

**CITY OF FONTANA
PLANNING COMMISSION
REGULAR MEETING
MAY 23, 2005**

The Planning Commission and staff met for a Workshop at 5:30 p.m. on Monday, May 23, 2005, in the Executive Conference Room, 8353 Sierra Avenue, Fontana, California, prior to the regular Planning Commission meeting to discuss the LAFCO annexation process, presentation by Cecilia Lopez-Henderson. The workshop was called to order at 5:36 p.m. Present were Chairperson Lee(arrived at 5:54), Commissioners Clark, Galasso, Meyer, and Slowik (arrived at 5:39 p.m.).

A regular meeting of the City of Fontana Planning Commission was held on Monday, May 23, 2005, in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, California. Chairperson Lee called the meeting to order at 6:10 p.m. Following the Pledge of Allegiance, Commissioner Meyer gave the invocation.

ROLL CALL:

Present: Chairperson Lee, Commissioners Clark, Galasso, Meyer, and Slowik.

Absent: None.

Also Present: Planning Manager Don Williams, AICP; Associate Planners Shannon Casey, AICP, Stephanie Hall, and DiTanyon Johnson; Assistant Planners Jon S. Dille, and, Paul Gonzales; City Attorney Jeffrey Ballinger; City Clerk Bea Watson; and Commission Secretary Orvene Steenbock.

MINUTES:

Motion made by Commissioner Galasso, seconded by Commissioner Meyer, to: Approve the May 9, 2005, regular Planning Commission meeting as corrected. Motion was carried by a vote of 5-0.

PUBLIC FORUM:

Tony Orlich, Randall Avenue, spoke regarding media reform.

Don Meyer, 10601 Juniper Avenue, spoke regarding the social security building.

CONSENT CALENDAR:

PACIFIC ELECTRIC INLAND EMPIRE BIKE TRAIL (PE TRAIL): Located along the former Pacific Electric alignment from the western city limits at approximately the I-15 freeway at Cottonwood Avenue to Juniper Avenue and from approximately Palmetto Avenue to the eastern city limits.

Tony Orlich, Randall Avenue, spoke regarding the Pacific Electric Inland Empire Bike Trail.

Motion made by Commissioner Slowik, seconded by Commissioner Clark, to: Adopt the Negative Declaration and California Fish and Game De Minimis Impact Finding prepared for the project, direct staff to file a Notice of Determination; and, make a Finding that the proposed Pacific Electric Inland Empire Trail is in conformance with Policy No. 1 of Goal No. 1 and Policy No. 2 of Goal No. 2 of the Parks, Recreation, and Trails Element (Chapter 10), and generally in conformance with the 2003 General Plan. Motion carried by a vote of 5-0.

AGENDA INFORMATION:

The Planning Commission reviewed the update of future City Council Agenda items for the June 7, 2005, and, June 21, 2005, regular meetings; and Planning Commission items for June 13, 2005, and, June 27, 2005, regular meetings.

PUBLIC HEARINGS

DESIGN REVIEW NO. 04-036R1 (CONTINUED FROM 5-9-05): Filed by David Wiener to request replacing the approved eight (8) inch running brick, Stone Products Corp. (CB-4052), on the elevation with a 100% acrylic Exterior Insulation Finish System (EIFS) for the approved design review for three (3) commercial retail buildings with a total square footage of 25,029 square feet on approximately 4.0 acres. Located on a rectangularly-shaped property consisting of eight (8) parcels (APNs: 0255-131-23 through -30) located on the west side of Sierra Avenue approximately 600 feet south of Slover Avenue having a frontage of approximately 650 feet on the west side of Sierra Avenue.

Motion made by Commissioner Clark, seconded by Commissioner Meyer, to: Continue **REVISION NO. 1** to **DESIGN REVIEW NO. 04-036**, to the June 13, 2005, Planning Commission meeting. Motion carried by a vote of 5-0.

The public hearing was opened regarding **DESIGN REVIEW NO. 04-050 (CONTINUED FROM 4-25-05):** Filed by Mr. Man Phan to request a Design Review for the site and architectural review of an eight unit apartment

complex. Located on a rectangularly-shaped property consisting of one parcel (APN: 0193-061-03) of approximately .9 gross acres located approximately 260 feet south of the intersection at Athol Street and Date Street, having a frontage of approximately 270 feet on the west side of Date Street and having an approximate depth of 304 feet west of Date Street.

