

**CITY OF FONTANA
PLANNING COMMISSION
REGULAR MEETING
AUGUST 22, 2005**

A regular meeting of the City of Fontana Planning Commission was held on Monday, August 22, 2005, in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, California. Chairperson Lee called the meeting to order at 6:04 p.m. Following the Pledge of Allegiance, Commissioner Slowik gave the invocation.

ROLL CALL:

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

Absent: Commissioner Galasso.

Also Present: Planning Manager Don Williams, AICP; Senior Planner Kevin Ryan; Associate Planner Shannon J. Casey, AICP; Assistant Planners Jon S. Dille, Paul Gonzales, and Amber Gregg; Planning Intern Kristina Cline; City Attorney Jeffrey Ballinger; City Clerk Bea Watson; and Commission Secretary Orvene Steenbock.

MINUTES:

Motion made by Commissioner Meyer, seconded by Commissioner Clark, to: Approve the August 8, 2005, regular Planning Commission meeting as corrected. Motion was carried by a vote of 4-0.

PUBLIC FORUM:

Tony Orlich, Randall Avenue, spoke regarding clean money.

CONSENT CALENDAR: None.

AGENDA INFORMATION:

The Planning Commission reviewed the update of future City Council agenda items for the September 6, 2005, and, September 20, 2005, regular meetings; and Planning Commission items for the September 12, 2005, and, September 26, 2005, regular meetings.

PUBLIC HEARINGS

The public hearing was opened regarding **DEVELOPMENT CODE (CHAPTER 30) AMENDMENT NO. 04-004 FONTANA AUTO CENTER OVERLAY DISTRICT**: Filed by the City of Fontana to adopt a resolution recommending approval of Development Code Amendment No. 04-004 to the City Council. The project site is an irregularly-shaped property consisting of 72 parcels of approximately 138 gross acres and is generally located south of the 210 Freeway, between Citrus Avenue to the west and Sierra Avenue to the east, and on both the north and south frontages of South Highland Avenue, and having an approximate depth of 700 feet on the north side of South Highland Avenue and an approximate depth of 550 feet on the south side of South Highland Avenue. Additionally, a portion of the project site is located east of Sierra Avenue and west of Mango Avenue, and has an approximate frontage on the east side of Sierra Avenue of 600 feet north of South Highland and approximately 400 feet south of South Highland Avenue.

Staff presentation by Kevin Ryan.

Written communications were received from Donald V. Bonanno Jr. The Bonanno Companies, 4370 La Jolla Village Drive, Suite 220, San Diego; and, Robert W. Nicholson, Rosemead Properties, Inc., 11142 Garvey Avenue, El Monte.

No one spoke in favor.

Speaking in opposition were Don Bonanno, H & S Fontana LLC, 551 Savoy Street, San Diego; Larry Fishman, 1630 Heather Drive, La Verne; Bill Violante, Violante and Associates; 5121 Van Nuys Boulevard, Sherman Oaks; Abraham B. Fakhoury, Cars of Fontana, 4761 Hale, La Verne; Larry Bonanno, 702 Calle Monsernd, San Clemente; and, Richard Sakton, 1421 E. Cooley Drive Colton.

The public hearing was closed.

By consensus, the Planning Commission requested the following additional mitigation measure be added, as follows:

An acoustical analysis shall be conducted for all projects located south of South Highland Avenue within the Fontana Auto Center Overlay District. This analysis shall be submitted in the form of a report that is acceptable to the Planning Division at the time of application submittal. The report shall describe the noise generation potential of the proposed project for on-site activities, and proposed attenuation measures to assure compliance with the noise limits set forth below. The proposed use shall not exceed 55 dBA Leq (1-hour) daytime (7 a.m. to 10 p.m.) and 45 dBA Leq (1-hour) nighttime (10 p.m. to 7 a.m.). A noise source or combination of noise sources generated by the proposed use cannot cause the Leq noise level for 1-hour measurement to exceed 55 dBA during the daytime or 45 dBA at the nearest residential property line or other sensitive land uses, including schools. Additionally, the

Lmax noise levels cannot exceed 75 dBA for the daytime and 65 dBA for the nighttime at the nearest residential property line or other sensitive land use. The required acoustical analysis does not apply to daily traffic generated by the project, or to short-term construction-related noise impacts, but to specific proposed on-site noise generating activities related to project operation.

