

**MINUTES OF THE CITY OF FONTANA
REGULAR PLANNING COMMISSION MEETING
June 21, 2016
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, June 21, 2016, in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California. Chairperson Garcia called the meeting to order at 6:01 p.m.

Present: Chairperson Garcia, Vice Chairperson Meyer, Secretary Quiroga, Commissioner Gongora, and Commissioner Sanchez.

Absent: None

Also Present: Attorney Victor Ponto; Planning Manager Zai AbuBakar; Engineering Manager Noel Castillo; Administrative Analyst Monique Reza; Assistant Planner Dawn Rowe; and Planning Commission Secretary Ysela Aguirre.

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Invocation/Pledge of Allegiance:

Following the Invocation given by Commissioner Sanchez, the Pledge of Allegiance was led by Commissioner Gongora.

SPECIAL PRESENTATIONS:

A. Sunset on Sierra Event - Monique Reza, Administrative Analyst II

Monique Reza, Administrative Analyst, provided information on the Sunset on Sierra Event to be held on Saturday, July 30, 2016, from 5:00 p.m. to 10:00 p.m.

This event is grant funded through the SCAG Go Human Campaign.

As part of the Active Transportation Plan, the City will be conducting a study on the potential for different improvement options that could be incorporated in the plan.

The Sunset on Sierra event will provide the venue for residents to experience the potential improvements and provide feedback on complete streets.

The event will take place on Sierra and is divided into various zones; on Sierra from south of the Pacific Electric Trail to Arrow Blvd. will be the Arts District Zone. The Community Services Department moved the Arts Festival to this location to work in conjunction with this event; Arrow Boulevard will provide temporary demonstration projects to provide residents with an idea of what will be included in the Active Transportation Plan and to provide feedback; Sierra Avenue from Arrow to Valencia will provide the Market Night Area – business on Sierra will be able to market their own businesses; Sierra Avenue from Valencia to Orange Way will have live music, bike playground, and Community Services Department activities.

Residents are encourage to bring their bikes out and try the temporary demonstrations.

Discussion was held on the type of outreach to the community.

Discussion was held on the event having a market atmosphere and no plans to go to single lanes of traffic.

Discussion was held on the how the data will be collected from residents.

PUBLIC COMMUNICATIONS:

A. Public Communications:

Tressy Capps spoke on the Go Human Campaign already being promoted; SCAG is not giving money away for free; they want to get everyone out of their cars, to pedal bikes and they are shutting down the streets so you can see what it is like to do that; she hopes it is 110 degrees that day. She spoke on TollFreeE and the toll lanes on the 10 and 15. Videos are available at Grindall61 on YouTube.

Matt Slowik, Fontana School Board Member, spoke on behalf of Fontana Rotary and what the Rotarians do throughout the community and projects completed this year. The Rotary Club is comprised of members that believe in service above self. He thanked each member for all of the support and contributions thought the year. He spoke on the newly inducted members.

CONSENT CALENDAR:

A. Approval of Minutes:

Approve the Regular Planning Commission Meeting Minutes of June 7, 2016.

A motion was made by Vice Chairperson Meyer and seconded by Commissioner Sanchez to approve the Minutes of the June 7, 2016, Planning Commission Meeting. Motion passed by a vote of 5-0.

PUBLIC HEARINGS:

A. Master Case No. 16-020; Conditional Use Permit No. 16-009 - A request for a Conditional Use Permit to operate an existing restaurant in conjunction with a new California Department of Alcoholic Beverage Control (ABC) Type 47

(On-Sale Beer, Wine and Distilled Spirits for Bona Fide Public Eating Place) license.

Assistant Planner Dawn Rowe provided the staff report.

Staff has received one communication in opposition to this project.

A memo was provided at the dais to modify condition No. 9.

Discussion was held on adding "Legal Non-Conforming" information to be the discussion at the GPAC meetings.

