

**MINUTES OF THE CITY OF FONTANA
REGULAR PLANNING COMMISSION MEETING
March 20, 2018
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, March 20, 2018, in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California. Chairperson Sanchez called the meeting to order at 6:02 p.m.

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

Absent: None

Also Present: Attorney Victor Ponto; Director of Community Development Zai AbuBakar; Planning Manager Orlando Hernandez; Associate Planner Rina Leung; Senior Planner Dawn Rowe; Assistant Planner Cecily Session-Goins; 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 Secretary Fort, the Pledge of Allegiance was led by Commissioner Vasquez.

PUBLIC COMMUNICATIONS:

A. Public Communications:

None.

CONSENT CALENDAR:

A. Approval of Minutes:

Approve the Regular Planning Commission Meeting Minutes of March 6, 2018.

ACTION: A motion was made by Commissioner Meyer and seconded by Vice

Chairperson Quiroga to approve the Minutes of the March 6, 2018, Planning Commission Meeting. Motion passed by a vote of 5-0. (AYES: Sanchez, Quiroga, Fort, Meyer and Vasquez; NOES: None; ABSTAIN: None)

PUBLIC HEARINGS:

A. Master Case No. 16-042; Conditional Use Permit No. 16-023R1 - A request to upgrade the existing California Department of Alcoholic Beverage Control (ABC) license from a Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) license to a Type 47 (On-Sale General for Bona Fide Public Eating Place) license.

Associate Planner Rina Leung provided the staff report.

Discussion was held on findings on Page 29 of 64 (Page 6 of 12) regarding over concentration; the language will be changed to read "...will not result in an additional license".

Discussion was held on the finding regarding convenience or necessity being included in the report.

Condition No. 29 will be deleted as it is a duplicate of Condition No. 4.

The Public Hearing was opened.

Speaking for the applicant, Raj Sangha.

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

Discussion was held on possibly changing the hours of operation; they will remain as requested.

Commissioner Vasquez requested information on what the restaurant is and what type of cocktails go with the food; the applicant provided the information on the type of food served and the cocktails that complement the food.

Vice Chairperson Quiroga complimented the applicant on the success of his restaurant.

Speaking on behalf of the applicant, Dick Evitt spoke on an ABC not requiring a public convenience or necessity (PCM) letter when the applicant upgrades licenses.

No member of the audience spoke in favor or opposition.

The Public Hearing was closed.

ACTION: Motion was made by Vice Chairperson Quiroga and seconded by Secretary Fort to adopt **Resolution No. PC 2018-015**; and; 1) Determine that the project is Categorically Exempt pursuant to Sections No. 15301 (Class No. 1, Existing Facilities) of the CEQA, and direct staff to file a Notice of Exemption; and 2) Approve Conditional Use Permit No. 16-023R1 with changes discussed. Motion passed by a vote of 5-0. (AYES:

Sanchez, Quiroga, Fort, Meyer and Vasquez; NOES: None; ABSTAIN: None)

B. Master Case No. 17-049; Design Review Project No. 17-023 - A request for site and architectural review of seven (7) single-family homes consisting of two (2) floor plans of approximately 2,518 square feet and approximately 2,886 square feet.

Senior Planner Dawn Rowe and Assistant Planner Cecily Session-Goins provided the staff report.

Commissioner Meyer asked if the school district had provided any reports on this project; none have been received; Commissioner Meyer suggested the School Board Member in the audience address any concerns or provide any recommendations.

Commissioner Meyer thanked staff for adding the new language providing a 24-hour point of contact during construction.

Discussion was held on the setback analysis; the homes are pre-plotted and meet the required setbacks.

Commissioner Vasquez requested information on the sidewalk trees. Planning Manager Hernandez advised that the Design Review application is what is under consideration and only the design of the homes is what is before the Commission tonight.

The Public Hearing was opened.

Speaking for the applicant, Cornelius Montgomery and Dolores Hall-Montgomery.

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

Commissioner Meyer commended the applicant on making the loft in Floor Plan No. 1 difficult to convert into a bedroom.

Discussion was held on mitigations to alleviate the noise from the high school.

Chairperson Sanchez commended the applicant on the elevations.

No member of the audience spoke in favor or opposition.

The Public Hearing was closed.

