

**MINUTES OF THE CITY OF FONTANA
REGULAR PLANNING COMMISSION MEETING
October 2, 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, October 2, 2018, in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California. Chairperson Sanchez called the meeting to order at 6:01 p.m.

Present: Chairperson Sanchez, Vice Chairperson Quiroga, Commissioner Meyer and Commissioner Vasquez

Absent: Secretary Fort

Also Present: Attorney Kylee Otto; Director of Community Development Zai AbuBakar; Planning Manager Orlando Hernandez; Assistant Planner Ivan Galeazzi, Assistant Planner Cecily Session-Goins; Assistant Planner Alejandro Rico; Assistant Planner Fernando Herrera; Planning Intern Alexia De La Torre; Assistant Engineer Keith Tolliver, Policing Technician Wendy Ratcliffe; and City Clerk Tonia Lewis.

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Invocation/Pledge of Allegiance:

Following the Invocation given by Vice Chairperson Quiroga, the Pledge of Allegiance was led by Chairperson Sanchez.

PUBLIC COMMUNICATIONS:

A. Public Communications:

None.

CONSENT CALENDAR:

A. Approval of Minutes:

Approve the Regular Planning Commission Meeting Minutes of September 18, 2018.

ACTION: A motion was made by Commissioner Meyer and seconded by Vice Chairperson Quiroga to approve the Minutes of the September 18, 2018, Planning Commission Meeting. Motion passed by a vote of 3-0-1. (AYES: Sanchez, Quiroga, Meyer; NOES: None; ABSTAIN: Vasquez)

PUBLIC HEARINGS:

A. Master Case No. 17-057; Design Review Project No. 90-074R1 - A request for architectural review for a proposed exterior façade improvement to an existing building located at 16833 Valley Boulevard within the General Commercial C-2 zoning district. (Continued from September 18, 2018)

Assistant Planner Ivan Galeazzi provided the staff report.

Discussion was held on who made the decision to move the remodeling forward without being approved first by the City.

The Public Hearing was opened.

Speaking for the applicant, Carlos Souza, explained the process he followed to complete the project before getting the permits and apologized for doing so.

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

Discussion was held on the applicant doing the work and then expecting approval.

Discussion was held on the penalty for not receiving approval before the project was complete.

Discussion was held on the fees the applicant will have to pay.

Discussion was held on the concern of setting a precedent of developers doing work before getting approval.

Discussion was held on the safety of putting up signs without approval.

Discussion was held on the applicant not being able to move forward for inspection without Design Review approval.

Discussion was held on the possibility of someone getting hurt. Manager Hernandez spoke on adding a Condition to expedite the approval process and the consequences if the applicant does not meet the Condition.

Discussion was held on opening a Code Case to ensure the applicant follows through.

No member of the audience spoke in favor or opposition.

The Public Hearing was closed.

The Public Hearing was re-opened.

Discussion was held with the applicant on the status of the plans; the applicant will submit the plans within 10 calendar days.

The Public Hearing was closed.

ACTION: Motion was made by Commissioner Meyer and seconded by Chairperson Sanchez to adopt **Resolution PC No. 2018-059**; and 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301 (Class No. 1, Existing Facilities) and per Section No. 3.21 of the 2018 Local Guidelines for Implementing the California Environmental Quality Act, and direct staff to file a Notice of Exemption; and, 2) approving Design Review No. 90-074R1 with the addition of a Condition to that requires the applicant submit all plans and pay all fees the City requires in two weeks. Motion passed by a vote of 4-0. (AYES: Sanchez, Quiroga, Meyer, Vasquez; NOES: None; ABSTAIN: None)

B. Master Case No. 18-080; Conditional Use Permit No. 18-023 - A Conditional Use Permit to establish a large day care facility for a maximum of 14 children located within an existing residence of approximately 4,003 square feet on a 6,200 square foot lot.

Planning Intern Alexia De La Torre provided the staff report.

Discussion was held on speed limit signs.

The Public Hearing was opened.

Speaking for the applicant, Lanette Lars.

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

Discussion was held on neighbors' concerns regarding parking.

No member of the audience spoke in favor or opposition.

The Public Hearing was closed.

