



**City of Fontana
Planning Commission
Minutes**

Cathline Fort, Chair
Raj Sangha, Vice Chair
Idilio Sanchez, Secretary
Matthew Gordon, Commissioner
Ralph Thrasher, Commissioner

Tuesday, October 19, 2021 6:00 P.M. 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 19, 2021. Chair Fort called the meeting to order at 6:04 p.m.

Present: Chair Cathline Fort, Vice Chair Raj Sangha, and Commissioners Gordon and Thrasher.

Absent: Secretary Sanchez

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Invocation/Pledge of Allegiance:

Following the Invocation by Commissioner Gordon, the Pledge of Allegiance was led by Vice Chair Sangha.

PUBLIC COMMUNICATIONS:

A. Public Communications:

None.

CONSENT CALENDAR:

A. Approval of Minutes:

Approve the Regular Planning Commission Meeting Minutes of October 5, 2021.

ACTION: A Motion was made by Vice Chair Sangha, seconded by Commissioner Thrasher, and passed unanimously by a vote of 3-0-1 to approve the Consent Calendar.

The motion carried by the following vote:

Aye: Chairperson Fort, Vice Chair Sangha, and Commissioner Thrasher

Abstain: Commissioner Gordon

Absent: Secretary Sanchez

PUBLIC HEARINGS:

PH- A Master Case No. 20-052; Tentative Tract Map No. 18973 (TTM No. 20-003); Design Review Permit No. 20-021 - A request for the subdivision of an existing 0.88 acre lot into a condominium map; and a Design Review for the design and architecture review of 10 condominiums.

Chair Fort opened the Public Hearing Item.

Fernando Herrera, Assistant Planner, presented the staff report.

The commission ensued a discussion regarding garage parking for each unit, and additional parking within the development. In addition, the commission discussed the point of access for this site and inquired about the project being a gated community.

The commission inquired about the zoning and designation for the site north of the project. In addition, the commission commented on the modern and contemporary architecture of the project.

The Assistant City Attorney mentioned to the Commission that before them on the dais was a revised Planning Commission Resolution that addressed CEQA (California Environmental Quality Act) Findings for the project.

The applicant, Cesar Navarro, read and accepted the Conditions of Approval. Additionally, he thanked the Planning Commission and staff, especially DiTanyon Johnson and Fernando Herrera for being professional, patient, and helpful with him during this entitlement process.

The commission, applicant, and staff discussed the design of the open lawn, as it pertains to seating, water, and shade.

The commission thanked the applicant for bringing the project to Fontana. Further discussion ensued regarding the project being a gated community.

The following individual spoke on this item, but did not indicate position on this item:

Elizabeth Sena

Public Hearing was closed.

Deputy City Manager Burum clarified the conditions added to the motion for approval of the project, which included the applicant and staff working together to add an additional bench seating on the other side, and work on shading preferable with trees for the other side of the area, to which the applicant agreed. Furthermore, staff and applicant will entertain a conversation to further look into the matter of the gate for this project.

The commission, staff, and the applicant further discussed the gate for this project.

RECOMMENDATION:

Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2021-038; and,

- 1. Determine that the project is categorically exempt pursuant to Section No. 15332 (Class No. 32, Infill Development), and Section No. 3.22 of the 2019 Local Guidelines for Implementing the CEQA, and direct staff to file a Notice of Exemption; and,**
- 2. Approve Tentative Tract Map (TTM) No. 18973 (20-003); and,**
- 3. Design Review Permit No. 20-021.**

ACTION: Motion was made by Commissioner Thrasher, seconded by Vice Chair Sangha, and passed unanimously by a vote of 4-0 to adopt the Resolution presented with the additional conditions for staff and applicant to work on adding an additional seating bench and shading with trees; and to incorporate into the Homeowners Association's Covenants, Conditions, and Restrictions the possibility of adding a gate in the future if safety issues arise. The motion carried by the following vote:

Aye: Chairperson Fort, Vice Chair Sangha, and Commissioners Thrasher and Gordon

Absent: Secretary Sanchez

PH- B Master Case No. 21-041; Design Review Project No. 21-015 - A request to construct an approximately 64,694 square foot warehouse building on approximately 2.72-acres of land.

Chair Fort opened the Public Hearing Item.

George Velarde, Assistant Planner, presented the staff report.

The commission discussed the driveway and traffic for the project. In addition, the commission thanked the applicant for the night renderings.

Representing the applicant, Michael Sizemore, read and accepted the Conditions of Approval. He thanked staff, George Velarde, for working with him through the entitlement process.

The following individuals spoke in opposition of this project:

Ana Gonzalez
Christine McGuire
Joaquin Castillejos
Elizabeth Sena

Public Hearing was closed.

