

**MINUTES OF THE CITY OF FONTANA
REGULAR PLANNING COMMISSION MEETING
June 2, 2020
Available Remotely**

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 8, 2020, in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California. Chairperson Quiroga called the meeting to order at 6: 10 p.m.

Present: Chairperson Quiroga, Vice Chairperson Fort, Secretary Garcia, Commissioner Sanchez and Commissioner Sangha

Absent: None

Also Present: Attorney Kylee Otto; Director of Community Development Zai AbuBakar; Planning Manager Orlando Hernandez; Senior Planner DiTanyon Johnson; Associate Planner Jon S. Dille; Associate Planner Brett Hamilton; and Commission Secretary Ysela Aguirre.

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Invocation/Pledge of Allegiance:

Following the Invocation given by Vice Chairperson Fort, the Pledge of Allegiance was led by Secretary Garcia.

PUBLIC COMMUNICATIONS:

A. Public Communications:

None.

CONSENT CALENDAR:

A. Approval of Minutes:

Approve the Regular Planning Commission Meeting Minutes of May 19, 2020.

ACTION: A motion was made by Commissioner Sanchez and seconded by Commissioner Fort to approve the Minutes of the May 19, 2020, Planning Commission Meeting. Motion passed by a vote of 5-0. (AYES: Quiroga, Fort, Garcia, Sanchez, Sangha; NOES: None; ABSTAIN: None)

PUBLIC HEARINGS:

A. Master Case No. 20-012; Minor Use Permit No. 20-002; Design Review No. 20-001 - A request to review and approve a Minor Use Permit to operate a new 91-unit senior apartment complex within the Transitional District of the Form Base Code Zoning District. The zoning district requires approval of a Minor Use Permit prior to operating a senior apartment complex; and, a Design Review for the site and architectural review for a new 91-unit senior apartment complex within two (2) three (3) story buildings totaling approximately 87,618 square feet, with one-bedroom units and two bedroom units, range in size from 600 square feet to 940 square feet.

Associate Planner Jon S. Dille provided the staff report.

Staff provided changes to the Conditions of Approval regarding security guards and having a manned reception area.

Discussion was held on how “substantial” security is defined.

Discussion was held on the normal business hours of apartment management.

Discussion was held on how many units on the lower levels have yards.

Discussion was held on the building having senior citizen accessible bathrooms.

Discussion was held on having washers and dryers on every floor.

Discussion was held on the project being a gated community.

The Public Hearing was opened.

Speaking for the applicant, David Spiegel and Marc Kogan.

The applicant spoke on being able to build this project and making the city proud.

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

Discussion was held on the building timeline.

No member of the audience spoke in favor or opposition.

The Public Hearing was closed.

ACTION: Motion was made by Vice Chairperson Fort and seconded by Secretary Garcia to adopt **Resolution PC No. 2020-030**; 1) Determine that the project is Categorically Exempt pursuant to Section No. 15332, (Class No. 32, In-Fill) of the CEQA and Section No. 3-18 (Certain Infill Projects) of the 2019 Local Guidelines for implementing the California Environmental Quality Act, and direct staff to file a Notice of Exemption; and, 2) Adopt a resolution approving Minor Use Permit No. 20-002, and approving Design Review No. 20-001 with revised conditions of approval as provided by staff. Motion passed by a vote of 5-0. (AYES: Quiroga, Fort, Garcia, Sanchez, Sangha; NOES: None; ABSTAIN: None)

B. Master Case No. 19-073; Design Review No. 19-025 - A request to review and approve a Design Review for site and architectural review of a warehouse facility totaling approximately 173,913 square feet on 7.86 adjusted gross acres.

Senior Planner DiTanyon Johnson provided the staff report.

Discussion was held on how many parking spaces will be charging stations and if permits will be required.

Discussion was held on the framing of the corner glazing.

Discussion was held on the screening of the trailer parking spaces.

The Public Hearing was opened.

Speaking for the applicant, Michael Weber.

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

Discussion was held on the framing of the corner glazing.

No member of the audience spoke in favor or opposition.

The Public Hearing was closed.

