

**MINUTES OF THE CITY OF FONTANA
REGULAR PLANNING COMMISSION MEETING
March 5, 2019
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 5, 2019, 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 Garcia, and Commissioner Sangha.

Absent: None

Also Present: Attorney Kylee Otto; Director of Community Development Zai AbuBakar; Planning Manager Orlando Hernandez; Associate Planner Jon S. Dille; Associate Planner Brett Hamilton; Assistant Planner Fernando Herrera; Policing Technician Wendy Ratcliffe; City Clerk Tonia Lewis; and Commission Secretary Ysela Aguirre.

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Invocation/Pledge of Allegiance:

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

PUBLIC COMMUNICATIONS:

A. Public Communications:

None.

CONSENT CALENDAR:

A. Approval of Minutes:

Approve the Regular Planning Commission Meeting Minutes of February 19, 2019.

ACTION: A motion was made by Commissioner Fort and seconded by Commissioner

Quiroga to approve the Minutes of the February 19, 2019, Planning Commission Meeting. Motion passed by a vote of 5-0. (AYES: Sanchez, Quiroga, Fort, Garcia, Sangha; NOES: None; ABSTAIN: None)

PUBLIC HEARINGS:

A. Master Case No. 18-061; Conditional Use Permit No. 15-023R1; Conditional Use Permit No. 15-021R1 - 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); CUP No. 15-021R1 is a request to extend the hours of live entertainment at the restaurant. (Continued from February 5, 2019)

Assistant Planner Fernando Herrera provided the staff report.

Commissioner Sangha confirmed that he had reviewed the videos and was ready to hear this item.

Commissioner Garcia confirmed that she had not reviewed the videos and was excused from the meeting.

Policing Technician Wendy Ratcliffe spoke on the calls for service at the project site and shared the details of a call for service on February 3, 2019.

Discussion was held on prior calls for service.

The Public Hearing was opened.

Speaking for the applicant, Leslie Navarro and expressed concerns on the conditions of approval and shared details of the incident that occurred on February 3, 2019, as well as other calls for service.

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

Speaking for the applicant, Saul Navarro, spoke on the incident that occurred on February 3, 2019, and requested information on the details of the police report. Mr. Navarro spoke on the knife in the yard not being reported to their security guard.

Chairperson Sanchez spoke on the applicant making an effort to make necessary changes and the applicant being responsible for all activity on the premises.

Vice Chairperson Quiroga spoke on wanting everyone to be successful in Fontana.

Discussion was held on the closing procedure.

Discussion was held on wrapping up live entertainment 30-minutes before closing time.

Discussion was held on the hours of security and adding security.

Discussion was held on the extension of the banquet hall hours.

Discussion was held on the restaurant and banquet capacity.

Chairperson Sanchez spoke on the possibility of Conditional Use Permit being revoked if violated.

The applicant requested if the hours of operation could be extended just one hour.

Osvaldo Velo performs at the restaurant and spoke in favor of the project because the restaurant is a great place to visit and he has never seen anything out of control.

Hugo Flemate spoke in favor of the project and spoke on the project being a family place and has never seen anything happen there.

Joaquin Zuniga spoke on the altercation that occurred on February 3, 2019, in the banquet hall and explained the details of the event.

Mickie Bender spoke in opposition to the project and shared her concerns.

Bill Bender spoke in opposition to the project and shared the details of finding a knife in his yard and the applicant violating the conditions of approval.

Ruddy Bravo spoke in favor of the project and the applicant taking good measures to mitigate the noise; and the applicant is losing business due to limited hours. Mr. Bravo spoke the applicant and employees being good people.

The Public Hearing was closed.

Discussion was held the original hours of operation agreed upon by the applicant; hours approved may not be have been hours requested by the applicant.

Discussion was held on the hours of operation of other similar businesses that have live entertainment.

Discussion was held on the applicant's options after tonight's decision.

Discussion was held on extending the hours of operation for the restaurant only.

Discussion was held on staff's recommendation for this project and options on action taken.

Discussion was held on previous conditions not being followed.

Discussion was held on direction to staff to provide findings in the positive for the restaurant hours to be extended.

Discussion was held on the applicant's options if this project is denied.

