

**MINUTES OF THE CITY OF FONTANA
REGULAR PLANNING COMMISSION MEETING
December 6, 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 6, 2016, in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California. Chairperson Garcia 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; Community Policing Technician Wendy Ratcliffe; 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.

SPECIAL PRESENTATIONS:

A. Recognition of Planning Commissioner Peter Garcia

The Planning Commission recognized Chairperson Peter Garcia for his years of service to the City of Fontana as a Planning Commissioner.

Former Planning Commissioner, Phil Cothran, congratulated Chairperson Garcia on his election to the Fontana Unified School District.

Senior Planner Orlando Hernandez, on behalf of staff, thanked Chairperson Garcia for his service and guidance.

City Treasurer Janet Koehler-Brooks wished Chairperson Garcia well.

City Clerk Tonia Lewis congratulated Chairperson Garcia and wished him well.

Chairperson Garcia thanked his wife for the years of support she provided as he served on the Planning Commission, it has been an honor serving on the City's Commission; he thanked Mayor Warren and City Council and former Mayor Nuaimi for appointing him to the Planning Commission. He is looking forward to serving the city in a different capacity. He is looking forward to making decisions for the good of Fontana at the educational level.

A recess was called at 6:20 p.m.

The meeting was reconvened at 6:35 p.m.

CONSENT CALENDAR:

A. Public Communications:

Eddie McCloud thanked Commissioner Garcia for his service; thanked the nearly 10,000 people that voted for him; and commented that you don't have to take money from builders to serve in the City of Fontana.

Isaid Arteaga, Mimi's Café, invited the community to stop by and is looking forward to getting involved in the community.

Jeffery Griffith, 60 year resident of Fontana, spoke on traffic safety problems on Palmetto Avenue. Palmetto is the only north/south throughway from Valley to Baseline. The three reasons it is a traffic safety problem is the volume of traffic has increased tenfold; the pace of traffic is faster and unsafe; and the lack of enforcement of the 35 mph speed limit. Four examples of traffic safety problems are an accident in February due to excessive speed and an intoxicated driver which knocked out 38 feet of Mildred Follett's iron fence and removed curbing; a month later a northbound vehicle was t-boned on Valencia and Palmetto near a 25-children daycare; in April, a vehicle crossing palmetto was hit by a vehicle going south on Tamarind; and in July, a speeding vehicle went past his house and hit his neighbor's truck and severed a power pole – it knocked out power for 8.5 hours until Edison could get the power back. A digital speed limit sign was put up for 10 days, two citations were given, and the speeding continued. Rapid enforcement is needed, as well as structural monitors, a cross walk and red light to slow the pace of traffic or a yellow flashing light to protect children.

Fran Givens spoke on Pearl Harbor Day on December 7th. She was six years old and remembers how frightening it was. She had to ration shoes, gas, tires, and food. She will be 82 in January and she will never forget Pearl Harbor Day, because so many military people were lost in Hawaii. It was a rough time, and she hopes to never see those rationing days again.

B. Approval of Minutes:

Approve the Regular Planning Commission Meeting Minutes of November 15, 2016.

PUBLIC HEARINGS:

A. Master Case No. 16-042; Conditional Use Permit No. 16-023 - A request from the owner of Spice Jar to operate an existing restaurant 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.

Associate Planner Rina Leung provided the staff report.

Discussion was held on Condition No. 10 regarding servers being 18 to 21 years old, but having someone at least 21 years old on site at all times.

Discussion was held on the hours of operation.

The Public Hearing was opened.

Speaking for the applicant, Raj Sangha, who was born and raised in Fontana, wants to bring new food to Fontana. The beer and wine will complement the Indian food. The applicant will review hours of operation as traffic is generated and will change to fit the needs of the community. The business is operated with family and would possibly look at getting a hard liquor license later.

It was suggested to the applicant to change the hours of operation; the applicant does not have to stay open until 12, but it is good if they want to change the hours of operation later.

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

No member of the audience spoke in favor or opposition.

The Public Hearing was closed.

A change in language in Condition No. 10 will be crafted

The hours of operation in Condition No. 11 will be changed.

ACTION: A motion was made by Commissioner Gongora and seconded by Commissioner Meyer to 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301, (Class No. 1, Existing Facility) of the CEQA, and direct staff to file a Notice of Exemption; and, 2) Approve Conditional Use Permit No. 16-023 with changes to Condition No. 10 and Condition No. 11. Motion passed by a vote of 5-0.

B. General Plan Amendment No. 09-001; General Plan Amendment No. 15-001; Zone Change No. 09-001 - Westgate Specific Plan

Senior Planner, DiTanyon Johnson provided the staff report.