RECOMMENDATION:

Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2021-039; and,

1. Adopt the Addendum and Mitigation, Monitoring, and Reporting Program, (MMRP) to the SWIP PEIR (SCH NO. 2009091089) and direct staff to file a Notice of Determination; and,

2. Approve Design Review No. 21-015

ACTION: Motion was made by Commissioner Gordon, seconded by Commissioner Thrasher, and passed unanimously by a vote of 4-0 to adopt the Resolution presented. The motion carried by the following vote:

Aye: Chairperson Fort, Vice Chair Sangha, and Commissioners Thrasher and Gordon

Absent: Secretary Sanchez

PH- C Master Case No. 21-044; Design Review No. 21-018 - A request to review and approve a proposed construction of an approximately 95,600 square foot warehouse, which includes approximately 5,000 square feet of office area.

Chair Fort opened the Public Hearing Item.

Rina Leung, Senior Planner presented the staff report.

The commission ensued a discussion regarding the residential properties on Cypress Avenue.

The commission discussed traffic to and from the project site; inquired about the trips per day; and discussed the noise barrier between the project site and the residential homes.

The commission ensued a discussion regarding the project being Categorically Exempt pursuant to Section No. 15332, Class 32.

The Assistant City Attorney mentioned to the Commission that before them on the dais was a revised Planning Commission Resolution that addressed CEQA (California Environmental Quality Act) Findings for the project.

The applicant, Jackson Smith, read and accepted the Conditions of Approval. In addition, he thanked staff, Rina Leung for getting the project before the Planning Commission. The applicant further spoke on the outreach efforts and the commitment to the community.

The commission and the applicant ensued a discussion regarding the residential properties adjacent to the project site. In addition, they discussed number of dock door for the project, and number of projects the applicant has brought to the city.

The commission and the applicant discussed the process for acquiring the residential properties adjacent to the project site, and the applicant's persuasion methods.

The following individuals spoke in opposition of this project:

Ana Gonzalez
Christine McGuire
Joaquin Castillejos
Elizabeth Sena

The following individuals spoke in favor of this project:

Bill Quinsenberry
Jayson Baiz
Jose Garcia

Public Hearing was closed.

The commission discussed the letter received in opposition of the project.

Deputy City Manager Burum spoke to State of California's and the City of Fontana's Air Quality.

The commission further discussed the opposition letter for this project as it pertains to the CEQA exemptions.

RECOMMENDATION:

Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2021-040; and,

1. Determine that the project is Categorically Exempt pursuant to Section No. 15332 Class 32 (In-Fill Development) of the California Environmental Quality Act (CEQA) and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA, and direct staff to file a Notice of Exemption; and,

2. Approve Design Review No. 21-018.

ACTION: Motion was made by Commissioner Thrasher, seconded by Commissioner Gordon, and passed unanimously by a vote of 4-0 to adopt the Resolution presented. The motion carried by the following vote:

Aye: Chairperson Fort, Vice Chair Sangha, and Commissioners Thrasher and Gordon

Absent: Secretary Sanchez

PH-D Master Case No. 21-043; Tentative Parcel Map No. 21-008 (TPM No. 20466); Minor Use Permit No. 21-001; Design Review Project No. 21-017 - A request to operate a charter high school (Real Journey Academies, Inc.) grades 9th and 12th with a maximum capacity of 800 students within a new three-story, 51,000 square foot building.

Chair Fort opened the Public Hearing Item.

Paul Gonzales, Senior Planner presented the staff report.

The commission and staff discussed the type of physical activities for the type of school, the traffic flow for the project, and the condition of approval that allowed students the opportunity to leave campus during their lunch break.

The commission inquired if the school was one of a kind, or if it was part of a chain or branding. In addition, the commission asked if students were allowed to leave campus for lunch for the proposed project, and if schools within the Fontana Unified School District allowed students to leave during lunch. The commission further discussed the project and the entrepreneur opportunity for students.

The commission further discussed the findings that include the circulation for the intended use of the project. In addition, the commission discussed bike lanes as an option.

Deputy City Manager Burum commented that the city is in the process of widening Sierra Avenue, which will include six lanes, three each way, and will include bike lanes.

The applicant, Hugo Garcia, read and accepted the Conditions of Approval except for Condition of Approval No. 11 - the condition that discusses the lunch hours, and he introduced Alex Lucero, Executive Director of the Entrepreneur High School.

The applicant discussed the grade level of the students that were allowed to leave the campus for lunch, he further discussed the number of schools he had throughout San Bernardino County and mentioned that this project is the first charter high school. He further discussed boundaries and enrollment.

