

**MINUTES OF THE CITY OF FONTANA
REGULAR PLANNING COMMISSION MEETING
December 4, 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, December 4, 2018, in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California. Vice Chairperson Quiroga called the meeting to order at 6:02 p.m.

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

Absent: Chairperson Sanchez

Also Present: Attorney Kylee Otto; Planning Manager Orlando Hernandez; Senior Planner Dawn Rowe; Assistant Planner Fernando Herrera; Associate Planner Jon S. Dille; Assistant Planner Alejandro Rico; Assistant Planner Ivan Galeazzi; Associate Planner Rina Leung; and Commission Secretary Ysela Aguirre.

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Invocation/Pledge of Allegiance:

Following the Invocation given by Commissioner Vasquez, the Pledge of Allegiance was led by Commissioner Meyer.

PUBLIC COMMUNICATIONS:

A. Public Communications:

None.

CONSENT CALENDAR:

A. Approval of Minutes:

Approve the Regular Planning Commission Meeting Minutes of November 20, 2018.

Approve the Regular Planning Commission Meeting Minutes of November 20, 2018.

ACTION: A motion was made by Commissioner Meyer and seconded by Secretary Fort to approve the Minutes of the November 20, 2018, Planning Commission Meeting. Motion passed by a vote of 3-0-1. (AYES: Quiroga, Fort, and Meyer; NOES: None; ABSTAIN: Vasquez)

PUBLIC HEARINGS:

A. Master Case No. 18-061; Conditional Use Permit No. 15-021R1; Conditional Use Permit No. 15-023R1 - Conditional Use Permit (CUP) 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 (CUP) No. 15-021R1, a request to extend the hours for live entertainment in the morning and at night and to allow for karaoke in the dining and bar areas. (Continued from October 2, 2018)

Assistant Planner Fernando Herrera provided the staff report.

Discussion was held on staff's recommendations.

Discussion was held on allowing karaoke only in the dining area.

Discussion was held on previous noise complaints and reconsideration of the Conditions of Approval.

Discussion was held on modifications to the floor plan and staff working with the applicant to modify permitted items.

Discussion was held on the addition of a second bar and the appearance of a night club atmosphere if it is added.

Discussion was held on staff's recommendation to not extend the hours of operation into the later hours.

Staff provided a memo at the dais amending the findings.

Discussion was held on the location of the arcade.

Discussion was held on the proposed location of the second bar.

The Public Hearing was opened.

Speaking for the applicant, Leslie Navarro and Saul Navarro addressed the noise concerns and their efforts to reduce the noise levels, including working on sound attenuation, noise testing done; they are ready to work with the City and neighbors to change anything that needs to be changed.

The applicant spoke on trying to get an understanding of what the noise complaints are.

The applicant spoke on the purpose of the arcade; games will be selected once the approval is given.

Discussion was held on the supervision of the arcade area.

Discussion was held on the purpose of the second bar.

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

Discussion was held on limiting speaker time for three minutes due to the number of speakers.

Oscar Cantillano spoke on the findings of a sound analysis that was conducted on the preceding Saturday and Sunday and the areas of concern. Mr. Cantillano spoke on suggestions made to the applicant to control the sound.

Discussion was held on the noise issue being in the parking lot after hours of operation.

Discussion was held on the validity and procedures of the noise testing.

Discussion was held on the indoor sound monitoring device that Mr. Cantillano suggested be used.

Discussion was held on the noise that would remain from loitering in the parking lot if only changes were made on the inside. Discussion was held on adding more security.

Rodolfo Bravo spoke in favor of the project and the great lengths the applicant has gone to be in compliance and would like to see him overcome this obstacle. Mr. Bravo spoke on this project being a good tax producing business that contributes to Fontana's tax base and it is difficult for them to compete with other business with limited on hours of operation.

Jose F. Sanchez spoke in favor of the project and visiting 23 families in the area regarding their concerns and trying to correct any problems and inconvenience.

Mickie Bender spoke in opposition to this project and spoke on the gentleman visiting her home, the owner's gardener coming by her house, and the applicant trying to be kind. Ms. Bender spoke on not wanting the applicant to fail.