The Public Hearing was reopened.

Speaking for the applicant, Leslie Navarro spoke on being in agreement to work with staff to have the restaurant hours extended and is willing to be done on probation status.

Ruddy Bravo spoke on appreciating what the Planning Commission is doing and was trying to exemplify that this business is running with the accelerator and brakes on at that the same time; Mr. Bravo agreed with Commissioner Fort's suggestion separate the entertainment and dining hours.

The Public Hearing was closed.

Commissioner Fort spoke on the applicant not trying to create a night life; their business is a restaurant with an arcade for kids and an inviting atmosphere.

Commissioner Fort spoke on closing procedures being critical, having additional security at closing or an hour before until the last car has left; she suggested the applicant make prudent and good decisions because a CUP can be revoked at any time if the conditions are not being met.

ACTION: Motion was made by Commissioner Fort and seconded by Chairperson Sanchez to adopt **Resolution PC No. 2019-014**; and, 1) Determine that the project does not require any environmental review pursuant to Section No. 15270, of the California Environmental Quality Act and Section No. 3.06 of the 2018 Local Guidelines for Implementing the California Environmental Quality Act (CEQA). CEQA does not apply to a project(s) which a public agency rejects or disapproves; 2) Deny Conditional Use Permit No. 15-021R1, a request for the proposed extension to the hours of live entertainment to 12 AM on Sunday through Thursday and 1 AM on Friday through Saturday; and, 3) Direct staff to bring back a resolution of approval for CUP No. 15-023R1 to extend the restaurant hours of operation by one hour. Motion passed by a vote of 3-1-1. (AYES: Sanchez, Fort, and Sangha; NOES: Quiroga; ABSTAIN: Garcia)

B. Master Case No. 15-047R1; Tentative Tract Map No. 19997 (TTM No. 15-006EX); Design Review No. 16-002EX - Tentative Tract Map and Design Review is a request for a one-year time extension for a previously approved Tentative Tract Map and Design Review.

Associate Planner Jon S. Dille provided the staff report.

The Public Hearing was opened.

Speaking for the applicant, Jimmy Lee.

Discussion was held on the number of extensions and when the applicant plans to build.

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

The Public Hearing was closed.

ACTION: Motion was made by Commissioner Fort and seconded by Commissioner

Quiroga to adopt **Resolution PC No. 2019-015**; and, 1) Determine that the project is Categorically Exempt pursuant to Section No. 15332, (Class No. 32, In-Fill Development Project) and Section No. 3.21 (Certain Infill Projects) of the Local Guidelines for Implementing the California Environmental Quality Act, 2018 and direct staff to file a Notice of Exemption; and, 2) Approve a one-year time extension for Tentative Tract Map No. 19997 (TTM No. 15-006EX) and approve a one-year extension of time for Design Review Project No. 16-002EX. Motion passed by a vote of 5-0. (AYES: Sanchez, Quiroga, Fort, Garcia and Sangha; NOES: None; ABSTAIN: None)

- C. Master Case No. 17-033; Conditional Use Permit No. 17-031; Administrative Site Plan No. 17-027; Master Case No. 17-034; Tentative Parcel Map No. 19861; Conditional Use Permit No. 17-032; Administrative Site Plan No. 17-028 - Master Case No. 17-033 is a request for site and architectural review of a registered vehicle storage facility on approximately 4.59 adjusted gross acres with a 5,052 square foot office building; Master Case No. 17-034 is a request for site and architectural review of a registered vehicle storage facility on approximately 13.66 adjusted gross acres (11.93 net acres) with a 9,934 square foot office building. This project includes a tentative parcel map to merge two (2) parcels into a single parcel.**

Associate Planner Brett Hamilton provided the staff report.

Discussion was held on the use of a chain link fence in the property.

Discussion was held on the hazardous materials previously stored on the site.

Speaking as the environmental consultant for the project, Margaret Partridge, spoke on the hazardous materials that were previously stored on the site and the disposal of hazardous waste addressed in the Addendum.

Discussion was held on connection to the sewer system.

Discussion was held on the adjacent parcel not owned by the applicant.

Discussion was held on the storage of empty trailers.

Discussion was held on other services being provided.

Discussion was held on the height of the buildings.