ACTION: Motion was made by Commissioner Meyer and seconded by Secretary Fort to adopt **Resolution No. PC 2018-016**; and, 1) Determine that the project is Categorically Exempt pursuant to Section No. 15332, (Class No. 32, In-Fill) of the CEQA, and direct staff to file a Notice of Exemption; and, 2) Approve Design Review Project No. 17-023. Motion passed by a vote of 5-0. (AYES: Sanchez, Quiroga, Fort, Meyer and Vasquez; NOES: None; ABSTAIN: None)

C. Master Case No. 17-012; Tentative Tract Map No. 17121 (TTM No. 08-003EX) - A request for a three (3) year time extension for a subdivision of 28 single-

family lots.

Senior Planner Dawn Rowe provided the staff report.

The Public Hearing was opened.

Speaking for the applicant, Derek Tung.

Discussion was held on the applicant meeting the limit of extensions; the applicant plans to return with a proposal in the near future.

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.

ACTION: Motion was made by Chairperson Sanchez and seconded by Commissioner Vasquez to adopt **Resolution No. PC 2018-017**; and 1) Find that the project has been reviewed under a previous Initial Study (IS) and Negative Declaration (ND) and has adequately identified the impacts associated with the project, pursuant to CEQA Guidelines and direct staff to file a Notice of Determination; and, 2) Approve a three (3) year time extension for Tentative Tract Map No. 17121 (TTM No. 08-003EX), extending the expiration date to February 14, 2020. Motion passed by a vote of 5-0. (AYES: Sanchez, Quiroga, Fort, Meyer and Vasquez; NOES: None; ABSTAIN: None)

Planning Manager Hernandez thanked the applicant for working with staff to ensure a safer circulation and safer layout for the project.

D. Master Case No. 17-072; Tentative Parcel Map No. 19913 (TPM No. 17-014); Administrative Site Plan No. 17-045 - Tentative Parcel Map is a request to consolidate five (5) parcels into a single parcel at an existing truck terminal facility; and Administrative Site Plan is a request for site and architectural review of a proposed 21,894 square foot maintenance building at an existing truck terminal facility within the Southwest Industrial Park Specific Plan.

Assistant Planner Cecily Session-Goins provided the staff report.

Discussion was held on the property being surrounded by an electric fence; Planning Manager Hernandez advised that the electric fence was previously approved through the ASP process and is allowed in the Specific Plan.

Discussion was held on all of the buildings being on septic.

Discussion was held on the metal building being removed and being replaced with a concrete building.

Discussion was held on the safety of the drive aisle being in front of the administration building.

Associate Engineer Ricardo Garay spoke on the locations of the buildings.

Planning Manager Hernandez spoke on the project being previously approved in the county and there are not modifications being made to the entrance on Santa Ana Avenue.

Director AbuBakar shared that the Development Advisory Board reviewed this project and this was the recommendation.

Chairperson Sanchez wanted it noted for the record.

Discussion was held on the type of business that will be run with consolidation of the lots; it will be a consolidation of the lots into one owner running the same business.

The Public Hearing was opened.

Speaking for the applicant, SAIA Representative and Veronica Kim spoke on improving the entire lot.

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.

ACTION: Motion was made by Commissioner Meyer and seconded by Commissioner Fort to adopt **Resolution No. PC 2018-018**; and, 1) Determine that there are no new impacts beyond what was previously identified in the adopted Initial Study/Mitigated Negative Declaration and direct staff to file a Notice of Determination; and, 2) Approve Tentative Parcel Map No. 19913 (TPM No. 17-014) and approve Administrative Site Plan No. 17-045 with a change in language to Condition No. 28. Motion passed by a vote of 5-0. (AYES: Sanchez, Quiroga, Fort, Meyer and Vasquez; NOES: None; ABSTAIN: None)

E. Zoning and Development Code Amendment (ZCA) No. 18-001 - Accessory Dwelling Unit (ADU) Ordinance (Continued from February 20, 2018).

Planning Manager Orlando Hernandez provided the staff report.

A change in language will be made on page 127 to read "...became effective January 1, 2017." Instead of "...will become effective in January 2017."

Discussion was held on the sprinkler requirement; if an existing unit does not have sprinklers, the new dwelling is not required to have sprinklers.

Commissioner Meyer recommended the City Council strongly encourage sprinklers and contact legislatures regarding closing the sprinkler requirement loophole.

Discussion was held on parking requirements.

Discussion was held on the minimum and maximum square footage of dwellings.

Discussion was held on the landscaping and hard-scaping requirements of the front yard; and the enforcement of this requirement.

Discussion was held on permitted street parking in the City.

Discussion was held on the required setback.

Discussion was held on following Home Owners Association (HOA) parking restrictions.