Staff presentation by DiTanyon Johnson.

No written communication was received.

Speaking for the applicant was Man Phan, 1000 S. Fremont Avenue, Suite 1083, Alhambra.

No one spoke in favor or opposition.

The public hearing was closed.

By consensus, the Planning Commission added the following Condition to the Conditions of Approval:

- The project shall incorporate graffiti resistant materials. The property owner shall at all times maintain an adequate amount of paint, matching the project, and shall abate any graffiti at the project within 48 hours of appearance of such graffiti.

Motion made by Commissioner Meyer, seconded by Commissioner Clark, to: Determine that this project is Categorical Exempt pursuant to Class 32 Section 3.16, of the Local CEQA Guidelines and direct staff to file the Notice of Exemption; and, approve **DESIGN REVIEW NO. 04-050**, subject to the attached Findings and Conditions of Approval, with the above addition. Motion carried by a vote of 4-1, with Commissioner Slowik opposing.

The public hearing was opened regarding **TENTATIVE TRACT MAP NO. 16897 (CONTINUED FROM 5-9-05)**: Filed by Collins Allan to request a tentative tract map to subdivide approximately 4.5 gross acres into 19 lots for single-family residential development. The project site is a rectangularly-shaped property consisting of one parcel (APN 1110-11-11) of approximately 4.5 gross acres and is located on the southwest corner of Miller Avenue and Lime Avenue and having a frontage of approximately 635 feet on Miller Avenue and an approximate frontage of 295 feet on Lime Avenue.

Staff presentation by Stephanie Hall.

No written communication was received.

Speaking for the applicant was Collins Allan, 17906 Corrine Way, Riverside.

No one spoke in favor or opposition.

The public hearing was closed.

By consensus, the Planning Commission deleted the following (duplicate) Condition No. 76 from the Conditions of Approval:

~~76. The development and each phase thereof shall have a minimum of two (2) points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Standard 902.2.1 (F43)~~

Motion made by Commissioner Slowik, seconded by Commissioner Meyer, to: Adopt the Mitigated Negative Declaration and direct staff to file a Notice of Determination; and, approve **TENTATIVE TRACT MAP NO. 16897**, subject to the attached Findings and Conditions of Approval, with the above listed deletion. Motion carried by a vote of 5-0.

The public hearing was opened regarding **DESIGN REVIEW SIGN NO. 05-047**: Filed by Ray Bragg, Redevelopment and Special Projects Director to request installation of a 1,400 square-foot four-panel wall mural as part of the City’s mural program. Located at Allstate Flooring at 8594 Sierra Avenue on the northwest corner of Sierra Avenue and Valencia Avenue.

Staff presentation by Shannon J. Casey, AICP.
 No written communication was received.
 No one spoke in favor.
 Speaking in opposition was Tony Orlich, Randall Avenue.
 The public hearing was closed.

By consensus, the Planning Commission requested that staff contact Ray Bragg regarding another mural with the “Fontana Boy” orange crate logo on the other side of the street, and also asked staff to contact people portrayed in the fourth mural for permission to use their likeness on the mural.

By consensus, the Planning Commission made the following modification to Condition No. 6 of the Conditions of Approval:

6. Prior to making any **minor** alterations, the applicant shall request, in writing, approval of the City’s Planning Manager for any modification in the mural’s design, including but not limited to, changes in theme, colors, size, or dimension.

Motion made by Commissioner Clark, seconded by Commissioner Slowik, to: Determine that the project is categorically exempt pursuant to Section 3.16, Class 1 of the Local CEQA Guidelines and direct staff to file the Notice of Exemption; and, approve **DESIGN REVIEW SIGNS NO. 05-047**, subject to the attached Findings outlined in Section 3-170(2) of the Municipal Code and Conditions of Approval, with the above listed modification. Motion carried by a vote of 5-0.

The public hearing was opened regarding **TENTATIVE TRACT MAP NO. 16919**: Filed by Oasis Homes, Inc., to request a tentative tract map to subdivide approximately 4.7 gross acres into 19 lots for single-family residential development. The project site is an irregularly-shaped property consisting of four parcels (APNs 0240-052-11 through -14) of approximately 4.7 gross acres and is located approximately 428 feet south of the intersection of Walnut Avenue and Oleander Avenue and having frontage of approximately 270 feet on the east side of Oleander Avenue and an approximate depth of 626 feet east of Oleander Avenue.