ACTION: Motion was made by Vice Chairperson Fort and seconded by Commissioner Sanchez to adopt **Resolution PC No. 2020-031**, to: 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. 19-025. Motion passed by a vote of 5-0. (AYES: Quiroga, Fort, Garcia, Sanchez, Sangha; NOES: None; ABSTAIN: None)

C. Master Case No. 20-028; Conditional Use Permit No. 20-009; Conditional Use Permit No. 20-008; Administrative Site Plan No. 20-005 - A request to review and approve Conditional Use Permit No. 20-009 - A request to establish a 24-hour automobile fueling station; and, Conditional Use Permit No. 20-008 – A

request to establish off-site retail sales of alcoholic beverages (Type 20 ABC license for beer and wine) at the proposed 24-hour convenience store; and, an Administrative Site Plan No. 20-005 - Site and architectural review of a fuel service station with an approximately 4,000 square foot convenience store and 4,356 square foot fuel canopy.

Associate Planner Brett Hamilton provided the staff report.

Staff received communication from James Constant regarding Mango Avenue being a private road.

Assistant Engineer Gabriel Guerrero-Gabany confirmed that Mango Avenue is a public street.

Discussion was held on adding wind barrier doors to the northeast facing entrance.

Discussion was held on the front wall looking very plain.

Discussion was held on the lighting of the back of the parking lot.

Discussion was held on the landscaping at Sierra Lakes Parkway and Mango Avenue.

Discussion was held on the ABC license being transferred from the existing 7-11 across the street to the new 7-11 with the old 7-11 being closed.

Discussion was held on truck traffic along Mango Avenue.

The Public Hearing was opened.

Speaking for the applicant, Eric Silverman spoke on discussing the change of the front of the building with the 7-11 corporation.

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

Speaking for the applicant, Steven Pollock spoke on discussing the adding of wind barrier doors with the 7-11 corporation and being able to make changes requested within bounds and wanting to comply with the changes requested.

Discussion was held on the corner design.

Nikos Constant spoke in opposition to the project.

Robert Constant spoke in opposition to the project.

The Public Hearing was closed.

Discussion was held on the recommended changes coming back to the Planning Commission. It was determined that the changes would not come back to the Planning Commission but would be handled by staff.

ACTION: Motion was made by Secretary Garcia and seconded by Commissioner Sanchez to adopt **Resolution PC No. 2020-032**; 1) Determine that the project is Categorically Exempt pursuant to Section No. 15332 (Class No. 32, In-Fill Development Project) of the CEQA and Section 3.22 of the 2019 Local Guidelines for Implementing CEQA, and direct staff to file a Notice of Exemption; 2) Approve Conditional Use Permit No. 20-009 (fuel service station); 3) Approve Conditional Use Permit No. 20-008 (type 20 ABC license); and, 4) Approve Administrative Site Plan No. 20-005 with direction to staff to work with the applicant on the wind barrier doors, the design of the front of the building and up lighting. Motion passed by a vote of 5-0. (AYES: Quiroga, Fort, Garcia, Sanchez, Sangha; NOES: None; ABSTAIN: None)

D. Master Case No. 15-078; Annexation No. 16-001; General Plan Amendment No. 15-005; General Plan Amendment No. 17-001; Zone Change No. 15-009; Tentative Parcel Map No. 19712; Design Review No. 16-003; Development Agreement No. 16-001; General Plan Amendment No. 20-008; Zone Change No. 20-007 - I-15 Logistics Project

Senior Planner DiTanyon Johnson provided the staff report.

Staff received a letter with comments pertaining to the EIR from the Department of Justice, an email from Golden State Environmental Justice Alliance with comments on the EIR and email from Phil Valvo with concerns about the project and various letters of support from labor unions.

Discussion was held on the car parking stalls.

Discussion was held on measures to deter tractor trucks from going south on Lytle Creek.

Senior Engineer Kathy Raasch spoke on Lytle Creek being weight restricted.

Discussion was held on the light up cornices.

Discussion was held on the elevations.

Discussion was held on the location of the trees.

Discussion was held on the bike lane.

Discussion was held on adding something that will take the focus away from the warehouses as someone is driving down the street.

Discussion was held on the monument sign.

Discussion was held on the number of trees

Discussion was held on what is being proposed for the adjacent vacant property.

Discussion was held on the size of the letters on the sign.

The Public Hearing was opened.