Discussion was held on the definition of registered vehicle storage.

The Public Hearing was opened.

Speaking for the applicant, Scott Thomson spoke on not having a specific tenant, but trying to provide a project that appeals to a wider clientele; the project does not offer sales, maintenance or retail sale. Mr. Thomson spoke on the chain link fence being used to separate two possible tenants; and the height of the building.

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

Discussion was held on the palms being used.

The applicant agreed to add up lighting to the palm trees.

Discussion was held on this being a private facility; not for public use.

Cecelia Bolanos spoke in opposition to this project and receiving the notice in English when she recently requested the information be sent out in English and Spanish. Ms. Bolanos spoke on the increased truck traffic this project will bring; hazardous materials in the neighborhood; and having people loitering waiting for a ride.

The Public Hearing was closed.

Discussion was held on the applicant being required to install curb, sidewalk and gutter along the frontages of Mulberry Ave, Santa Ana Ave, and Calabash Ave.

Discussion was held on the definition of “registered vehicle storage” and being screened from the right-of-way.

Discussion was held on the hours of operation.

Discussion was held on the definition of “short term” being left to interpretation.

Discussion was held on the guard station being manned.

The applicant spoke on the intent of the registered vehicle storage; hazardous materials on site are being removed by the current tenant; and the guard shack conditions being complied with by the tenant.

Discussion was held on restricting the entrances and exits to right in-right out; Engineering staff did not recommend restricting any movement.

ACTION: Motion was made by Chairperson Sanchez and seconded by Commissioner Fort to adopt **Resolution PC No. 2019-016**; and, 1) Adopt the Addendum to the Southwest Industrial Park Specific Plan Program Environmental Impact Report (SWIP FEIR) (SCH No. 2009091089) and direct staff to file a Notice of Determination; and, 2) Approve Tentative Parcel Map No. 19861 (TTM No.17-005); and, 3) Approve Conditional Use Permit No. 17-031; and, 4) Approve Conditional Use Permit No. 17-032; and, 5) Approve Administrative Site Plan No. 17-027; and, 6) Approve Administrative Site Plan No. 17-028. Motion passed by a vote of 5-0. (AYES: Sanchez, Quiroga, Fort, Garcia and Sangha; NOES: None; ABSTAIN: None)

UNFINISHED BUSINESS:

A. None.

NEW BUSINESS:

A. 2018 General Plan Annual Progress Report

ACTION: Motion was made by Commissioner Fort and seconded by Commissioner Sanchez to forward a recommendation to the City Council to receive and file the report and direct staff to send the report to the Governor's Office of Planning and Research (OPR) and the State Department of Housing and Development before April 1, 2019. Motion passed by a vote of 5-0. (AYES: Sanchez, Quiroga, Fort, Garcia and Sangha; NOES: None; ABSTAIN: None)

B. Election of Planning Commission Officers

A motion was made by Commissioner Sanchez to nominate Commissioner Quiroga to serve as Chairperson. Motion passed by a vote of 5-0.

A motion was made by Commissioner Sanchez to nominate Commissioner Fort to serve as Vice Chairperson. Motion passed by a vote of 5-0.

A motion was made by Commissioner Sanchez to nominate Commissioner Sangha to serve as Secretary. Motion passed by a vote of 5-0.

DIRECTOR COMMUNICATIONS:

A. Planning Commission Institute at Queen Mary - March 6-8, 2019

Director AbuBakar spoke on the League of California Cities Planning Commissioners Academy being held March 6-8, 2019, in Long Beach, California, at 10:00 a.m.

B. Respectful Workplace Training - March 23, 2019 from 8:00-10:30 a.m. at Jessie Turner Community Center

The Respectful Workplace Training being held on March 23, 2019, from 8:00 a.m. to 10:30 a.m. at the Jessie Turner Health and Fitness Center.

C. Building Industry Association Workshop - April 16, 2019

Director AbuBakar spoke on the upcoming BIA Workshop.

D. Director Communications:

Planning Commission reviewed an update of future City Council Agenda items for March 12, 2019, March 26, 2019, and April 9, 2019, meetings for the Planning Commission's information; and an update of future Planning Commission items for the March 19, 2019, April 2, 2019, and April 16, 2019, regular meetings for the Planning Commission's information.