Also present was Dave Creak Environmental Consultant.

Staff shared communication at the dais in opposition and in favor of the project.

Discussion was held on the significant air quality impact and mitigation measures.

Discussion was held on the significant but unavoidable impact items listed in the EIR. Dave Kirk, EIR Consultant, spoke on covering all the bases for what is reasonable.

Discussion was held on not meeting the AQMD thresholds.

Vice Chairperson Meyer met with the developer with no reportable action.

Discussion was held on not separating out lots prior to now.

The EIR will be corrected with the correct number of lanes.

Discussion was held on the letter from Caltrans citing the segment of Cherry incorrectly; it will be corrected.

Discussion was held on the City of Rancho Cucamonga and the City of Fontana coordinating to resolve the traffic issues at Cherry Avenue.

Discussion was held that some improvements may take five years based on the occupancy of the warehouse.

Discussion was held on the language used on section 3.0 on page 39; it will be corrected.

Discussion was held the Etiwanda and Chaffey Union school districts being aware of the plans and their original comments were responded to. Chaffey High School already owns the high school property.

Discussion was held on pulling PA47 out of the Westgate Specific Plan and allowing the property owner to use his property as he initially intended.

Discussion was held on the owner of PA2 being notified of the plan. The applicant has talked to him as well.

Discussion was held on the number of 10,000 lots; and the number of 10,000 lots requested through the Ad Hoc Committee.

Discussion was held the other uses in the development.

Discussion was held on how many stories the midrise buildings will have; there is not limit.

Discussion was held on PA10 being designated for seniors with zoning for certain types of uses.

Discussion was held on the destination point.

Commissioner Sanchez spoke on people contacting him regarding the larger lots; he believes giving property owners the right to his property. He spoke on needing more places for people to eat and entertain. The concern is having areas for people to sit down, eat and shop.

Discussion was held on adding a Condition to have the infrastructure done before the projects can be developed to alleviate the traffic on Cherry Avenue.

Discussion continued on the traffic on Cherry Avenue and improvements being tied to this project.

Senior Engineer Kathy Raasch spoke on the mitigation measure in the EIR regarding the development of Cherry.

Discussion was held on adding a condition to not allow subsidized housing; there are no provisions that would allow subdivided housing.

Discussion was held on the significant impacts to intersections.

Discussion was held on sensitive receptors.

Discussion was held on operational impacts versus construction impacts.

Discussion was held on making sure we are doing all we can to mitigate as much as possible. AQMD is always reevaluating thresholds.

Discussion was held on areas that could be warehouses.

Discussion was held on ensuring high quality; any future developer has to meet the standard.

The Public Hearing was opened.

Speaking for the applicant, Doug Ford, thanked the dedicated effort by the Planning Commission, Consultants, Ad Hoc Committee, and City Council. Significant changes were made to the plan including meeting the housing element with no subsidized housing.

Speaking for the applicant, Gene Hsieh, spoke on the Westgate Specific Plan's highlights.

Doug Ford spoke on the Cherry Avenue improvements – getting a better right turn at Beech; the Frontage Road; and the school construction. The high school does not have a current plan for construction.

Doug Ford spoke on PA47 being storage units; PA21 being converted to 10,000 sq. ft. and the 100 units in PA22 being converted to 10,000 sq. ft.

Discussion was held on the number of 10,000 sized lots.

Garcia met with the applicant with no reportable action.

Sanchez met with the applicant with no reportable action.

Quiroga met with the applicant with no reportable action.

Discussion was held on opening Lytle Creek to Duncan Canyon Road.

Discussion was held on the community park and the link to the City's master trail.

The developer was asked to make the barbeques to the City standard.

Discussion was held on the use of reclaimed water.

There will be HOAs and regulated parking.

Discussion was held on the landscaping not being the identical plan on the whole street.

Discussion was held on the multi-family senior housing and apartment will remain with the owner.

Due to the time constraints, by consensus, each speaker will be given three minutes to speak.

Bruno Mancinelli and Michael Mancinelli spoke on owning 8.8 acres that are referred to as "RV storage". The have made plans with the right zoning. Forty-seven percent of their residents are from Fontana and they are at 100% capacity. What they have heard tonight is encouraging. They have an active application and are going forward with their plans. They would really like the Planning Commission to consider allowing them remain with the current use because anything else would be a financial hardship.

Jeff Evans spoke on removing his property in PA48 and PA50 out of the Westgate Specific Plan. He sent a letter with his objection. He was curious as to why throughout the Planning Commission and Ad Hoc Committee process his property was designated as fully 10,000 sq. ft. lots. He requested his property be taken out of the Westgate Specific Plan.