Bill Bender spoke in opposition to the extended hours and the parking lot noise late at night.

Discussion was held on the concern of noise after 10:00 p.m. and loitering in the parking lot.

Socorro Enriquez spoke in favor of the project and the applicant trying to work with his neighbors to address their concerns. Ms. Enriquez spoke on the applicant's efforts to

address the noise issue.

Mario Vilchez spoke in favor of the project and understanding the parking lot noise complaint and possible solutions to the problem to not stop a productive business.

Carlos Hidalgo spoke in favor of the project and enforcing more security in the parking lot and using a side door to alleviate the noise concern. Mr. Hidalgo spoke on needing businesses like this to help Fontana.

Commissioner Vasquez spoke on residents being just as important as business owners and read from the police report of August 2016.

Luis Marrono spoke in favor of the project and on running security at the property and trying to control the noise as best as possible.

The applicant spoke on being open to work with the community and do his best to do what is necessary to make his neighborhood happy and offered options to control the noise.

Commissioner Meyer spoke on the Conditions of Approval being violated and hearing lots of promises.

The applicant invited everybody to be next to the house to check noise level and working on all of his promises.

Discussion was held the current alcohol license and the applicant running into a situation if they sell more alcohol than food.

The Applicant spoke on everything being done to reduce the noise level and completing everything necessary to complete approved work.

Discussion was held on the completion of work to control internal noise and the time frames that would be required to complete the modifications.

Discussion was held that plans will be required for some of the proposed modifications. Discussion was held on the interest in an additional bar area and its efficiency.

Ms. Navarro stated that the bar in banquet room is only used once in a while.

Commissioner Vasquez spoke on what happens to our community when people get too much alcohol.

The applicant spoke on the number of bars in a facility does not impact how much they drink.

Discussion was held on the sound equipment being the owners and not the bands.

Discussion was held on using the west side parking lot.

The Public Hearing was closed.

Vice Chairperson Quiroga spoke on everyone being important here and wanting the applicant to succeed.

Vice Chairperson Quiroga spoke on the changes that will help with the noise problem. Discussion was held on using the west side parking lot for parking first and for employees to park against the wall adjacent to the residential homes to the south.

Discussion was held on the possible unfair advantage to the applicant by permitting the arcade.

Discussion was held on the venue changing if the applicant charges a cover charge for special events.

Discussion was held on making sure we keep residents in mind because they have every right to live comfortably.

Planning Manager Hernandez spoke on staff's position on the applicant's requests and the Planning Commission approving some of the request and continue others.

Discussion was held on noise mitigation measures and if staff could implement them as potentially including them as conditions of approval.

ACTION: Motion was made by Commissioner Meyer and seconded by Commissioner Vasquez to adopt **Resolution PC No. 2018-075** and; 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301, Class No. 1 (Existing Facilities), of the California Environmental Quality Act and 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 Conditional Use Permit No. 15-021R1 to allow karaoke in the dining room area, a children's arcade adjacent to the dining area, and the extension of the hours of operation in the morning but not the requested hours of operation and live entertainment at night; and, 3) Approve the subsequent changes to Conditional Use Permit 15-023R1 with direction to staff to provide a status report and continue the hours of operation request to February 5, 2019. Motion passed by a vote of 4-0. (AYES: Quiroga, Fort, Meyer and Vasquez; NOES: None; ABSTAIN: None)

B. Master Case No. 17-040R1; Design Review No. 17-017R1 - A request for architectural review for an amendment to Design Review No. 17-017, a previously approved warehouse/distribution facility of 104,530 square foot, to revise the approved exterior color scheme from a blue/gray to the PROLOGIS green/gray and white.

Associate Planner Jon S. Dille provided the staff report.

The Public Hearing was opened for Item B and Item C.

Speaking for the applicant, Tyson Chave & Rachel Hickenbottom spoke on recently acquiring the project from a prior developer and the color scheme matching other

facilities.