ACTION: Motion was made by Commissioner Meyer and seconded Vice Chairperson Quiroga to adopt **Resolution PC No. 2018-060** and, 1) Determine that the project is statutorily and categorically exempt, respectively from the California Environmental Quality Act (CEQA) pursuant to Section No. 15274 (Family Day Care Homes), and Section No. 15301 (Class No. 1, Existing Facilities), and Section No. 3.21 of the Local 2018 Guidelines for implementing the CEQA, and direct staff to file a Notice of Exemption; and, 2) Approve Conditional Use Permit No. 18-023 subject to the attached Findings and Conditions of Approval. Motion passed by a vote of 4-0. (AYES: Sanchez, Quiroga,

Meyer and Vasquez; NOES: None; ABSTAIN: None)

- C. Master Case No. 18-025; Minor Use Permit No. 18-003; Design Review No. 18-007 - Minor Use Permit is a request to establish a senior housing facility in a commercial zoning district; Design Review is a request for site and architectural review of a 31,695 square foot senior housing facility to include three (3) studio units, sixty (60) 1-bedroom units and fourteen (14) 2-bedroom units for a total of seventy seven (77) units.**

Assistant Planner Cecily Session-Goins provided the staff report.

Discussion was held on the enhancement of the elevation of Building C.

Discussion was held on the right-in-right-out entrance and exit of the project; staff was not opposed to adding a Condition.

Discussion was held on this project being a gated community.

Discussion was held on the number of elevators on the project.

Discussion was held on the emergency entrance.

Discussion was held on the applicant's possible second phase.

The Public Hearing was opened.

Speaking for the applicant Brad Buller spoke on being impressed with staff's professionalism and diligence.

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

The applicant agreed to work with staff on the entrance and exit of the project.

The Public Hearing was closed.

ACTION: Motion was made by Commissioner Meyer and seconded by Chairperson Sanchez to adopt **Resolution PC No. 2018-061**; 1) Determine that the project is Categorically Exempt pursuant to Section No. 15332 (Class No. 32, In-Fill Development Project) of the CEQA and Section No. 3.21 of the 2018 Local Guidelines for Implementing the California Environmental Quality Act, and direct staff to file a Notice of Exemption; 2) Approve Minor Use Permit No. 18-003; and 3) Approve Design Review No. 18-007 with an added condition regarding the entrance and exit. Motion passed by a vote of 4-0. (AYES: Sanchez, Quiroga, Meyer and Vasquez; NOES: None; ABSTAIN: None)

- D. Master Case No. 17-067; General Plan Amendment No. 17-006; Zoning Code**

Amendment No. 17-005; Tentative Parcel Map No. 17-012 (TPM No. 19903); Conditional Use Permit No. 17-033; Design Review No. 17-030 - General Plan Amendment is a request to change the General Plan land use designation of the proposed warehouse General Commercial (C-G) to Light Industrial (I-L); Zone Change is a request to change the Zoning District Map of the proposed warehouse site from General Commercial (C-2) to Light Industrial (M-1); Tentative Parcel Map is a request to consolidate two (2) parcels into one (1) parcel comprised of 17.6 adjusted gross acres for the development of a distribution warehouse building; Conditional Use Permit is a request to conditional allow warehousing with distribution on proposed consolidated parcels; and Design Review is a request for site and architectural review of a warehouse distribution building totaling approximately 376,910 square feet on 17.6 adjusted gross acres.

Assistant Planner Alejandro Rico provided the staff report.

Discussion was held on rezoning of the area.

Discussion was held on the use of wrought iron.

Discussion was held on measures to prevent access from the homeless.

Discussion was held on the corner elements.

Discussion was held on the addition of faux windows.

Discussion was held on staff working with the applicant on the enhanced elevations.

The Public Hearing was opened.

Speaking for the applicant, Scott Irwin spoke on projects he has worked on in the City of Fontana and commended staff for their work on the project.

Applicant has read, understood and agreed to the conditions of approval.
Discussion was held on adding a monument sign.

Discussion was held on matching the walls.

Discussion was held on the landscaping being at 15%; staff confirmed that the project is at 24% landscaping.

Director AbuBakar spoke on having to meet state standards for drought tolerant landscaping.

Josh Bourgeois spoke in opposition to the project and reiterate his position to stand by his previous comment letter opposing the project.

Thomas Ruiz representing the Labor Union spoke in favor of the project.

The Public Hearing was closed.

ACTION: Motion was made by Chairperson Sanchez and seconded by Commissioner Meyer to adopt **Resolution PC No. 2018-062**, and forward a recommendation to the City Council to: 1) Certify the Final Environmental Impact Report (State Clearinghouse No. 2018041008) and Mitigation Monitoring Program (MMRP), adopt a Statement of Overriding Consideration, a Statement of Facts and Findings, and direct staff to file a Notice of Determination; 2) Adopt a resolution approving General Plan Amendment No. 17-006, approving Tentative Parcel Map No. 19903 (TPM No. 17-012), approving Conditional Use Permit No. 17-033 and approving Design Review No. 17-030 subject to the Findings and Conditions of Approval; and 3) Adopt an ordinance approving Zone Change No. 17-005 with direction to staff to work with the applicant on items discussed. Motion passed by a vote of 4-0. (AYES: Sanchez, Quiroga, Meyer and Vasquez; NOES: None; ABSTAIN: None)

E. Master Case No. 18-064; Conditional Use Permit No. 18-018 - Review and approve an upgrade to the Conditional Use Permit for an upgrade to an existing Type 20 (Off-Sale Beer and Wine) license and to become a new ABC Type 21 (Off-Sale General – Beer, Wine, and Distilled Spirits) license for an existing gasoline station and convenience store).