Fran Givens spoke in support of the housing project for the seniors; there are many seniors living in homes too large for them and there is no place for them to go. Subsidized housing is not going to be built soon in Fontana. Ben Carson has been appointed as the leader of HUD and there is no way for any subsidized senior housing activity. This is market rate housing and we need to have senior housing. We also need to hear about ADA compliance. We have all the existing senior apartments in Fontana that have five year waiting lists. Seniors would like to sell their houses if senior housing is provided. She spoke on the age not having been determined. Many people don't want senior housing, but mothers and grandmothers need to live in them. They are close to shopping centers.

Eddie McCloud thanked Doug and Jean for the Ad Hoc Committee. He thanked the Planning Commission. He suggested building the berm first. Look at traffic at Summit

and the 15; the pollution and semi-trucks' impact on the environment. These guys made a lot of changes.

Kathy Ponce thanked the Planning Commission for asking all the right questions. She will miss Commissioner Garcia. She is sure this plan will pass. They agreed as a committee that warehouses need to be centralized. They are putting a warehouse on Baseline and Victoria and Summit has a single lane exit. Cherry traffic is ridiculous. There is still lots to think about. Citizens are tired of high density.

Aaron Neighbor thanked the Planning Commission for giving them an option to speak. The project will take a decade or more to complete. He sees the traffic issues in north Fontana all day. There are issues with the infrastructure. There are a lot of people and a lot of cars with a lot of traffic. He lives by Kohl's and doesn't use Baseline. People don't have a lot of access. Their quality of life is affected; people don't want to sit in traffic. They won't spend money if they can't get there. The focus should be put on infrastructure first to not be impacted in a negative way.

Jason Wong spoke on property owners that are not happy with the land use in the Westgate Specific Plan. It very disingenuous getting stuck with this and unfair to give something so sensitive 10,000 in an area that is not yours. It's not right.

The Public Hearing was closed.

Chairperson Garcia requested Engineering Kathy Rausch to provide some background on the traffic issues being mitigated.

Kathy spoke on the five year plan to improve Cherry. Cal Trans will have to continue the work on Summit and it is not known if it is a project on their list.

Commissioner Gongora spoke on the decision today being the land use policy for the next 25-30 years. He will be 50 when this project is complete. He believes the developer has made some good changes, but has concerns with Specific Plans being altered over time. Alterations are made due to market conditions and traffic may not be mitigated. When it is complete, there will be 13,000 more people in the community. He does not think they are getting a good project and it does not seem right to him over all. There are plans that are 50% complete and the rest will go dormant. He doesn't think this is good for Fontana.

Vice Chairperson Meyer respectfully disagreed. This group of consultants listened to the community and he is not happy there is going to be a warehouse, but this was the proposal the City Council directed them to follow. There is less density, more amenities, and better traffic management. The City Council sent it to the Planning Commission for a recommendation.

Discussion was held on the actual property owners and the existing zoning.

Discussion was held on the getting more 10,000 sq. ft. lots out of the plans tonight; with Chairperson Garcia warning against planning from the dais.

Chairperson Garcia spoke on it being a fact that Specific Plans sometimes change. In this case, we have an existing Specific Plan, if this new plan is not approved, they will go back to the original approved plan.

Discussion was held on the property previously owned by the County Flood Control District and sold to Mr. Evans.

Discussion was held on the known property owners in the Westgate Specific Plan. Planner Johnson noted that there is a list of property owners in an exhibit in the staff report.

ACTION: A motion was made by Commissioner Meyer and seconded by Commissioner Sanchez to adopt Resolution No. PC 2016-009, 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 rescinding Specific Plan No. 90-02 and approve Specific Plan No. 09-001 for the Westgate Specific Plan; 3) Adopt a resolution approving General Plan Amendment No. 09-001; 4) Adopt a resolution approving General Plan Amendment No. 15-001; and, 5) Adopt an ordinance approving Zone Change No. 09-001 with the rezone of PA47 to MU1 and improving Cherry to Beech. Motion passed by a vote of 4-1 with Commissioner Gongora opposing.

C. Zoning Code Amendment No. 16-015 - Residential Indoor Marijuana Cultivation (RIMC).

Planner Planning Manager, Zai AbuBakar provided the staff report.

Discussion was held on landlord and tenant responsibilities.

Attorney Ponto provided background information on the purpose of this code amendment as a permitting scheme to provide staff and public notice.

Discussion was held on language to restrict use in proximity to parks and schools.

Discussion was held on gifting and sharing of marijuana.

Discussion was held on growers needing to spend money to grow their six plants.

Discussion was held on federal law being enforced and overriding state law.