The commission, the applicant, and staff discussed Condition of Approval No. 11. The applicant explained that this condition would not only apply to the Senior grade level and that the school has set its own conditions for the students to follow as a prerequisite for this privilege.

The commission and the applicant ensued a discussion regarding work study and internships with local businesses for students. In addition, they discussed enrollment for city residents; and they furthered discussed current traffic or parking issues at the current school site. Further discussion took place regarding student seating areas.

The commission and the applicant discussed current student grade levels at the current site and at the future school site.

The following individuals spoke in opposition of this project:

Ceci Piñones

The following individuals spoke in favor of this project:

Hailey Birkenbevel-Owens
Nicole Owns
Orlando Ramos
Ali Monshizadeh
Shade Farquharson
Eniya Farquharson

Phil Cothran, Sr.

The following individual spoke on this item, but did not show position on this item:

Elizabeth Sena

The commission and the applicant discussed student population, enrollment process, and boundaries. The applicant further explained the outreach efforts to promote the school.

The applicant further discussed being a good neighbor with those residential properties adjacent to the project site.

The commission discussed the height of the wall adjacent to the residential properties.

Public Hearing was closed.

The commission and staff discussed the height of the wall for the project site.

The commission directed staff to communicate with Ms. Piñones to further discuss things that can and can't be done to mitigate her concerns.

RECOMMENDATION:

Based on the information in the staff report and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2021-041, to:

- 1. Adopt the Mitigated Negative Declaration, Mitigation Monitoring Reporting Program (MMRP) and direct staff to file a Notice of Determination; and,**
- 2. Approve Tentative Parcel Map No. 21-008 (TPM No. 20466);**
- 3. Approve Minor Use Permit No. 21-001; and,**
- 4. Approve Design Review No. 21-017.**

ACTION: Motion was made by Commissioner Gordon, seconded by Vice Chair Sangha, and passed unanimously by a vote of 4-0 to adopt the Resolution presented with the direction that staff will work with the applicant and residents regarding the wall. The motion carried by the following vote:

Aye: Chairperson Fort, Vice Chair Sangha, and Commissioners Thrasher and Gordon

Absent: Secretary Sanchez

UNFINISHED BUSINESS:

A. None

NEW BUSINESS:

A. None

DIRECTOR COMMUNICATIONS:

A. Director Communications:

Deputy City Manager Burum introduced Patty Nevins as the Director of Planning.

No further communications were received.

COMMISSION COMMENTS:

A. Public Communication Remarks:

Commissioner Gordon commented that he has a preference for gated communities and used the project presented before the Planning Commission as an example of what can and cannot be developed, keeping in mind what is best for the residents of Fontana.

Commissioner Gordon welcomed Mrs. Nevins as the Director of Planning.

Commissioner Gordon stated that he continues to hear about traffic issues in the south area, and that he occasionally experiences traffic by his house, but he is asking that staff reaches out to the traffic engineers or the police department to see if they can provide the commission information that they should be aware of, but currently are not. He commented that he has not experienced horrific traffic issues.

Deputy City Manager Burum commented that statistically out of the 6,000 citations issued by the City of Fontana last year 1% were to truck drivers, the 99% were to other drivers. As for automobile accidents, 4% of accidents in vehicles end in mortality in less than half of 1%, as it relates to truck drivers. He further commented that the traffic engineering was very well thought out, but it does not account for a road truck driver, and that simply means that the truck driver may not know or may not be familiar with the area. Although, staff believes there is adequate signage, staff lacks active enforcement. Mr. Burum further explained that the Chief of Police brought a proposal before City Council to potentially add a Commercial Enforcement Division for that specific area, yet this is an on-going discussion. Furthermore, staff is recommending to City Council to adopt a warehouse ordinance to enforce tighter traffic control through the operator by signing a condition that acknowledges that they are communicating very clearly on how to get to and from the site. Mr. Burum further commented that this does not account for the first time truck driver getting lost, and that some of these issues can only be addressed through active

enforcement or possibly traffic cameras. There are numerous on-going conversations regarding enforcement. At the end of the day it is a general fund discussion with the City Council. Lastly, he stated that those streets would not exist if it weren't for those warehouses.

Commissioner Gordon thanked Mr. Burum for the information provided and stated he wished we would have asked the question earlier for the people in the audience to hear.

Commissioner Gordon read a quote from former United States Secretary of State Colin Powell, who recently passed away, "Use the formula P=40 to 70, in which P stands for the probability of success and the numbers indicate the percentage of information acquired. Once the information is in the 40 to 70 range, go with your gut." Commissioner Gordon stated that this is particularly important for what the commission does on the dais. The commission looks for all the information that they can possibly have, but they cannot predict the future, and so he understands that they cannot predict the future, so with the information at hand, they must ask themselves if the information provided meets the guidelines, is it within the code, is it within the proper zoning, is the project good for Fontana? He feels that there is pressure particularly from certain areas of the public and that there is an expectation that they know everything and that is simply not the case.