COMMISSION COMMENTS:

A. Planning Commission Remarks:

Commissioner Garcia wished her father a fast recovery of his knee replacement surgery.

Secretary Fort looking forward to the Planning Commission Institute.

Secretary Fort spoke on the robust discussion tonight.

Commissioner Sangha thanked staff for their reports.

Commissioner Sangha is excited about being on the Planning Commission and being a part of the great things happening in Fontana.

Vice Chairperson Quiroga thanked Chairperson Sanchez for nominating him to be Chairperson of the Planning Commission.

Vice Chairperson Quiroga thanked the Planning Commission for being a great place to be.

Vice Chairperson Quiroga thanked staff for their hard work

Vice Chairperson Quiroga thanked Mr. Henneman for being in the audience.

Chairperson Sanchez spoke on serving as the Chairperson.

Chairperson Sanchez spoke on tonight being a trying meeting and rules and laws not being meant to be broken.


Chairperson Sanchez thanked Mayor Warren and City Council for placing him here.

WORKSHOP:

Development Code Update

ADJOURNMENT:

By consensus, the Planning Commission adjourned at 8:48 p.m. in prayer for Commissioner Garcia's father to a Planning Commission Meeting Workshop on March 5, 2019, then to the 2019 League of California Cities, Planning Commissioners Academy from March 6-8, 2019, then to the Regular Planning Commission Meeting on Tuesday, March 19, 2019, at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

DocuSigned by:

6215FB89F9C04DA
Ysela Aguirre
Commission Secretary

THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING COMMISSION ON THE 19TH DAY OF MARCH, 2019.

DocuSigned by:


Idilio Sanchez
Chairperson

Certificate Of Completion

Envelope Id: E1AA2BB9033B4F97B542194D479B8D7E
 Subject: Please DocuSign: PC Minutes of 03-05-2019.pdf
 Source Envelope:
 Document Pages: 9
 Certificate Pages: 5
 AutoNav: Enabled
 Envelopeld Stamping: Enabled
 Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Status: Completed

Envelope Originator:
 City Clerk
 8353 Sierra Avenue
 Fontana, CA 92335
 clerks@fontana.org
 IP Address: 192.146.186.96

Record Tracking

Status: Original
 3/20/2019 5:43:34 PM

Holder: City Clerk
 clerks@fontana.org

Location: DocuSign

Signer Events

Ysela Aguire
 yselac13@aol.com
 Security Level: Email, Account Authentication
 (None)

Signature

DocuSigned by:

 6215EB89E9C04DA...

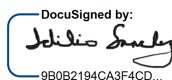
Signature Adoption: Pre-selected Style
 Using IP Address: 205.154.229.152

Timestamp

Sent: 3/20/2019 5:43:41 PM
 Viewed: 3/25/2019 9:31:47 AM
 Signed: 3/25/2019 9:32:03 AM

Electronic Record and Signature Disclosure:
 Accepted: 3/25/2019 9:31:47 AM
 ID: 8f3ae1dd-713c-4c64-8182-cfe70c62c0ea

Idilio Sanchez
 idilio.ms@abscollision.co
 PRESIDENT
 Security Level: Email, Account Authentication
 (None)

DocuSigned by:

 9B0B2194CA3F4CD...

Signature Adoption: Drawn on Device
 Using IP Address: 162.233.247.103

Sent: 3/25/2019 9:32:04 AM
 Viewed: 3/25/2019 1:31:20 PM
 Signed: 3/25/2019 2:14:47 PM

Electronic Record and Signature Disclosure:
 Accepted: 8/8/2017 3:02:52 PM
 ID: c08a4011-f4e8-46b0-a1cb-9233fcdb1d37

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)	<div>COPIED</div>	Sent: 3/25/2019 2:14:48 PM Viewed: 3/25/2019 3:07:17 PM
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: 3/25/2019 2:14:49 PM

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

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	3/25/2019 2:14:49 PM
Certified Delivered	Security Checked	3/25/2019 2:14:49 PM
Signing Complete	Security Checked	3/25/2019 2:14:49 PM
Completed	Security Checked	3/25/2019 2:14:49 PM

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.