The report shall be reviewed and approved by the City of Fontana Planning Division prior to the issuance of any grading or building permit.

Motion made by Commissioner Meyer, seconded by Commissioner Slowik, to: (1) Forward a recommendation to the City Council to certify the Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2004081097), adopt the Statement of Overriding Consideration, adopt the mitigation monitoring plan and direct staff to file a Notice of Determination; and, (2) adopt **RESOLUTION NO. PC 2005-08**, a resolution forwarding a recommendation to the City Council to adopt an ordinance approving **DEVELOPMENT CODE AMENDMENT NO. 04-004**. Motion carried by a vote of 4-0.

By consensus, the Planning Commission took at short recess from 8:06 p.m. to 8:18 p.m.

The public hearing was opened regarding **CONDITIONAL USE PERMIT NO. 05-016**: Filed by Mr. Scott D. Limbacher to request a new Conditional Use Permit to operate an Alcoholic Beverage Control (ABC) Type 21 License (Off-Sale General) within a newly constructed building of approximately 42,400 square feet. The project site is a rectangularly-shaped property consisting of one parcel (APN: 0194-381-36) of approximately 17.5 adjusted gross acres and is located at 11225 Sierra Avenue, located on the northeast corner of Jurupa Avenue and Sierra Avenue, and having a frontage of approximately 600 feet on Jurupa Avenue and having a frontage of approximately 1,270 feet on Sierra Avenue.

Staff presentation by Jon S. Dille.

No written communication was received.

Speaking for the applicant was Scott Limbacher, Stater Brothers Market, 21700 Barton Road, Colton.

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 ~~7:00~~ **6:00** a.m. and 11:00 p.m. seven (7) days a week.

Deletion of Condition No. 20, as follows:

- ~~20. The applicant shall not display any alcoholic beverages outside a lockable cooler.~~

Addition of Condition No. 22, as follows:

22. Public pay telephones are permitted only with the prior written approval of the City. A public pay telephone is permitted on the exterior of a building/structure subject to an approved Conditional Use Permit. A public pay telephone is permitted on the interior of a building/structure subject to an approved Administrative Site Plan. In each case, the location of the public pay telephone shall be specifically identified in the Conditional Use Permit and/or Administrative Site Plan.

Renumber of Condition Nos. 19 and 20 to Nos. 20 and 21.

Motion made by Commissioner Slowik, seconded by Commissioner Clark, to: (1) Determine that the project is categorically exempt pursuant to Section 3.16, Class 1 of the Local Guidelines for CEQA and direct staff to file a Notice of Exemption; (2) make a Finding of Public Convenience and Necessity; and, approve **CONDITIONAL USE PERMIT NO. 05-016**, subject to the attached Findings and Conditions of Approval, as modified. Motion carried by a vote of 4-0.

The public hearing was opened regarding **CONDITIONAL USE PERMIT NO. 05-019**: Filed by Mr. Derek Lambert to request a new Conditional Use Permit to operate an Alcoholic Beverage Control (ABC) Type 41 License (On-Sale Beer and Wine for a Bona Fide Public Eating Place) within an existing building of approximately 4,000 square feet. The project site is an irregularly-shaped property consisting of one parcel (APN: 0226-891-04) of approximately 0.6 adjusted gross acres within the Kohl Center located at 15002 Summit Avenue, at the northwest corner of Summit Avenue and Beech Avenue, and having a frontage of approximately 190 feet on Summit Avenue.

Staff presentation by Jon S. Dille.

No written communication was received.

Speaking for the applicant was Derek Lambert, Lambert Pizza, Inc., 16775 Escalon Drive.

