

City of Fontana
Planning Commission
Minutes

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

Tuesday, May 17, 2022

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, May 17, 2022. Chair Fort called the meeting to order at 6:03 p.m.

Present: Chair Fort, Secretary Sanchez, and Commissioners Thrasher and Gordon

Absent: Vice Chair Sangha

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Invocation/Pledge of Allegiance:

Following the Invocation by Commissioner Gordon, the Pledge of Allegiance was led by Secretary Sanchez.

PUBLIC COMMUNICATIONS:

A. Public Communications:

None.

CONSENT CALENDAR:**A. Approval of Minutes:**

Approve the Regular Planning Commission Meeting Minutes of May 3, 2022.

ACTION: A Motion was made by Secretary Sanchez, 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: Chair Fort, Secretary Sanchez, and Commissioner Thrasher

Absent: Vice Chair Sangha

Abstain: Commissioner Gordon

PUBLIC HEARINGS:

PH – A Master Case No. 22-034; Conditional Use Permit No. 22-011 - A request to operate a smoke, tobacco and vape shop in an approximate 1,500 square foot tenant space in the South Sierra shopping center.

Chair Fort opened Public Hearing.

This item was continued to a date uncertain.

ACTION: Motion was made by Commissioner Gordon, seconded by Commissioner Thrasher, and passed unanimously by a vote of 4-0 to continue this item to a date uncertain. The motion carried by the following vote:

The motion carried by the following vote:

Aye: Chair Fort, Secretary Sanchez, and Commissioners Thrasher and Gordon

Absent: Vice Chair Sangha

PH - B Master Case No. 22-050, Zoning Code Amendment No. 22-003; a resolution of the Planning Commission of the City of Fontana, California, recommending that the City Council adopt an ordinance approving Zoning Code Amendment (ZCA) No. 22-003 amending Chapter 30 of the Fontana Municipal Code Article X, General Landscape Requirements.

Chair Fort opened Public Hearing.

Shannon Casey, Senior Engineer presented the staff report. Staff also mentioned that comments were received from the Building Industry Association (BIA), which were listed on the memo presented to the commission on the dais.

The commission and staff discussed canopy landscape, coverage, and percentage, as it pertains to the General Plan Goals. In addition, a brief discussion took place regarding Crime Prevention through Environmental Design being incorporated into the code.

No one spoke in favor or opposition of this item.

The Public Hearing was closed.

RECOMMENDATION:

Based on the information contained in this staff report, staff recommends that the Planning Commission adopt Resolution PC No. 2022-013 and forward a recommendation to the City Council to:

- 1. Determine that the project is categorically exempt, respectively from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15061(B)(3) (the common-sense exemption) and, alternatively, pursuant to CEQA Guidelines Section 15307 (Actions by Regulatory Agencies for Protection of Natural Resources) and 15308 (Actions by Regulatory Agencies for Protection of the Environment), and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA; and,**
- 2. Adopt an Ordinance approving Zoning Code Amendment (ZCA) No. 22-003 to amend Chapter 30, Article X (General Landscape Requirements) of the Municipal Code to update the citywide landscape as shown in the Attachment No. 1 as referenced herein.**

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:

The motion carried by the following vote:

Aye: Chair Fort, Secretary Sanchez, and Commissioners Thrasher and Gordon

Absent: Vice Chair Sangha

PH-C Master Case No. 21-104, Conditional Use Permit No. 22-004, Administrative Site Plan No. 21-051 - a request to establish a Dutch Bros drive-through coffee shop of approximately 871 square feet with two (2) drive-through lanes at the South Highland Village shopping center.

Chair Fort opened Public Hearing.

Alexia De La Torre, Assistant Planner presented the staff report.

The commission and staff discussed parking, foot traffic, and the flow of traffic for this project site. In addition, a brief discussion took place regarding temporary signage, traffic flow staff on site, and a total number of vehicles that would fit on site. Furthermore, a discussion took place regarding the drive-thru exit and the temporary traffic flow.

The applicant, Kimberly Radan, stated that she read and agreed to the Conditions of Approval. In addition, she discussed the traffic exiting strategy that they have in place for this project. She also mentioned that they will be opening two other locations soon. The commission commented on the limited parking in front of the shop and the pedestrian traffic. Ms. Radan further explained that due to the high volume of customers, they have staff that are called drink runners, whose job is to delivery orders to the vehicles waiting in line, which keeps the line moving and traffic flowing.

The commission thanked the applicant for bringing this business to the city.

No one spoke in favor or opposition of this item.