Staff presentation by Stephanie Hall.

No written communication was received.

Speaking for the applicant was Fabricio Badiola, Oasis Homes, 9267 Haven Avenue, Suite 240, Rancho Cucamonga.

No one spoke in favor or opposition.

The public hearing was closed.

By consensus, the Planning Commission made the following modification to Condition No. 66, of the Conditions of Approval:

66. Dedicate corner cut-off at the ~~southwest~~ **southeast and northeast** corners of ~~Miller~~ **Oleander Avenue and proposed Lime Avenue Street "A"**, per the City of Fontana Standards.

Motion made by Commissioner Meyer, seconded by Commissioner Galasso, to: Adopt the Mitigated Negative Declaration and direct staff to file a Notice of Determination; and, approve **TENTATIVE TRACT MAP NO. 16919**, subject to the attached Findings and Conditions of Approval, with the above modification. Motion carried by a vote of 5-0.

The public hearing was opened regarding **TENTATIVE PARCEL MAP NO. 16712, DESIGN REVIEW NO. 04-048 AND CONDITIONAL USE PERMIT NO. 04-024**: Filed by Sierra Lakes Land Co., LLC to request a Tentative Parcel Map to subdivide approximately 21 gross acres into four parcels and a designated remainder parcel; a Design Review for site and architectural approval of a 104,937 square foot commercial shopping center; and, a Conditional Use Permit for a new Alcohol Beverage Control (ABC) license, Type 21 (Off-Site General) for the Ralphs Grocery Store. Proposed uses for the shopping center include a Ralphs grocery store and pharmacy, a Walgreen drug store and pharmacy, coffee shop, fast food restaurants and retail shops. Located on a rectangularly-shaped property consisting of two parcels (APNs 2039-201-54 and 55) of approximately 21 gross acres and is located on the southeast corner of Sierra Lakes Parkway and Citrus Avenue and having a frontage of approximately 2,500 feet on Sierra Lakes Parkway and an approximate frontage of 400 feet on Citrus Avenue.

Staff presentation by Stephanie Hall.

No written communication was received.

Speaking for the applicant were Aaron Skeers, Madole & Associates, etc., 760-A S. Rochester Avenue, Ontario; and, Mark Wendel, Lewis Retail Centers, 1156 N. Mountain Avenue, Upland.

No one spoke in favor.

Speaking in opposition was Ron Macias, 15474 Rochelle Street.

The public hearing was closed.

By consensus, the Planning Commission made the following modification to the Conditions of Approval:

Conditions of Approval – TPM No. 16712, DR No. 04-048

62. The project shall be served by the City's sanitary sewer system ~~when services are available~~ and all sewer facilities shall be constructed in accordance with the City Standards. Main trunk sewer line shall be in accordance with master sanitary sewer plan or as approved by the City Engineer. (Projects located outside of the City will be required to execute an Irrevocable Annexation Agreement with the City)

Conditions of Approval – CUP No. 04-024

11. There shall be no deliveries from or to the premises before ~~7:00~~ **6:00** a.m. and after ~~4:00 p.m.~~ **12:00 a.m.**, during any day of the week.

13. Hours of operation shall be permitted only between ~~7:00~~ **6:00** a.m. and ~~4:00 p.m.~~ **12:00 a.m.** seven (7) days a week.

Motion made by Commissioner Slowik, seconded by Commissioner Clark, to: Direct staff to file the Notice of Determination; and, approve **TENTATIVE PARCEL MAP NO. 16712, DESIGN REVIEW NO. 04-048, AND CONDITIONAL USE PERMIT NO. 04-024,** subject to the attached Findings and Conditions of Approval, with the above listed modifications. Motion carried by a vote of 5-0.

The public hearing was opened regarding **CALIFORNIA LANDINGS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT:** Filed by KB Home of Greater Los Angeles to request an amendment to the Development Agreement for the California Landings Specific Plan has been requested from the City of Fontana. The amendment will extend the fees which were established by the original development agreement that was adopted by the City Council on August 16, 1994 for an additional five years. The California Landings Specific Plan area is comprised of 223-acres located on the east side of Hemlock Avenue extending approximately .7 miles and bounded on the north by State Route 210 and to the south by Baseline Avenue.