Commissioner Gordon invited any member of the public listening or watching the meeting to reach out to him and to take him to see where the issues are that he is not seeing. He stated that coordination would take place with staff, the resident, and the commission to visit the areas with issues. He stated that he wants to see the issues whether they relate to traffic or noise.

Commissioner Thrasher had no comments.

Vice Chair Sangha welcomed Patty Nevins as the Director of Planning. He also thanked the staff for their staff reports and stated that the staff's recommendations helped them tonight to make the right decisions. He also stated that he was excited to see more than one item on the agenda because it is nice to see multiple developments coming into the city. He mentioned that he is excited about the charter school, as he feels the city is in need of one. He also mentioned that in the Southridge area, they soon will be getting a Chaffey Community College. He stated that it is good for the community to be present at the meetings, and that he hopes that the commission addressed some of their concerns and issues. He is excited that some of these developers were able to listen to the residents' suggestions, as this might ignite possibilities of future developments, like the charter school in the south area. He is excited to see that the community is engaged, and he asks that they continue to be engaged so that this engagement can result in future developments. He also thanked everyone watching at home and thanked everyone for the opportunity to serve; and wished everyone a good night.

Deputy City Manager Burum commented that if you were to place a pin in the middle of the city, between the north and the south, it would be at Miller Avenue.

Chair Fort commented that the charter school is not in the north nor the south, it is located in the middle of the city. She further stated that at times when they hear comments, there is a presumption of a great divide, when in reality the Planning Commission is there for the entire city. In addition, she commented that a project like the charter school is open to all residents, and that it is not located in the north or the south, and it has no restrictions as to who can attend, and it is open to all Fontana residents.

Chair Fort stated that the city has RHNA (Regional Housing Needs Allocation) numbers to reach and that with more housing developments the worse the traffic is going to get. She stated that housing impacts traffic, just as much or more than warehouses. In addition, she stated that the housing developments impact traffic, especially high-density residential units. She furthered discussed past studies that were share with the commission specifically to areas where warehousing is allowed.

Chair Fort further expressed her believe that one or two traffic cameras in hot spots is worth considering. She understands that the real issue is enforcement, but she also understands that law enforcement cannot physically be everywhere, and that there are things that can be a deterrent. For example, gates are a deterrent to crime and theft. Therefore, she stated that one or two cameras in hot spots can help truck drivers to adhere to the routes that are prescribed. In addition, she stated that she acknowledges that not all comments that are made are factual, she heard guarantees that the commissioners never drive in certain areas, and she stated that she does drive throughout the city and that she drives a lot. She further stated that she understands the challenges with traffic, schools, and drop offs in every area of the city.

Chair Fort stated that she cares about every area in the city, otherwise, she would not be seating on the dais. Additionally, she stated that the Planning Commission is there because they care, and they care about the entire city.

Chair Fort commented that she appreciates all the comments and every speaker that comes forward because their voices are being heard. However, the commission is there to do what is within their jurisdiction, according to the codes, and adjustment are being made so that things are clear for the developers. As an example, the comment regarding the condominium project, the developer is open to the conversation of entertaining a similar project in the south area of the city. In addition, she mentioned that she loved the passion from the representative of LiUNA and making America good, making things in America, making good things in America, it is about the love for the country, it is about the love for the nation, it is about the love for the city and that is why the commission is there. Moreover, she loved that students were present at tonight's meeting, especially for an entrepreneur school because she stated that some of the learning is outside of school. She stated that is great to see students already being civically engaged, and she believes that the best learning comes from outside the classroom.

Chair Fort thanked everyone who spoke at the meeting, and she thanked everyone for the opportunity to serve, and she stated that this is an opportunity that they do not take for granted. She stated that the commission is about doing what is right for the residents,

and those who make Fontana a safe place to live, work, and play.

Chair Fort wished everyone a good night.

WORKSHOP:

A. None

ADJOURNMENT:

By consensus, the meeting adjourned at 8:55 p.m. to the next Regular Planning Commission Meeting on Tuesday, November 2, 2021, at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

DocuSigned by:

 Maria Torres

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Maria Torres
Administrative Secretary

**THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING COMMISSION
ON THE 2ND DAY OF NOVEMBER 2021.**

DocuSigned by:

 Cathline Fort

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Cathline Fort
Chair

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Witness Events	Signature	Timestamp
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Envelope Sent	Hashed/Encrypted	11/3/2021 09:35 AM
Certified Delivered	Security Checked	12/10/2021 07:03 AM
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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

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