Discussion was held on having to comply with state law.

Attorney Ponto spoke on the City of Fontana being at the tip of the sphere and regulating as hard as they can.

Manager AbuBakar shared communication at the dais from Fontana Community Coalition and Reach Out West End supporting the proposed Ordinance.

The Public Hearing was opened.

Mike Harris spoke in opposition to this item.

The Public Hearing was closed.

Discussion was held on what enforcement will look like. Six plants are allowed, if there are complaints of too many plants, it will be a code enforcement violation.

A motion was made by Vice Chairperson Meyer and seconded by Commissioner Gongora to extend the meeting to 10:15 p.m. Motion passed by 5-0.

Discussion was held on getting a report on the status of the demand for permits. Staff will provide a six month report.

ACTION: A motion was made by Commissioner Gongora and seconded by Commissioner Sanchez to adopt the attached Resolution No. PC 2016-010 recommending that the City Council: 1) Find the requested project(s) exempt from the California Environmental Quality Act (CEQA) and direct staff to file a Notice of Exemption; 2) Adopt an Ordinance amending Section 30-7 of the Development Code by renumbering the existing Section 30-7 to 30-7(A) and adding a new Section 30-7(B) entitled "Residential Indoor Cultivation" to regulate indoor cultivation of marijuana in the City of Fontana; and 3) Adopt a Resolution establishing fees for Residential Indoor Marijuana Cultivation Permit Application and for annual renewal of the permit with a status report in six months. 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 December 13, 2016, and December 27, 2016 for the Planning Commission's information; and an update of future Planning Commission agenda items for the December 20, 2016 and January 3, 2017, for the Planning Commission's information.

Planning Manager AbuBakar spoke on the Downtown Workshop being very successful.

COMMISSION COMMENTS:

A. Planning Commission Remarks:

Vice Chairperson Meyer requested that tonight's meeting be adjourned in memory of the victims of Pearl Harbor Day.

Vice Chairperson Meyer invited staff to a holiday lunch on December 14, 2016.

Vice Chairperson Meyer congratulated Chairperson Garcia on his election to the Fontana Unified School Board.

Vice Chairperson Meyer spoke in memory of the 14 victims of the December 2, 2016,

tragedy in San Bernardino.

Vice Chairperson Meyer spoke on Immaculate Conception Day.

Vice Chairperson Meyer spoke on the Virgen de Guadalupe Day

Commissioner Gongora thanked Chairperson Garcia and wished him the best.

Commissioner Gongora requested tonight's meeting be adjourned in memory of the lives lost in the Oakland fire.

Commissioner Gongora thanked his family and the community for letting him serve.

Commissioner Gongora wished everyone a good night.

Commissioner Sanchez thanked God and his wife for being married to him for 28 years.

Commissioner Sanchez spoke on doing what is in the best interest of the City.

Commissioner Sanchez thanked Chairperson Garcia for his leadership, his composure and attention to detail; and wished him luck.

Commissioner Quiroga thanked Chairperson Garcia for his leadership.

Commissioner Quiroga stated that he is sad because we are losing a great Commissioner, but he works for the Fontana Unified School District and they are getting a great school board member.

Commissioner Quiroga spoke on this being a tough night and it is hard to take everything into consideration. He felt that what was approved was a better project.

Commissioner Quiroga wished everyone a good evening.

Chairperson Garcia spoke on it having been an honor to serve with his fellow Commissioners, now and in the past. He learned a lot and has always tried to do what is best for the City of Fontana. He hopes it shows with the developments in the city. We relied on staff and planners who put a lot of effort into the projects.

Chairperson Garcia thanked staff for all their work.

Chairperson Garcia wished everyone a good night.

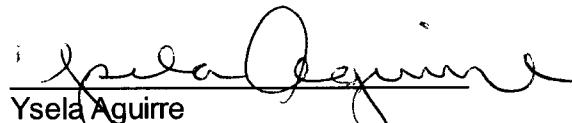
WORKSHOP:

None.

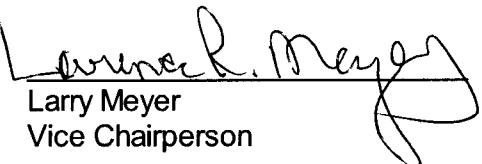
ADJOURNMENT:

By consensus, the Planning Commission adjourned at 10:11 p.m. in memory of the victims of Pearl Harbor, the victims of the San Bernardino tragedy, and the victims of the

Oakland fire to the Regular Planning Commission Meeting on Tuesday, December 20, 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 20th DAY OF DECEMBER, 2016.**


Larry Meyer
Vice Chairperson