The hours of operation will be corrected to read from 6:00 a.m. to 12:00 a.m. Discussion was held on the condition regarding the percentage of alcohol sales, food consumption should be the primary sale; this is a standard ABC condition

Discussion was held on the digital video surveillance costs.

A workshop was held with City Council and Planning Commission on digital video surveillance was provided by the Police Department.

Discussion was held on the digital video surveillance condition only requiring it be capable of connecting to the live feed.

Manager AbuBakar will bring a report back to the next meeting.

Speaking for the applicant, Ciro Brito, is looking forward to providing opportunities to the community.

Speaking for the applicant, Monica Aguayo, spoke on the applicant's business history; he wants to provide great service.

Speaking for the applicant, Jose Brito, is excited to do business with City of Fontana; work with city and community and improve the business.

Discussion was held on the applicant already having a video surveillance system in place. The applicant understands that the system may be connected to a live feed.

Applicant has read, understands and agrees to the conditions of approval including changes to Condition No. 9.

The Public Hearing was opened.

Lorena Corona, Fontana Unified School District Board President, spoke in favor of this project. She has known the family for the last six months, and appreciates their willingness to work with and provide resources to the City. The leadership of this family goes above and beyond, they provide opportunities for professional development for their employees, invest in education, and their family works in the restaurant.

Kathy Ponce spoke on needing to support businesses in Fontana. She spoke on policy

being written for body cameras and no policy in place for real time cameras. She spoke on business owners not knowing how much it would cost; how long they will be used; who will access the video. She spoke on needing a policy in place for all citizens.

The Public Hearing was closed.

Discussion was held on no policy being in place for live feed, but it being a standard condition by City Council direction.

Manager AbuBakar will follow up with the Police Department and bring back a report for the Commission at the next meeting.

Discussion was held on other businesses that have this same condition.

Discussion was held on the real live feed being a standard condition since January 1, 2016.

Discussion was held on the condition requiring video surveillance having the capability, but at this point not having real time feed.

Discussion was held on a policy being in place prior to implementing the real live feed.

Discussion was held on having an update on a policy regarding real live feed by the first Planning Commission meeting in August. Staff will bring back the report at the August 2nd Planning Commission meeting.

Commissioner Sanchez spoke on the safety concern for customers and employees as business owners; and wants to make sure all business owners are being treated equally. He would like to see a clear policy that all can follow.

ACTION: Motion was made by Commissioner Gongora and seconded by Commissioner Sanchez to 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301, (Class No. 1, Existing Facility) of the CEQA Guidelines, and direct staff to file a Notice of Exemption; and, 2) Approve Conditional Use Permit No. 16-009 subject to the attached findings and conditions of approval with the modified condition No. 9 and a correction to the hours of operation. Motion passed by a vote of 5-0.

A recess was called at 6:58 p.m.

The meeting was reconvened at 7:07 p.m.

B. Master Case No. 15-074; Design Review Project No. 86-132R2 - Request to remove item off calendar.

Staff is requesting this item be continued off calendar.

ACTION: Motion was made by Commissioner Sanchez and seconded by Commissioner Gongora to move Master Case No. 15-074, and Design Review Project No. 86-132R2 to the July 19, 2016, Planning Meeting. Motion passed by a vote of 5-0.

C. Final Environmental Impact Report (State Clearing House No. SCH

2015031026), Zone Change No. 14-012, Tentative Parcel Map No. 19693 (TPM 14-014), Conditional Use Permit No. 14-034, and Design Review Project No. 14-024 (MCN No. 14-080) for Sierra Lakes Commerce Center High Cube Warehouse Project.

Planning Manager, Zai AbuBakar, provided the staff report.

Conditions will be modified to match the conditions on live video feed.

Discussion was held on the screening of the facility.

A concern regarding right-in and right-out traffic on Sierra Avenue was addressed in the staff report.

Discussion was held on sand blowing during construction and the developer providing a contact so residents can call to report it.

Discussion was held on having a Mango Avenue address to make sure truck traffic uses Mango Avenue.

Discussion was held on signs on Club House Drive to stop trucks from making left and U-turns.