Speaking for the applicant, Patrick Daniels spoke on measures to prevent trucks from going west on Lytle Creek Road and the elevation grade of the project.

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

Discussion was held on the water tower.

Liuna spoke in favor of the project.

Danny Rivera spoke in favor of the project.

Efrain Lopez spoke in favor of the project.

Eddie Rivera spoke in favor of the project.

Phil Valvo spoke in opposition to the project.

Lani Gusman spoke on the hours of operation.

Discussion was held on how measures will alleviate traffic for residents.

The Public Hearing was closed.

ACTION: Motion was made by Commissioner Sanchez and seconded by Commissioner Sangha to adopt **Resolution PC No. 2020-033**, and forward a recommendation to the City Council to: Adopt a resolution to certify the EIR, adopt a Statement of Overriding Consideration, a Mitigation Monitoring and Reporting Program, and a Statement of Facts and Findings, and direct staff to file a Notice of Determination; 1) Adopt a resolution requesting that the Local Agency Formation Commission (LAFCO) initiate proceedings for the I-15 Logistics annexation located in the City of Fontana's northly sphere of influence and bound by Lytle Creek to the north and the I-5 Freeway to the south under Annexation No.16-001; 2) Adopt a resolution approving General Plan Amendment No. 15-005, General Plan Amendment No. 17-001, approving Tentative Parcel Map No. 19712 and Design Review No. 16-003, subject to the attached Findings and Conditions of Approval; 3) Adopt an ordinance approving Zone Change No. 15-009; 4) Adopt an ordinance approving Development Agreement No. 19-002; 5) Adopt a resolution approving General Plan Amendment No. 20-008; 6) Adopt an ordinance approving Zone Change No. 20-007 with direction to staff to work with the applicant to deter traffic from traveling on Lytle Creek road, measures to alleviate traffic, adding up lighting to the cornices and holding a workshop on the signage/monument, adding foliage along the screening walls, and the color of the building. Motion passed by a vote of 5-0. (AYES: Quiroga, Fort, Garcia, Sanchez, Sangha; NOES: None; ABSTAIN: None)

E. Master Case No. 20-030; General Plan Amendment No. 20-010; Specific Plan Amendment No. 20-001; Tentative Tract Map No. 20346 (TTM No. 20-001); Design Review No. 20-014 - Providence Pointe Specific Plan

Director of Community Development Zai AbuBakar provided the staff report.

Discussion was held on the entrance on the left side being shared with the adjacent development.

The Public Hearing was opened.

Speaking for the applicant, Phil Burum spoke on having one parcel and moving the entrance closer to the western property line.

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

Discussion was held on the roof tiles and the community being gated.

Discussion was held on project signage.

Daryl Merrick spoke in opposition to the project.

The Public Hearing was closed.

ACTION: Motion was made by Vice Chairperson Fort and seconded by Secretary Garcia to adopt **Resolution PC No. 2020-034**, forwarding a recommendation to the City Council to: 1) Adopt the Addendum to the Providence Pointe Specific Plan Environmental Impact Report (State Clearinghouse No. 2005121025) and direct staff to file a Notice of Determination; 2) Adopt a resolution approving General Plan Amendment No. 20-010; 3) Adopt an ordinance approving Specific Plan Amendment No. 20-001; and, 4) Adopt a resolution approving Tentative Tract Map No. 20346 (TTM No. 20-001) and approving Design Review No. 20-014. Motion passed by a vote of 5-0. (AYES: Quiroga, Fort, Garcia, Sanchez, Sangha; NOES: None; ABSTAIN: None)

UNFINISHED BUSINESS:

A. None.

NEW BUSINESS:

A. None.

DIRECTOR COMMUNICATIONS:

A. Director Communications:

Planning Commission reviewed an update of future City Council Agenda items for June 9, 2020, June 23, 2020, July 14, 2020, and July 28, 2020, meetings for the Planning Commission's information; and an update of future Planning Commission items for the June 16, 2020, July 7, 2020, July 21, 2020, and July 28, 2020, regular meetings for the Planning Commission's information.

COMMISSION COMMENTS:

A. Planning Commission Remarks:

Commissioner Sangha thanked staff for the reports on the good mix of projects being brought forward.