Discussion was held on the process for an illegal conversion to become legal and possible penalties; the proposed ordinance does not have any penalty language, but the Planning Commission may recommend to the City Council that such language be added.

Discussion was held on the conversion having to meet building and safety requirements.

Discussion was held on conversion of a tandem garage and the parking requirement.

Discussion was held on addressing septic system issues; the Santa Ana Regional Water Control Board approves septic systems and the City honors it, but has no say on the approval of the system.

Discussion was held on cluster septic system.

Discussion was held on what is being done to tackle illegal conversions; there is currently nothing in place, but it can be part of the ordinance if the City Council chooses to add it if the Planning Commission recommends.

Director AbuBakar stated that if something is converted illegally, the cost of trying to undo it and apply for permit is a penalty in itself.

Discussion was held on the height restrictions for the ADU.

Discussion was held on how the fire safety requirements are determined.

Discussion was held on mechanical parking lifts; Commissioner Fort felt this was not well defined.

Chairperson Sanchez shared that if cars could be stacked in the driveway, then neighbors will be changing their car's oil in the driveway.

The Public Hearing was opened.

Matt Slowik spoke on adding language to the ordinance to provide for review and approval from the County Environmental Health Services Department on the septic system in order to pursue a second unit.

The Public Hearing was closed.

Commissioner Meyer suggested adding a recommendation for language regarding

requiring sprinklers as much as possible, penalties for illegal conversion and requiring septic tank approval from Santa Ana Regional Water Control Board and the County Environmental Health Services Department to the motion.

Vice Chairperson Quiroga asked for what flexibility there was to stacking; there is none as it is state mandated.

Attorney Ponto read into the record what happens if this ordinance is not moved forward to City Council for review and approval; Planning Manager Hernandez added that if this ordinance is not passed, the State's adopted language will be in effect and that it is less restrictive than the proposed City ordinance.

Commissioner Fort requested language be added regarding fire safety and accessibility.

ACTION: Motion was made by Commissioner Meyer and seconded by Commissioner Vasquez to adopt **Resolution PC No. 2018-019**, forwarding a recommendation to the City Council to 1) Find that the project qualifies for an exemption pursuant to Section 15061 (b) (3) (General Rule Exemption), of the California Environmental Quality Act and direct staff to file the Notice of Exemption; 2) Approve Zoning and Development Code Amendment (ZCA) No. 18-001, an amendment to Chapter 30 (Zoning and Development Code), as it pertains to accessory dwelling units with a recommendation to add language regarding requiring sprinklers as much as possible, penalties for illegal conversion, requiring septic tank approval from Santa Ana Regional Water Control Board and the County Environmental Health Services Department, and fire safety and accessibility. Motion passed by a vote of 4-1. (AYES: Quiroga, Fort, Meyer and Vasquez; NOES: Sanchez; ABSTAIN: None)

A recess was called at 7:42 p.m.

The meeting was reconvened at 7:49 p.m.

F. Master Case No. 13-034; General Plan Amendment No. 11-026; Zone Code Amendment No. 11-016; Specific Plan Amendment No. 11-003; Tentative Parcel Map No. 19156 (TPM No. 13-005); Development Agreement No. 11-002 - Draft Environmental Impact Report (DEIR) State Clearing House No. 2012071058 West Valley Logistics Specific Plan Project.

Planning Manager Orlando Hernandez provided the staff report.

Commissioner Sanchez asked if they intend to offload through Fontana or through Riverside. Planning Manager Hernandez spoke on the traffic study identifies where the traffic is coming from and where it is going and the impact it will generate; all bordering jurisdictions – Jurupa Valley, San Bernardino County, and Riverside County were notified and they are expected to provide comments on this project.

Discussion was held on the project being currently approved as a residential community.

Commissioner Meyer spoke on the Planning Commission directing staff to include all previous comments submitted throughout the process in the final EIR.

Discussion was held on anything proposed needing to be stringent.

Discussion was held on equitable distribution of truck traffic to the regional freeway system.

Commissioner Sanchez spoke on the city not being able to handle the traffic of a warehouse cluster in one area.

Discussion was held on necessary transportation improvements and strategies being in the proposal.

Discussion was held on the need for a General Plan Amendment change being addressed by the General Plan Amendment Committee process.

Commissioner Meyer spoke on wanting to be a good neighbor; but roadway improvements seem to be along Slover and cannot be a good neighbor from a traffic standpoint.

Commissioner Meyer requested wanting to see a comparison of the vehicle traffic the industrial park would create; trucks are more polluting and harder on highway traffic.

Commissioner Meyer spoke on the proposal that would prohibit trucks on Sierra.