Staff recommended this item be moved to a date uncertain.

ACTION: Motion was made by Chairperson Sanchez and seconded by Commissioner Vasquez to continue this item to a date uncertain. Motion passed by a vote of 4-0. (AYES: Sanchez, Quiroga, Meyer and Vasquez; NOES: None; ABSTAIN: None)

F. Master Case No. 18-061; Conditional Use Permit No. 15-021R1; Conditional Use Permit No. 15-023R1 - Conditional Use Permit No. 15-023R1 is a request to modify the hours of operation for an existing restaurant in conjunction with an existing California Department of Alcoholic Beverage Control (ABC) Type 47 (On-Sale for a Restaurant); and Conditional Use Permit No. 15-021R1, is a request to extend the hours for live entertainment and approval of the relocation of the stage.

Manager Hernandez introduced Assistant Planner Fernando Herrera.

Assistant Planner Fernando Herrera provided the staff report.

Staff provided corrections to the staff report.

The Public Hearing was opened.

Speaking for the applicant, Saul Navarro and Leslie Navarro. Mr. Navarro provided an update on the fountain and spoke on trying to eliminate the noise to residents.

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

Discussion was held on the current Conditions of Approval not being followed by the applicant and how to ensure they are followed in the future.

Discussion was held on approving the Design Review tonight and extending hours at a future meeting.

Discussion was held on moving the stage without a permit.

Discussion was held on the applicant being responsible for what happens in the parking lot.

Speaking for the applicant, Socorro Enriquez spoke on the applicant's attempts at controlling the noise level; Ms. Enriquez spoke on the language barrier to understanding guidelines.

Policing Technician Wendy Ratcliffe provided a memo that was included in the staff report regarding the calls for service history of the location.

Ms. Ratcliffe spoke on the calls for service decreasing from last year and not having any noise complaints in the past year.

Discussion was held on the music being audible outside of the facility.

Ms. Vasquez spoke on this project being in a residential area and other projects in residential areas not being approved due to noise levels.

Discussion was held on the violations on the property.

Discussion was held on the calls for service dependent on how a business is running.

Applicant spoke on the restaurant being a family restaurant.

Bill and Mickie Bender spoke in opposition to this project.

Terri and Tony Canales spoke in opposition to this project.

Discussion was held on children running around in the parking lot and any possible violations that would fall under.

Discussion was held on live entrainment.

Discussion was held on the security provided.

Discussion was held on the doors being ADA compliant.

The Public Hearing was closed.

Commissioner Vasquez spoke on upcoming events at the project site.

Discussion was held on separating the requests for the relocation of the stage versus the

extension of the operation hours for live entertainment and the business.

Discussion was held on the location of the stage.

The Public Hearing was opened.

The applicant was advised that the hours of operation must be followed.

ACTION: Motion was made by Commissioner Meyer and seconded by Chairperson Quiroga to adopt **Resolution PC No. 2018-063** to; 1) Approve the relocation of the stage 2) Determine that the project is Categorically Exempt pursuant to Section No. 15301, Class No. 1 (Existing Facilities), of the California Environmental Quality Act and Section No. 3.21 of the 2018 Local Guidelines for Implementing the California Environmental Quality Act, and direct staff to file a Notice of Exemption; 3) Continue the proposed extension of hours of operation and live entertainment to December 04, 2018 Planning Commission meeting. Motion passed by a vote of 4-0. (AYES: Sanchez, Quiroga, Meyer and Vasquez; NOES: None; ABSTAIN: None)

UNFINISHED BUSINESS:

A. None.

DIRECTOR COMMUNICATIONS:

A. Director Communications:

Director AbuBakar welcomed new Attorney Kylee Otto.

Director AbuBakar thanked Planning Staff and the Commission for the National Planning Month activities.

Planning Commission reviewed an update of future City Council Agenda items for October 23, 2018, November 13, 2018, and November 27, 2018, meetings for the Planning Commission's information; and an update of future Planning Commission items for the October 16, 2018, November 6, 2018, and November 20, 2018, regular meetings for the Planning Commission's information.