Discussion was held on the City already having the right-of-way for widening on Mango Avenue; nobody's property is being taken.

Discussion was held on highlighted changes from the original draft EIR.

Discussion was held on noise concerns.

Speaking for the applicant, Haseeb Qureshi, Urban Crossroads, spoke on the noise impacts being evaluated and there were no significant impacts. He spoke on the process for the noise study.

Discussion was held on white noise.

Commissioner Sanchez is looking forward to adding this business to the City of Fontana.

The Public Hearing was opened.

Speaking for the applicant, David Drake, thanked staff and current and former Planning Commissioners for their work on this project.

Applicant has read, understands and agrees to the conditions of approval.

Discussion was held on the north and south elevations.

Speaking for the applicant, Mike Gill, Designer Architect, spoke on the north and south elevations.

Discussion was held on the renderings of the project.

Discussion was held on the single point of entry being on Mango Avenue so there will not be trucks entering or exiting on Sierra Avenue.

Discussion was held on measures to discourage trucks from coming from Club House Drive.

Discussion was held on possible refrigeration operation in the facility; there is a condition that would require the applicant to return to the Commission for approval to do so.

Discussion was held on the applicant's measures to ensure no dust blowing during construction.

Discussion was held on the median on Sierra to discourage trucks.

Speaking for the applicant, Ray Allard, spoke on the wall at the north property line; and the screening at the south wall.

Discussion was held on the berm and landscaping along Sierra Avenue.

Discussion was held on the applicant providing street improvements and underground of overhead power and utility lines.

Discussion was held controlling sound with landscaping and distance from residences.

James Constant spoke in opposition to the project. He spoke on the inadequate CEQA. He requested the Planning Commission take a good look at the written documents provided. He spoke on challenging action in court. He proposed dialogue with the City of Fontana decision makers.

Nikos Constant spoke in opposition to the project. He is an attorney for the Constant family; this is an ongoing issue that requires a courtroom rather than a Council Chambers. He looks forward to the legal challenge.

Noah Garrison, on behalf of the Members of Laborers International Union of North America Local 783, spoke in opposition to the project. He spoke on the EIR assuming there was only unrefrigerated activity, NOX mitigations, the tons of waste created, biological impacts, and traffic impacts.

Kathy Ponce spoke on a policy needed for real time video feed.

Discussion was held on why the Laborers Union was objecting to this project and not other projects with similar EIRs. Mr. Garrison was only hired for this project and cannot comment on the other projects.

Matt Slowik, Fontana Unified School District Board Member, spoke on conditioning of live feed and implementation was done at the staff level prior to January 2016 and not

necessarily items brought before the Planning Commission or City Council. He spoke on equity and federal rights of land/business owners; without an established policy and a decision having been made whether this is mandatory or owners' discretion to choose to connect to live feed. A policy needs to be made to ensure consistency – if the decision will be made at staff level, Commission level, or City Council. The City needs to make a decision if it will be mandatory or at the discretion of the owners.

Tressy Capps spoke on the rules needing to apply consistently.

The Public Hearing was closed.

Discussion was held on developers having issues with the condition regarding the live feed video.

Discussion was held on the live feed condition only requiring that they have the capability, not that they be hooked up. It would only be triggered when a call for public safety is made or in case of a crime.

Discussion was held on the real live feed being a complicated issue.

Discussion was held on not pulling this condition as it could lead to potential issues as it would not be equitable to other applicants.

Speaking for the applicant, David Drake, requested the original condition "Condition No. 13" remain as their security system surpasses the condition.

Discussion was held on the applicant's goal being to have zero waste export.

Speaking for the applicant, Neil Holdridge spoke on responding to comments from the draft EIR and the recirculated EIR and that the draft and recirculated EIR's have been analyzed in great details and thoroughly have responded to all comments.