Commissioner Meyer spoke on the editorial comments in the report regarding the unfairness of not getting approval and being an entitled project.

Commissioner Meyer spoke on the non-glare glass.

Commissioner Meyer spoke on a project this size being served by sewer.

Commissioner Meyer spoke on the enforcement of the construction mitigation prohibiting the use of streets not approved by the city.

Commissioner Meyer does not see a rationale for not improving Alder as initially proposed.

Commissioner Meyer spoke on wanting to see what the buildings are going to look like.

Commissioner Quiroga spoke on the trail that runs along the base of the Jurupa Hills; there is reference to the trail needing to be relocated. Director AbuBakar will have staff look at it. Commissioner Quiroga would like to have the trail added to.

Commissioner Sanchez spoke on there not being a park and the trail being rerouted if the project is converted from residential to logistics and industrial. Planning Manager Hernandez confirmed that the existing development has a planning area for a park, but the park would go away in the new plan; and the development agreement provides compensation for loss of park.

Commissioner Fort noted that the Draft EIR says it will be open for review until March 26, 2018, but some parts reference March 23, 2018, as the last day. Planning Manager

Hernandez clarified that the City is closed on Friday, so the date rolled over to Monday to have an extra day.

Commissioner Fort spoke on the General Plan being in place when the land was purchased and the West Valley Logistics Center Specific Plan serving as the guiding document for development of the land.

Planning Manager Hernandez spoke on the property being currently zoned for a residential planned community under a Residential Specific Plan and the request from the applicant is to change it to an Industrial Specific Plan.

Discussion was held on extending the public comment period.

The Public Hearing was opened.

Chairperson Sanchez notified the speakers that their speaking time was being reduced to 4 minutes per person.

Diana De Anda spoke on concerns regarding noise, traffic, air quality, and a drop in property value.

Aurelio Sanchez spoke on the safety of the trucks in the neighborhood and the traffic impact.

Jose Alvarado spoke on the traffic and trucks in his neighborhood; the trail being taken away, wild animals on the property, and the chemicals in the ground.

Chairperson Sanchez notified the speakers that their speaking time was being reduced to 3 minutes per person.

Kathy Sanchez spoke on her concern regarding notification of this meeting; the potential for something beautiful on the land; and this project creating less parks and more traffic. Mr. Sanchez spoke on traffic concerns and the sloped road that limits visibility; he asked that the Planning Commission stick up for them.

Thomas Rocca spoke on requesting more time to review the document; the safety of students; alternate routes that will be impacted by traffic and the amount of trucks in neighborhoods.

Dale Henneman spoke on this meeting starting at 6:00 p.m. and the Chairman making a comment that he knew these families were here tonight to make comments that did not start until 8:25 p.m.; the residents put their trust in the Planning Commission to watch out for them and he hopes they will put more concern into this project than the concern the speakers were shown tonight.

Curtis Williams spoke on the residential area surrounding this project being unable to handle the traffic from big rigs without affecting their quality of life; the noise level is going to be horrendous, the pollutants high, and their property value will drop.

Kim Rocha is concerned about this project and is here as an advocate for some that cannot speak for themselves; she is appealing to the Planning Commission to be good neighbors. Ms. Rocha noted that notices were not sent out in English and Spanish and appealed to staff to provide them in Spanish.

The Public Comment period was closed.

Commissioner Meyer spoke on a number of comments were not environmental, but those can be heard at future project hearings; the environmental comments made were on noise in the neighborhood and he asked that the EIR talk about hours of operation and strict limitations of trucks going into residential neighborhoods, including neighboring cities.

Planning Manager Hernandez spoke on the notices sent and the area will be expanded to those areas affected, will include a notice in Spanish and asked that contact information be provided for those wanting to be notified.

Commissioner Fort reiterated the concerns regarding noise, air quality, traffic, and animals on nature trail be included.

Commissioner Quiroga asked how far the comment period could be extended.

Attorney Ponto advised that it would be a Brown Act Violation to continue the comment period due to the way this item was agendized.

Planning Manager Hernandez shared that comments are still being received and staff is legally obligated to respond to all of those comments which may take several months depending on the nature of the comments.

Commissioner Sanchez spoke on the significant impact on the footprint of this warehouse and it is not sustainable due to traffic, air quality, and it does not make any sense to proceed with the project.

Commissioner Quiroga was unclear as to how this could be a violation of the Brown Act. Attorney Ponto advised that this item would have had to be agendized that action was being taken, but it was only agendized to receive comments.