COMMISSION COMMENTS:

A. Planning Commission Remarks:

Commissioner Vasquez spoke on rules being important.

Commissioner Vasquez greeted her husband and children.

Commissioner Meyer is pleased with the new 4-way stop at Coyote Canyon.

Commissioner Meyer requested that tonight's meeting be adjourned in memory of the victims of the Las Vegas massacre from one year ago.

Vice Chairperson Quiroga spoke on taking everything into account when making decisions and thanked the community members that showed up today.

Vice Chairperson Quiroga welcomed the new attorney to the team.

Chairperson Sanchez echoed Commissioner Vasquez' sentiments on rules.

WORKSHOP:

None.

ADJOURNMENT:

By consensus, the Planning Commission adjourned in memory of the victims of the Las Vegas massacre, the victims of the Indonesian earthquake, and the victims of hurricane Florence at 8:58 p.m. to the next Regular Planning Commission Meeting to be held on Tuesday, October 16, 2018 at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.



6215FB89E9C04DA...

Ysela Aguirre

Commission Secretary

**THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING COMMISSION
ON THE 16TH DAY OCTOBER, 2018.**

DocuSigned by:



9B0B2194CA3F4CD

Idilio Sanchez

Chairperson

Certificate Of Completion

Envelope Id: 2D4512EF072742048CCF8FAA4C27B810

Status: Completed

Subject: Please DocuSign: 10-2-2018 PC Minutes.pdf

Source Envelope:

Document Pages: 9

Signatures: 2

Envelope Originator:

Certificate Pages: 5

Initials: 0

City Clerk

AutoNav: Enabled

8353 Sierra Avenue

Envelopeld Stamping: Enabled

Fontana, CA 92335

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

clerks@fontana.org

IP Address: 192.146.186.96

Record Tracking

Status: Original

Holder: City Clerk

Location: DocuSign

10/18/2018 12:41:59 PM

clerks@fontana.org

Signer Events

Ysela Aguire

yselac13@aol.com

Security Level: Email, Account Authentication
(None)

Signature

DocuSigned by:
Ysela Aguire
6215EB89E9C04DA...

Signature Adoption: Pre-selected Style

Using IP Address: 76.206.62.154

Signed using mobile

Timestamp

Sent: 10/18/2018 12:42:08 PM

Viewed: 10/18/2018 8:39:50 PM

Signed: 10/18/2018 8:40:12 PM

Electronic Record and Signature Disclosure:

Accepted: 10/18/2018 8:39:50 PM

ID: 39e3b9ae-8e95-4360-b80a-339ccd41a989

Idilio Sanchez

idilio.ms@abscollision.co

PRESIDENT

Security Level: Email, Account Authentication
(None)

DocuSigned by:
Idilio Sanchez
9B0B2194CA3F4CD...

Signature Adoption: Drawn on Device

Using IP Address: 162.233.247.103

Sent: 10/18/2018 8:40:13 PM

Viewed: 10/19/2018 8:45:16 AM

Signed: 10/19/2018 8:55:08 AM

Electronic Record and Signature Disclosure:

Accepted: 8/8/2017 3:02:52 PM

ID: c08a4011-f4e8-46b0-a1cb-9233fcd1d37

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Evelyn Ssenkoloto

essenkol@fontana.org

Security Level: Email, Account Authentication
(None)

COPIED

Sent: 10/19/2018 8:55:09 AM

Viewed: 10/29/2018 8:46:07 AM

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Carbon Copy Events	Status	Timestamp
Kathy Kasinger kkasinger@fontana.org Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	<div>COPIED</div>	Sent: 10/19/2018 8:55:09 AM Viewed: 10/23/2018 7:33:13 AM

Notary Events	Signature	Timestamp
---------------	-----------	-----------

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	10/19/2018 8:55:09 AM
Certified Delivered	Security Checked	10/19/2018 8:55:09 AM
Signing Complete	Security Checked	10/19/2018 8:55:09 AM
Completed	Security Checked	10/19/2018 8:55:09 AM

Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, City of Fontana (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through your DocuSign, Inc. (DocuSign) Express user account. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. For such copies, as long as you are an authorized user of the DocuSign system you will have the ability to download and print any documents we send to you through your DocuSign user account for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through your DocuSign user account all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact City of Fontana:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: cteveda@fontana.org

To advise City of Fontana of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at cteveda@fontana.org and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

To request paper copies from City of Fontana

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to cteveda@fontana.org and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with City of Fontana

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to cteveda@fontana.org and in the body of such request you must state your e-mail, full name, US Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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.

Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

By checking the 'I Agree' box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and
- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify City of Fontana as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by City of Fontana during the course of my relationship with you.