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:

- Public pay telephones are permitted only with the prior written approval of the City. A public pay telephone is permitted on the exterior of a building/structure subject to an approved Conditional Use Permit. A public pay telephone is permitted on the interior of a building/structure subject to an approved Administrative Site Plan. In each case, the location of the public pay telephone shall be specifically identified in the Conditional Use Permit and/or Administrative Site Plan.

Motion made by Commissioner Meyer, seconded by Commissioner Clark, to: (1) Determine that the project is categorically exempt pursuant to Section 3.16, Class 1 of the Local Guidelines for Implementing CEQA and direct staff to file a Notice of Exemption; and, approve **CONDITIONAL USE PERMIT NO. 05-019**, subject to the attached Findings and Conditions of Approval, as modified. Motion carried by a vote of 4-0.

The public hearing was opened regarding **DESIGN REVIEW NO. 04-006/VARIANCE NO. 05-006/TENTATIVE PARCEL MAP NO. 17126**: Filed by Sommerville-Conzelman to request a Tentative Parcel Map to consolidate six parcels into one parcel; a Design Review for the site and architectural plans for a 36-unit multi-family apartment project; and a Variance for the reduction of a detached enclosed garage setback. The project site is a triangularly-shaped property consisting of 6 parcels (APNs: 0240-061-10, -12 through -15, and -18) of approximately 3.6 gross acres and is located on the west side of Fontana Avenue approximately 428 feet south of the intersection of Fontana Avenue and Merrill Avenue and having an approximate frontage of 700 feet along Fontana Avenue and a variable depth west of Fontana Avenue.

Staff presentation by Kevin Ryan.

No written communication was received.

Speaking for the applicant was Paul Conzelman, S C Development, 14841 Yorba Street, Suite 205, Tustin.

No one spoke in favor or opposition.

The public hearing was closed.

Motion made by Commissioner Clark, seconded by Commissioner Meyer, to: (1) Adopt the Mitigated Negative Declaration of Environmental Impact and the State of California Department of Fish and Game De Minimis Impact Finding and direct staff to file a Notice of Determination; and, (2) approve **DESIGN REVIEW NO. 04-060, VARIANCE NO. 05-006, AND TENTATIVE PARCEL MAP NO. 17126**, subject to the attached Findings and Conditions of Approval. Motion carried by a vote of 4-0.

The public hearing was opened regarding **TIME EXTENSION FOR TENTATIVE TRACT MAP NO. 16482**: Filed by Pacific Grove Corporation to request a time extension for Tentative Tract Map (TTM) No. 16482 requesting a two year extension of approval pursuant to Chapter 26 of the Fontana Municipal Code. The project site is a rectangularly-shaped property consisting of one parcel (APN: 0243-051-17) and having 8.7 gross acres located on the northeast corner of Miller Avenue and Locust Avenue, and having 604 feet of frontage on Miller Avenue and 582 feet of frontage on Locust Avenue.

Staff presentation by Paul Gonzales.

No written communication was received.

Speaking for the applicant was Ray (Bud) Elam, Pacific Grove Corporation, 19 corporate Plaza, Suite 210, Newport Beach.

No one spoke in favor or opposition.

The public hearing was closed.

Motion made by Commissioner Meyer, seconded by Commissioner Slowik, to: (1) Determine that the time extension is exempt pursuant to Section 3.07 of the Local Guidelines for Implementing the California Environmental Quality Act (2005) and direct staff to file a Notice of Exemption; and, approve **TIME EXTENSION NO. 03-005** (approved for two years until May 12, 2007) for **TENTATIVE TRACT MAP NO. 16482**, subject to the attached Conditions of Approval. Motion carried by a vote of 4-0.

The public hearing was opened regarding **TENTATIVE TRACT MAP NO. 17389/VARIANCE NO. 05-008**: Filed by YH Citrus, LLC to request review and approval of Tentative Tract Map (TTM) No. 17389 to subdivide approximately 11 gross acres into 39 lots for the purpose of single-family residential development, and Variance No. 05-008, a request for relief from Section 30-176(3), Hedges, Walls, and Fences, to allow a tubular steel fence for portions of the perimeter wall. The project site is an irregularly-shaped property consisting of 9 parcels (APNs: 288-151-03, -08, -09, -10, -11, -12, -13, -14, -15, and -16) totaling approximately 11 gross acres located on the north side of Chase Road and 155 feet west of Citrus Avenue, and having an approximate frontage of 710 feet on Chase Road and an approximate depth of 660 feet north of Chase Road.