Staff presentation by Stephanie Hall.

No written communication was received.

Speaking for the applicant were Stacy Sassaman, KB Home, 801 Corporate Center Drive, Suite 201, Pomona; and, Reggie King, Young Homes, 10370 Trademark, Rancho Cucamonga.

No one spoke in favor or opposition.

The public hearing was closed.

Motion made by Commissioner Meyer, seconded by Commissioner Clark, to: Direct staff to file the Notice of Determination; and, forward a recommendation to the City Council to approve the **FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE CALIFORNIA LANDINGS SPECIFIC PLAN.** Motion carried by a vote of 4-1, with Commissioner Galasso opposing.

The public hearing was opened regarding **CONDITIONAL USE PERMIT NO. 05-002:** Filed by Fiesta Warehouse, LLC to request a Conditional Use Permit for a new Alcohol Beverage Control (ABC) license, Type 21 (Off-Sale General) subject to Conditions of Approval for the existing commercial building. Located at 9850 Sierra Avenue, on the northwest corner of Sierra Avenue and Marygold Avenue.

Staff presentation by Paul Gonzales.

No written communication was received.

Speaking for the applicant were Alex Woo, American Liquor License Exchange, 1601 Cloverfield Boulevard, Suite 200, Santa Monica; and, Doug Minor, 10550 Business Drive.

No one spoke in favor or opposition.

The public hearing was closed.

By consensus, the Planning Commission made the following modifications to the Conditions of Approval:

Change to Conditions No. 13 as follows:

13. Hours of operation shall be permitted only between ~~7~~ **6** a.m. and ~~12~~ **11 p.m.** seven (7) days a week.

Addition of the following Condition:

- Delivery vehicles operating at the site between the hours of 10:00 p.m. and 7:00 a.m. shall not idle more than 10 minutes, cumulatively, during any given delivery. Signs to this effect shall be prominently displayed at the site.

Motion made by Commissioner Meyer, seconded by Commissioner Slowik, to: Determine that the project is categorically exempt pursuant to Section 3.16, Class 1 of the Local Guidelines for Implementing CEQA; make a Finding of Public Convenience and Necessity; and, approve **CONDITIONAL USE PERMIT NO. 05-002**, subject to the attached Findings and Conditions of Approval, and direct staff to file the Notice of Exemption. Motion carried by a vote of 5-0.

Commissioner Galasso removed himself due to possible conflict of interest.

The public hearing was opened regarding **DESIGN REVIEW NO. 05-008:** Filed by Young Homes to request construction of 20 single-family residential homes within Tentative Tract Map No. 17059. The project site is a rectangularly-shaped property consisting of one parcel (APN: 1110-111-03) of approximately 4.7 net acres and is located approximately 627 feet east of the southeast corner of the intersection of Miller Avenue and Hemlock Avenue and having a frontage of approximately 330 feet on the south side of Miller Avenue.

Staff presentation by Jon S. Dille.
 No written communication was received.
 Speaking for the applicant was Arthur Levine, Young Homes, 10370 Trademark Street, Rancho Cucamonga.
 No one spoke in favor or opposition.
 The public hearing was closed.

By consensus, the Planning Commission made the following changes to the Staff Report:

PLANNING DEVELOPMENT FEES	DEVELOPMENT FEE AMOUNT
Park Fees	\$6,000.00 \$3,000.00 per dwelling unit

Plotting Criteria:

The product proposed by the applicant shall be designed and plotted pursuant to the most recent Plotting and Design Criteria adopted by the Planning Commission on April 1, 2002.

PLAN NO.	One	Two	Three	Four	Five
PERCENTAGES	10 20 - 40%	10 20 - 40%	10 20 - 40%	10 20 - 40%	10 20 - 40%

Motion made by Commissioner Clark, seconded by Commissioner Slowik, to: Adopt the Negative Declaration and California Fish and Game De Minimis Impact Finding and direct staff to file the Notice of Determination; and, approve **DESIGN REVIEW NO. 05-008**, subject to the attached Findings and Conditions of Approval. Motion carried by a vote of 4-0-1, with Commissioner Galasso abstaining.

Commissioner Galasso returned.