Commissioner Sangha wished everyone to have peaceful protests.

Commissioner Sanchez spoke on the good projects and having the honor of being involved in the growth of the City of Fontana.

Commissioner Sanchez thanked his wife for allowing him to participate.

Secretary Garcia thanked the Planners for the time they spend on the projects before bringing them forward.

Secretary Garcia thanked the leadership of the city and the Police Department that keep us safe during the peaceful protests.

Vice Chairperson Fort spoke on being proud to see the city is still moving forward even when economy is struggling.

Vice Chairperson Fort commended the city leadership, officials, law enforcement, citizens and residents for acting responsibly during this time.

Vice Chairperson Fort requested tonight's meeting be adjourned in memory of George Floyd.

Chairperson Quiroga thanked his fellow Commissioners for loving our city.

Chairperson Quiroga requested prayers for George Floyd, his family and our country.

WORKSHOP:

None.

ADJOURNMENT:

By consensus, the Planning Commission meeting adjourned at 9:58 p.m. in memory of George Floyd to the next Regular Planning Commission Meeting on Tuesday, June 16, 2020, at 6:00 p.m. (Due to the evolving situation with the COVID-19 Novel Coronavirus and the health recommendations for social distancing from the Center of Disease Control (CDC)), **THE CITY OF FONTANA PLANNING COMMISSION MEETING OF JUNE 16, 2020 AT 6:00 P.M. SHALL BE AVAILABLE TO THE PUBLIC REMOTELY.**

DocuSigned by:

Ysela Aguirre

6215EB89E9C04DA...

Ysela Aguirre
Commission Secretary

**THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING COMMISSION
ON THE 16TH DAY OF JUNE 2020.**

DocuSigned by:

Daniel Quiroga

C81A84FE45B54C9

Daniel Quiroga
Chairperson

Certificate Of Completion

Envelope Id: 74E4C662747843449AABFE125FE7993A	Status: Completed
Subject: Please DocuSign: PC Minutes of 06-02-2020.pdf	
Source Envelope:	
Document Pages: 9	Signatures: 2
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	City Clerk
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	8353 Sierra Avenue
	Fontana, CA 92335
	clerks@fontana.org
	IP Address: 192.146.186.96

Record Tracking

Status: Original	Holder: City Clerk	Location: DocuSign
6/17/2020 3:08:00 PM	clerks@fontana.org	

Signer Events

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

Signature

DocuSigned by:

 6215EB89E9C04DA...
 Signature Adoption: Pre-selected Style
 Using IP Address: 76.206.62.154

Timestamp

Sent: 6/17/2020 3:08:07 PM
 Viewed: 6/18/2020 8:49:36 AM
 Signed: 6/29/2020 12:15:36 PM

Electronic Record and Signature Disclosure:
 Accepted: 6/29/2020 12:15:08 PM
 ID: 4509dc76-16a8-4771-96e0-cd36276c28e1

Daniel Quiroga
 elpacol@hotmail.com
 Security Level: Email, Account Authentication (None)

DocuSigned by:

 C81A84EE45B54C9...
 Signature Adoption: Pre-selected Style
 Using IP Address: 108.184.119.124

Sent: 6/29/2020 12:15:37 PM
 Viewed: 7/4/2020 10:36:12 AM
 Signed: 7/4/2020 10:36:18 AM

Electronic Record and Signature Disclosure:
 Accepted: 7/4/2020 10:36:12 AM
 ID: ee7660dc-1922-4581-8da2-e2e78e7c4cfd

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)

COPIED

Sent: 7/4/2020 10:36:19 AM

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)	COPIED	Sent: 7/4/2020 10:36:19 AM Viewed: 7/6/2020 7:40:28 AM
Electronic Record and Signature Disclosure: Not Offered via DocuSign		

Witness Events	Signature	Timestamp
----------------	-----------	-----------

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

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	7/4/2020 10:36:19 AM
Certified Delivered	Security Checked	7/4/2020 10:36:19 AM
Signing Complete	Security Checked	7/4/2020 10:36:19 AM
Completed	Security Checked	7/4/2020 10:36:19 AM

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: ctejeda@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 ctejeda@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 ctejeda@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 ctejeda@fontana.org and in the body of such request you must state your e-mail, full name, IS 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.