Staff presentation by Shannon J. Casey, AICP.

No written communication was received.

Speaking for the applicant was Michael Bass, Young Homes, 10370 Trademark, Rancho Cucamonga.

No one spoke in favor or opposition.

The public hearing was closed.

Motion made by Commissioner Slowik, seconded by Commissioner Clark, to: (1) Adopt the Negative Declaration and California Fish and Game De Minimis Impact Finding; and direct staff to file the Notice of Determination; (2) approve **TENTATIVE TRACT MAP NO. 17839**; and, (3) approve **VARIANCE NO. 05-008**. Motion carried by a vote of 4-0.

The public hearings were opened regarding **DESIGN REVIEW NO. 05-015**: Filed by Young Homes, LLC to request a Design Review for architectural review and construction of 60 single-family homes on Tentative Tract Map No. 16724, four of the homes are proposed to be used as model homes for the Astoria Development. The project site is an irregularly-shaped property consisting of 60 parcels (the easterly portion of Tentative Tract Map No. 16724) of approximately 10.1 net acres on the south side of the future extension of Walnut Avenue approximately 210 feet east of Catawba Avenue and having an approximate frontage of 710 feet easterly along the future extension of Walnut Avenue and an approximate depth of 660 feet south of the future extension of Walnut Avenue.

and,

DESIGN REVIEW NO. 05-016/CONDITIONAL USE PERMIT NO. 05-009: Filed by Young Homes, LLC to request a Design Review to construct 39 single-family homes on Tentative Tract Map No. 17389. Conditional Use Permit No. 05-009 is a request to utilize a previously approved model home complex within Tentative Tract No. 16724. The project site is an irregularly-shaped property consisting of 39 parcels (Tentative Tract Map No. 17389) totaling approximately 11 gross acres located on the north side of Chase Road and 155 feet west of Citrus Avenue, and having an approximate frontage of 710 feet on Chase Road and an approximate depth of 660 feet north of Chase Road.

Staff presentation by Amber Gregg.

No written communication was received.

Speaking for the applicant was Michael Bass, 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: (1) Adopt the Negative Declaration and California Fish and Game De Minimis Impact Finding and direct staff to file the Notice of Determination; and, (2) approve **DESIGN REVIEW NO. 05-015**, subject to the attached Findings and Conditions of Approval.

and,

to: (1) 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. 05-016 AND CONDITIONAL USE PERMIT NO. 05-009**, subject to the attached Findings and Conditions of Approval. Motions carried by a vote of 4-0.

The public hearing was opened regarding **CONDITIONAL USE PERMIT NO. 05-010**: Filed by Alcoa Wireless Network Services to request a Conditional Use Permit for a wireless telecommunications facility consisting of a 58 foot mono-palm antenna, four equipment cabinets, and a block wall enclosure in the north parking area of an existing commercial center. The project site is an irregularly-shaped property located on the southeast corner of Athol Street and Citrus Avenue, and is located approximately 300 feet southeast of the intersection of Athol Street and Citrus Avenue, at 9131 Citrus Avenue.

Staff presentation by Amber Gregg.

No written communication was received.

Speaking for the applicant was Jackie Le, Alcoa Wireless Network Services, 167 Technology Drive, Irvine.

No one spoke in favor or opposition.

The public hearing was closed.

Motion made by Commissioner Meyer, seconded by Commissioner Slowik, to: (1) Determine that the project is categorically exempt pursuant to Section 3.16, Class 3 of the Local CEQA Guidelines and direct staff to file a Notice of Exemption; and, approve **CONDITIONAL USE PERMIT NO. 05-010**, subject to the attached Findings and Conditions of Approval. Motion carried by a vote of 3-1, with Commissioner Clark opposing.