ACTION: Motion was made by Vice Chairperson Meyer and seconded by Commissioner Sanchez to adopt Resolution PC No. 2016-04 recommending to the City Council to: 1) Adopt a resolution certifying the Final EIR (State Clearinghouse No. SCH 2015031026), adopting environmental Findings Pursuant to the California Environmental Quality Act, and adopting a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program; and, 2) Adopt an Ordinance approving Zone Change No. 14-012 (Attachment No. 2); and, 3) Adopt a Resolution approving Tentative Parcel Map No. 19693, Approving Conditional Use Permit No. 14-034, and approving Design Review Project No. 14-024 subject to the attached Findings and Conditions of Approval (Attachment No. 3) with the original language on video surveillance. Motion passed by a vote of 5-0.

DIRECTOR COMMUNICATIONS:

A. Director Communications:

Planning Commission reviewed an update of future City Council Agenda items for June

28, 2016, and July 26, 2016, meetings for the Planning Commission's information; and an update of future Planning Commission items for the June 28, 2016, Joint City Council and Planning Commission Workshop, and the July 19, 2016, Planning Commissioner regular meeting for the Planning Commission's information.

COMMISSION COMMENTS:

A. Planning Commission Remarks:

Commissioner Gongora had a fun evening.

Commissioner Gongora attended the Miss Fontana Pageant, it was elegant evening.

Commissioner Gongora congratulated the Miss Fontana Pageant winners.

Commissioner Gongora attended the GPAC meeting and the City is headed in the right direction; he appreciated the community dialogue.

Commissioner Gongora attended the BIA (Building Industry Association) Baldy View Chapter meeting with Vice Chairperson Meyer, as well as Councilmembers Wibert and Tahan, and Manager AbuBakar; it provided a great snapshot of housing in the region and in the state. It opened his eyes on projects and what is needed and not needed. Norma Torres and other assembly members and major developers also attended.

Commissioner Gongora thanked the Commissioners and staff, especially Manager AbuBakar for all their work.

Commissioner Quiroga spoke on it always fun being here and hearing different perspectives and coming to a solution; and to hear the public's thoughts and opinions.

Commissioner Sanchez spoke on having an exciting night; to see the diversity and difference of opinion and the Commissioners being able to agree and agree to disagree.

Commissioner Sanchez appreciates doing what is in the best interest of the community.

Commissioner Sanchez attended the Miss Fontana Pageant and the participant that he sponsored won.

Commissioner Sanchez congratulated new Rotary President, Mayor Warren. He is also excited for this Friday as it is the installation of new president of the Chamber of Commerce.

Vice Chairperson Meyer spoke on appreciating people coming up and speaking and just because the decision is not the one they wanted, does not mean that they did not participate and that they were not heard. A final decision is made based on a) following the law and b) doing what is best for Fontana.

Vice Chairperson Meyer wished everyone a happy and safe 4th of July.

Vice Chairperson Meyer congratulated Matt Slowik on having a good year.

Vice Chairperson Meyer congratulated new Rotary President, Mayor Acquanetta Warren.

Vice Chairperson Meyer congratulated former Chamber of Commerce President, Idilio Sanchez.

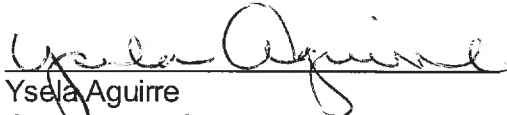
Vice Chairperson Meyer congratulated new Chamber of Commerce President, Phil Cothran.

Vice Chairperson Meyer requested that tonight's meeting be adjourned in memory of the victims of Orlando and Mary Budisalovich.


Chairperson Garcia wished everyone a great 4th of July.

ADJOURNMENT:

By consensus, the Planning Commission adjourned at 9:01 p.m. in memory of the Orlando victims and Mary Budisalovich to a Joint City Council and Planning Commission Workshop on June 28, 2016 at 5:30 p.m. then to the Regular Planning Commission Meeting on Tuesday, July 19, 2016, at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.


Ysela Aguirre
Commission Secretary

**THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING COMMISSION
ON THE 19th DAY OF JULY, 2016.**


Peter Garcia
Chairperson