vice Chairperson Meyer congratulated Planning Manager AbuBakar on her well-deserved promotion and her leadership.

Commissioner Quiroga spoke on the support from the City of Fontana for the Travel Club; the fundraiser will be held on Thursday, February 2, 2017, 4:00 p.m. to 7:00 p.m. at the McDonald's on Foothill and Citrus. The Mayor's Burger Challenge will be held at 6:15 p.m.

Commissioner Sanchez invited everyone to the State of the City address on January 26, 2017. Tickets for the evening event are available by calling at 909.684.2936

Commissioner Sanchez spoke on the Chamber of Commerce being successful.

City Clerk Lewis congratulated Planning Manager AbuBakar on her promotion.

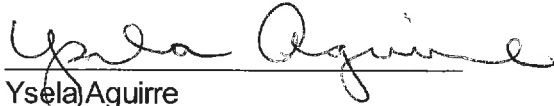
City Clerk Lewis wished Fran Givens a wonderful birthday.

WORKSHOP:

None.

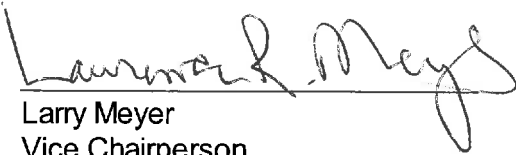
ADJOURNMENT:

By consensus, the Planning Commission adjourned at 7:39 p.m. to the Regular Planning Commission Meeting on Tuesday, February 7, 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 7th DAY OF FEBRUARY, 2017.**



Larry Meyer
Vice Chairperson