The public hearing was opened regarding **DESIGN REVIEW NO. 05-029**: Filed by Wind Dancer Development to request a Design Review for the design and construction of 21 single-family residential homes. The project site is an irregularly-shaped property consisting of 21 parcels (Tract Map No. 2183) of approximately 6.3 gross acres on the west side of Locust Avenue approximately 200 feet north of Foothill Boulevard and having an approximate frontage of 430 feet on Locust Avenue and an approximate depth of 667 feet west of Locust Avenue. The property is further identified as being traversed north to south by Frankfort Avenue.

Staff presentation by Kristen Cline.

No written communication was received.

Speaking for the applicant was Mike Pearson, Wind Dancer Development, 4244 E. Maine Street, Baldwin Park.

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 Condition No. 5. C., as follows:

5. C. No more than ~~65%~~ **40%** of any one floor plan shall be used on any cul-de-sac or along any street between intersecting streets.

Deletion of Condition Nos. 30 and 31, as follows:

- ~~30. Construction for the cul de sac on Basswood Lane shall not be paved until after the construction of the storm drain box on Summit Avenue is completed.~~
- ~~31. Construct a temporary A C berm from the north west BCR (Behind Curb Return) to the southwest ECR (End of Curb Return) of intersection of Basswood Lane and Woodstead Way. The height of the temporary A C berm shall match the future curb.~~

Addition of Condition No. 54.A., as follows:

54. A. Relocate the end of the cul-de-sac to the north tract boundary. Existing 60' right-of-way to remain and extend to the north tract boundary due to the vacation of Salot Avenue.

Motion made by Commissioner Clark, seconded by Commissioner Slowik, to: (1) Approve the Negative Declaration prepared for **DESIGN REVIEW NO. 05-029** pursuant to Section 15162 of the Local CEQA Guidelines and direct staff to file a Notice of Determination; and, approve **DESIGN REVIEW NO. 05-029**, subject to the attached Findings and Conditions of Approval, as modified. Motion carried by a vote of 4-0.

Motion made by Commissioner Clark, seconded by Commissioner Meyer, to: continue the meeting past 10:00 p.m. Motion was carried by a vote of 4-0.

OTHER COMMISSION BUSINESS:

AD-HOC APPOINTMENT OF TWO PLANNING COMMISSIONERS TO SPECIFIC PLAN AD-HOC COMMITTEE FOR THE NORTH FONTANA SPECIFIC PLAN:

Staff presentation by Don Williams, AICP.

By consensus the Commission requested that the appointment of the ad-hoc committee for the North Fontana Specific Plan be brought back to the next regular meeting on September 12, 2005, for action.

Manager Williams informed the Planning Commission of the request for a workshop to discuss the Providence Point Specific Plan. A workshop was tentatively scheduled for October 11, 2005, at 5:00 p.m.

STAFF REPORT: None.

PLANNING MANAGER REPORT:

PLANNING DIVISION MONTHLY REPORT JULY 2005:

Staff presentation by Don Williams, AICP.

COMMISSION REMARKS:

Commissioner Meyer wished everyone a good evening.

Commissioner Clark reminded the residents that school is starting up and to watch out for children when driving. He wished all students a great school year.

Commissioner Slowik thanked Josie Gonzales and her fellow County of San Bernardino, Board of Supervisors for their continued support of the City of Fontana. He stated that a friend had expressed her thanks for the recent approval of the school facilities in Palm Court. He encouraged everyone to participate in the Race Fest activities from September 1st through the 4th.

Commissioner Lee wished everyone a good evening. She stated that there are already 33,000 students in session in Fontana schools and requested drivers be cautious while driving and to watch for students and crossing guards. She encouraged parents to talk with the children regarding their safety while going to and from school.

PUBLIC FORUM CONTINUED: None.

ADJOURNMENT:

By consensus, the Planning Commission meeting was adjourned at 10:10 p.m., to the next regular Planning Commission meeting on September 12, 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