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 Secretary Fort to adopt **Resolution PC No. 2018-076**; and, 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301 (Class No. 1, Existing Facilities) of the CEQA and Section No. 3-21 (Class No. 1, Existing Facilities) the Local Guidelines for Implementing the California Environmental Quality Act, 2018, and direct staff to file a Notice of Exemption; and, 2) Approve Design Review No. 17-017R1. Motion passed by a vote of 4-0. (AYES: Quiroga, Fort, Meyer and Vasquez; NOES: None; ABSTAIN: None)

C. Master Case No. 17-042R1; Design Review No. 17-019R1 - A request for architectural review for an amendment to Design Review No. 17-019, a previously approved warehouse/distribution facility of 204,760 square foot, to revise the approved exterior color scheme from a blue/gray to the PROLOGIS green/gray and white.

Associate Planner Jon S. Dille provided the staff report.

The Public Hearing was opened with Item B.

The Public Hearing was closed.

ACTION: Motion was made by Commissioner Meyer and seconded by Secretary Fort to adopt **Resolution No. PC 2018-077**; and, 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301 (Class No. 1, Existing Facilities) of the CEQA and Section No. 3-21 (Class No. 1, Existing Facilities) the Local Guidelines for Implementing the California Environmental Quality Act, 2018, and direct staff to file a Notice of Exemption; and 2) Approve Design Review No. 17-019R1. Motion passed by a vote of 4-0. (AYES: Quiroga, Fort, Meyer and Vasquez; NOES: None; ABSTAIN: None)

A recess was called at 7:57 p.m.

The meeting was recalled to order at 8:01 p.m.

D. Master Case No. 18-050; Conditional Use Permit No. 18-012 - A request for a new California Department of Alcoholic Beverage Control (ABC) Type 20 (Off-Sale Beer and Wine to be consumed off the premises where sold) license for a Shell Service station.

Assistant Planner Alejandro Rico provided the staff report.

A memo on the dais was provided for a change to the Conditions of Approval.

The Public Hearing was opened.

Speaking for the applicant, Brandon Deer and Khalid Fakory spoke on the excessive work that was done, signage, all of the conditions being met, willing to make more modifications to attract clients.

Commissioner Vasquez spoke on visiting the site and noticing the lack of lighting.

The applicant agreed to add additional lighting to the building and upgrading the landscaping.

The applicant is working with the property owner to make it better.

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 Secretary Fort to adopt **Resolution PC No. 2018-078**; 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301 (Class No. 1, Existing Facilities) of the California Environmental Quality Act and section 3.21 local CEQA guidelines, and direct staff to file a Notice of Exemption; and, 2) Approve Conditional Use Permit No. 18-012 with modified condition and addition of Condition No. 38 for lighting and upgrading the landscaping to the satisfaction of the Planning Department Director. Motion passed by a vote of 4-0. (AYES: Quiroga, Fort, Meyer and Vasquez; NOES: None; ABSTAIN: None)

E. Master Case No. 17-024; Conditional Use Permit No. 17-015; Administrative Site Plan No. 17-019 - A request for Conditional Use Permit No. 17-015 for tractor truck and automobile sales, retail truck parts, and maintenance and minor repairs; Administrative Site Plan No. 17-018 is a request for site and architectural review for two (2) new proposed buildings totaling approximately 10,000 square feet.

Assistant Planner Ivan Galeazzi provided the staff report.

Staff provided a memo at the dais with corrections to the Conditions of Approval.

The Public Hearing was opened.

Speaking for the applicant, Paula Borges-Glez and Martha Serrano.

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

Commissioner Vasquez requested information on the type of plant in rendering.

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 PC No. 2018-079**; 1) Determine that this project qualifies for a Categorical Exemption pursuant to Section No 15332. (Class No. 32 In-Fill Development Projects) of the California Environmental Quality Act (CEQA) and per Section No. 3.21 of the 2018 Local Guidelines for Implementing the California Environmental Quality Act (CEQA), and to direct staff to file a notice of exemption; 2) Approve Conditional Use Permit 17-015; and, 3) Approve Administrative Site Plan No.17-019 with rewording of Condition No. 9 and the deletion of Conditions Nos. 9, 67-70. Motion passed by a vote of 4-0. (AYES: Quiroga, Fort, Meyer and Vasquez; NOES: None; ABSTAIN: None)

F. Master Case No. 17-032; Conditional Use Permit No. 17-019; Administrative Site Plan No. 17-026 - Approval of Conditional Use Permit and Administrative Site Plan for site and architectural review for the operation of a Pallet Yard comprised of approximately 3,359 square foot administrative building, a canopy and an outdoor pallet storage area.