The public hearing was opened regarding **TENTATIVE TRACT MAP NO. 17018**. Filed by Mr. Winston Lui of W & W Technologies, Inc., to request a subdivision of approximately 1.7 adjusted gross acres into seven lots for the purpose of single-family residential development. The lots range from 7,100 square feet up to 9,305 square feet, with an average lot size of 7,940 square feet. The project site is an irregularly-shaped property consisting of two parcels (APNs 0190-231-11 and -65) of approximately 1.7 adjusted gross acres and is located approximately 140 feet north of the northeast corner of the intersection of Barbee Street and Mango Avenue and having a frontage of approximately 160 feet on the east side of Mango Avenue.

Staff presentation by Jon S. Dille.

No written communication was received.

Speaking for the applicant were Winston Lui, W & W Technologies, Inc., 1750 W. Andes Drive, Upland; and, Eduardo Tan, EMT Dev. Corp., 27025 11th Avenue, Arcadia.

No one spoke in favor or opposition.

The public hearing was closed.

Motion made by Commissioner Galasso, seconded by Commissioner Clark, to: Adopt the Negative Declaration and Fish and Game De Minimis Impact Finding and direct staff to file a Notice of Determination; and, approve **TENTATIVE TRACT MAP NO. 17018**, subject to the attached Findings and Conditions of Approval. Motion carried by a vote of 5-0.

OTHER COMMISSION BUSINESS:

PROPOSED ADDITIONAL CONDITION OF APPROVAL FOR ALL DESIGN REVIEW APPLICATIONS FOR RESIDENTIAL DEVELOPMENT CITYWIDE:

Staff presentation by Don Williams, AICP.

The Planning Commission gave staff input and suggestions regarding the requirement of disclosure to new homeowners by developers.

A REQUEST FOR A PLANNING COMMISSION WORKSHOP ON JUNE 13, 2005: The applicant, Empire Land L.L.C., has submitted a request to staff for a workshop before the Commission to obtain informal feedback on their revised map/project located on the east side of Sierra Avenue, south of Riverside Avenue.

Staff presentation by Don Williams, AICP.

The Planning Commission requested that this workshop start at 5:00 p.m. on June 13, 2005.

STAFF REPORT: None.

PLANNING MANAGER REPORT:

PLANNING DIVISION QUARTERLY REPORT FOR (JANUARY, FEBRUARY, AND MARCH 2005):

Staff presentation by Don Williams, AICP.

Manager Williams stated that a new radius map of the Commissioners' homes for conflict of interest purposes has been completed, and requested that the Commissioners review it. He stated that the Ad Hoc Sub Committee regarding Planning efficiency has met and they have considered moving the Planning Commission meeting from Monday night to Tuesday night. The Planning Commission directed staff to bring this issue forward at a future meeting for consideration and action.

COMMISSION REMARKS:

Commissioner Clark mentioned the upcoming 50th Annual Fontana Days Run and Kids Run. He thanked those who participated in tonight's meeting and wished everyone God's blessings.

Commissioner Meyer wished everyone a Happy Memorial Day and encouraged them to take a few moments to reflect on the sacrifices others have made on our behalf.

Commissioner Galasso mentioned the Police and Fire Recognition Dinner sponsored by the Fontana Chamber of Commerce will be held this Thursday at 5:30 p.m. at Sierra Lakes. He stated that there will be meeting on Tuesday night at 6:00 p.m. in the Police meeting room, for anyone interested in traveling with the Chamber to China this fall. He thanked the Exchange Club in advance for the upcoming Fontana Days Parade.

Commissioner Slowik requested prayers for the officer injured two weeks ago tonight at the corner of Foothill Boulevard and Alder Avenue. He thanked Supervisor Biane for attending the meeting in South Fontana at which annexation was discussed. He wished everyone a safe holiday. He encouraged people to come out to the Rotary Club's Pancake Breakfast held at Veterans Park on June 4, 2005.

Commissioner Lee wished everyone a wonderful Memorial Day weekend. She encouraged residents to participate in the Fontana Days activities and parade. She wished everyone a good evening.

PUBLIC FORUM CONTINUED: None.

ADJOURNMENT:

By consensus, the Planning Commission meeting was adjourned at 9:59 p.m., to a workshop on June 13, 2005, at 5:00 p.m. regarding Empire Land L.L.C., followed by the next regular Planning Commission meeting on June 13, 2005, at 6:00 p.m., in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, CA.

Orvene Steenbock
Planning Commission Recording Secretary

Carole Lee
Chairperson