Commissioner Meyer asked if staff could be directed to agendize this item for the April 17, 2018, meeting to open comments for draft EIR or check if it could be done at a Special Meeting to approve it.

ACTION: Motion was made by Commissioner Meyer and seconded by Chairperson Sanchez to continue this item further down on the agenda after Director's Report or Commission Remarks. Motion passed by a vote of 5-0. (AYES: Sanchez, Quiroga, Fort, Meyer and Vasquez; None; ABSTAIN: None)

Attorney Ponto provided the following available options: 1) Continue the comment period though final EIR, then it goes to the City Council; 2) Have a Special Meeting before the comment period burns off on Monday to agendize the item to continue it; or 3) let the

comment period burn off and then agendize it as an action item at the April 17, 2018, Planning Commission meeting.

Commissioner Meyer informed the audience that they do not have to come back to the meeting to comment on this item, they can email, fax or mail a letter to Planning Manager Hernandez.

Commissioner Sanchez directed staff to bring this item back to the April 17, 2018, Planning Commission Meeting for action.

ACTION: No action was taken on this item.

DIRECTOR COMMUNICATIONS:

A. Director Communications:

Planning Commission reviewed an update of future City Council Agenda items for March 27, 2018, April 10, 2018, and April 24, 2018, meetings for the Planning Commission's information; and an update of future Planning Commission items for the March 29, 2018, April 3, 2018, April 17, 2018, and May 1, 2018, regular meetings for the Planning Commission's information.

Director AbuBakar reminded the Planning Commissioners that there will be a Workshop on March 29, 2018, at 5:30 p.m. on the 2015-2035 General Plan Update in the DAB Conference Building. Commissioner Meyer will not be in attendance.

Director AbuBakar reminded the Planning Commissioners that there is no meeting on April 3, 2018, due to their attendance at the League of California Cities Conference and Training.

COMMISSION COMMENTS:

A. Planning Commission Remarks:

Commissioner Vasquez spoke on the importance of the community coming out to share, collaborate, and be diligent.

Commissioner Vasquez stated that she loves her husband and wished her children well in school.

Commissioner Vasquez thanked staff for their work.

Commissioner Meyer spoke on the races at the Auto Club Speedway and commended the Cothran family for their work.

Commissioner Meyer spoke on being safe in the rain.

Commissioner Meyer wished those that celebrate Holy Week, Easter and Passover a joyous and special season.

Secretary Fort appreciates the engagement and involvement of the community and appreciates their feedback, comments and time taken to be here.

Secretary Fort appreciates the flexibility to adjust and move the agenda around as needed.

Secretary Fort spent her weekend participating in Adopt a Block.

Vice Chairperson Quiroga thanked the community for being here because they care and spoke on.

Vice Chairperson Quiroga spoke on living in Fontana and the importance of coming out to share concerns; and thanked everyone for staying.

Vice Chairperson Quiroga was at the Auto Club Speedway for a great day in Fontana.

Vice Chairperson Quiroga thanked his dad for coming out.

Chairperson Sanchez spoke on being glad to have people here tonight and to have involvement in the community; and thanked them for coming tonight.

WORKSHOP:

Laurel Senior Housing

ADJOURNMENT:

By consensus, the Planning Commission adjourned at 9:18 p.m. to a Workshop in the Executive Conference Room, then to a Special Planning Commission Meeting Workshop on March 29, 2018, then to the 2018 League of California Cities, Planning Commissioners Academy on April 3, 2018, then to the Regular Planning Commission Meeting on Tuesday, April 17, 2018, at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

DocuSigned by:



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Ysela Aguirre

Commission Secretary

THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING COMMISSION ON THE 17th DAY OF APRIL, 2018.

DocuSigned by:



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Idilio Sanchez

Chairperson

Certificate Of Completion

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Subject: Please DocuSign: 3-20-2018 PC Minutes.pdf

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yselac13@aol.com

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Accepted: 4/21/2018 9:39:54 AM

Withdrawn: 4/21/2018 9:40:26 AM

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Idilio Sanchez

idilio.ms@abscollision.co

PRESIDENT

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Signed: 4/23/2018 10:37:04 AM

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Envelope Sent	Hashed/Encrypted	4/23/2018 10:37:06 AM
Certified Delivered	Security Checked	4/23/2018 10:37:06 AM
Signing Complete	Security Checked	4/23/2018 10:37:06 AM
Completed	Security Checked	4/23/2018 10:37:06 AM

Payment Events	Status	Timestamps
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Required hardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none">•Allow per session cookies•Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

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