Associate Planner Rina Leung provided the staff report.

Staff provided a memorandum with corrections to the staff report and Conditions of Approval at the dais.

The Public Hearing was opened.

Speaking for the applicant, Doug Andreasen and Esther Ramirez.

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

The applicant understands that if work is not completed by June 30, 2018, they will have to cease operation until a certificate of occupancy is issued

Discussion was held on the closest sewer connection.

Discussion was held on the type of palm trees being used.

No member of the audience spoke in favor or opposition.

The Public Hearing was closed.

ACTION: Motion was made by Secretary Fort and seconded by Commissioner Meyer to adopt **Resolution PC No. 2018-080**; 1) Determine that the project is Categorically Exempt pursuant to Sections 15302 (Class No. 2 Replacement or Reconstruction), 15303 (Class No. 3 New Construction), and 15332 (Class No. 32 Infill) of the CEQA and Section No. 3.21 of the 2018 Local Guidelines for implementing CEQA, and direct staff to file a Notice of Exemption; and, 2) Approve Conditional Use Permit No. 17-019 and approve Administrative Site Plan No. 17-026 with changes to the staff report and Conditions of Approval. Motion passed by a vote of 4-0. (AYES: Quiroga, Fort, Meyer and Vasquez; NOES: None; ABSTAIN: None)

UNFINISHED BUSINESS:

A. None.

NEW BUSINESS:

A. None.

DIRECTOR COMMUNICATIONS:

A. Director Communications:

Planning Commission reviewed an update of future City Council Agenda items for December 11, 2018, December 25, 2018, and January 8, 2019, meetings for the Planning Commission's information; and an update of future Planning Commission items for the December 18, 2018, January 1, 2019, and January 15, 2019, regular meetings for the Planning Commission's information.

Planning Manager Hernandez noted that the West Valley Project will be on the next agenda.

Planning Manager Hernandez congratulated Planner Galeazzi and his wife on their newborn baby.

COMMISSION COMMENTS:

A. Planning Commission Remarks:

Commissioner Meyer requested adjournment in memory of the victims of the San Bernardino tragedy.

Commissioner Meyer encouraged everyone to attend the Magical Lights at Auto Club Speedway through New Year's Eve.

Commissioner Meyer wished a very blessed, healthful, and fruitful time to those that celebrate Simbang Gabi, the Feast of the Immaculate Conception, and our Lady of Guadalupe.

Commissioner Vasquez spoke on the season of remembering what we are thankful and blessed for having in this country.

Commissioner Vasquez thanked her family for sharing her and allowing her to be here.

Commissioner Vasquez loves her husband and children.

Commissioner Vasquez prayed for solace, peace and God's blessings for everyone.

Secretary Fort thanked the community that came out to speak on issues and the healthy dialogue held that makes a difference.

Secretary Fort spoke on the holiday parade being held on Saturday.

Secretary Fort is thankful for the opportunity to serve.

Vice Chairperson Quiroga spoke on the challenging items and wanting to do what's right by listening to concerns, perspectives, opinions, and objectives and try to be fair and come up with the best outcome.

Vice Chairperson Quiroga spoke on the loss of President Bush and expressed gratitude for his selfless sacrifice and the great role model he was.

Vice Chairperson Quiroga wished everyone a safe Wednesday and Thursday as the storm comes in.

ADJOURNMENT:

By consensus, the Planning Commission adjourned at 8:40 p.m. in memory of the victims of the San Bernardino tragedy to the Regular Planning Commission Meeting on Tuesday, December 18, 2018 at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.


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Ysela Aguirre
Commission Secretary

**THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING COMMISSION
ON THE 18TH DAY OF DECEMBER, 2018.**

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Daniel Quiroga
Vice Chairperson

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yselac13@aol.com

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Daniel Quiroga

elpacol@hotmail.com

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Certified Delivered	Security Checked	12/26/2018 11:10:50 PM
Signing Complete	Security Checked	12/26/2018 11:10:50 PM
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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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