The 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. 2022-014; and,

- 1. Find that the previously adopted Initial Study/Mitigated Negative Declaration for Master Case No. 15-018 approved by the Planning Commission October 6, 2015, has adequately identified the impacts associated with the project. No further review is required pursuant to Section No. 15162 of the California Environmental Quality Act and Section 6.22 of the 2019 Local Guidelines for Implementing CEQA, and direct staff to file a Notice of Determination; and,**
- 2. Approve Conditional Use Permit No. 22-004 and Administrative Site Plan No. 21-051.**

ACTION: Motion was made by Secretary Sanchez, 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:

The motion carried by the following vote:

Aye: Chair Fort, Secretary Sanchez, and Commissioners Thrasher and Gordon

Absent: Vice Chair Sangha

PH-D Master Case No. 22-049 and Municipal Code Amendment No. 22-004 - amendments to Chapter 26 (Subdivisions) and Chapter 30 (Zoning and Development Code) of the Municipal Code to establish standards and administrative procedures for conveyance maps, add language for density/replacement units to address Senate Bill 330, modify the land use table in the General Commercial (C-2) zoning district to allow truck sales with approval of a Conditional Use Permit (CUP), reduce required setbacks for residential accessory structures in the Single Family Residential (R-1) zoning district, extend the length of time for entitlement projects by providing a two-year time extension, and identifying inconsistencies and outdated language in the Zoning and Development Code.

Chair Fort opened Public Hearing.

George Velarde, Assistant Planner presented the staff report.

The commission and staff discussed time extensions, as it relates to entitlements, and if these extensions would be granted automatically or by request. A brief discussion also took place regarding when an extension should be requested. In addition, a discussion ensued regarding the setbacks for the R1 zoned areas, listed as less intensive structures and the other listed as open space/patio/structures. The commission and staff further discussed the proposed setbacks changes related to the R1 zoned areas.

The commission and staff discussed the reasoning behind the time extensions and the process that these will follow once they are granted. The commission once again, further discussed the proposed R1 zoned area setbacks changes. In addition, the commission discussed height requirements for the setbacks.

No one spoke in favor or opposition of this item.

The commission mentioned that before them on the dais was a memo requesting a modification to Section 30-967 – Requirements related to the number of No Net Loss/Density Bonus Units approved. Staff also mentioned that a comment letter via email was received, which was sent to the commission prior to the meeting, and that the comment letter addressed one portion of the memo on the dais.

The 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. 2022-015; and,

1. Determine that this Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, Section No. 3.22 and 3.07 of the 2019 Local Guidelines for Implementing CEQA, because it has not potential for resulting in physical change in the environment, directly or indirectly. The Planning Commission further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), Section No. 3.22 and 3.07 of the 2019 Local Guidelines for Implementing CEQA, that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.; and,
2. Approve a resolution recommending that the City Council adopt an Ordinance for Municipal Code Amendment (MCA) No. 22-004 to amend Chapter 26 and Chapter 30 of the Municipal Code.

ACTION: Motion was made by Secretary Sanchez, seconded by Commissioner Gordon, and passed by a vote of 3-1 to adopt the Resolution presented, with a modification to deny the extension of the 10-foot setbacks to 3-foot setbacks and leave it at 10 feet, as currently listed on the code.

The motion carried by the following vote:

Aye: Chair Fort, Secretary Sanchez, and Commissioner Gordon

Nay: Commissioner Thrasher

Absent: Vice Chair Sangha

UNFINISHED BUSINESS:

A. None

DIRECTOR COMMUNICATIONS:

A. Director Communications:

No further communications were received.

COMMISSION COMMENTS:

A. Public Communication Remarks:

Commissioner Thrasher thanked staff for the projects presented. In addition, he commented that Fontana has an amazing Information Technology Department and that he was impressed to see how all the technology is ran by one department.

Commissioner Gordon thanked the staff and Director of Planning, Mrs. Nevins for her knowledge and all the information that she brings forward. He also congratulated the new City Clerk, since this is the first time, they have sat together at a Planning Commission meeting; however, he did state that he had the pleasure of serving with her in another commission, so he congratulated her on her appointment. He also requested for those watching at home and those present in the audience to thank and appreciate law enforcement officers during National Police Week. He thanked the police officers present at the meeting and wanted to remind everyone that law enforcement officers go through a lot out in the field, and do their best to keep us all safe, so if you have an opportunity, thank an officer for all that they do.

Secretary Sanchez shared Commissioner Gordon's sentiments, as a father of law enforcement, and appreciates those that keep us safe, and thanked them. He thanked everyone for being present at the meeting tonight and wished everyone a good night.

Chair Fort mentioned that Fontana is a great place to live, work, and play, but its because of law enforcement, and all those that serve the city. She thanked the law enforcement officer at the dais and those seating out in the public, and those on duty. Furthermore, she stated that we feel safe, and the city is a safer place because of them.

WORKSHOP:**A. None****ADJOURNMENT:**

By consensus, the meeting adjourned at 7:11 p.m., in respect and honor of those who lost their lives in Buffalo due to gun violence, to the next Regular Planning Commission Meeting on Tuesday, June 7, 2022 at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

Maria Torres

Maria Torres
Administrative Secretary

**THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING COMMISSION
ON THE 7TH DAY OF JUNE 2022.**



Cathline Fort
Chairperson

Certificate Of Completion

Envelope Id: EE2EC564105C4D0C9CEB8D0370B15E3A

Subject: Please DocuSign: PC Minutes of 05-17-2022.pdf

Source Envelope:

Document Pages: 8

Signatures: 2

Certificate Pages: 5

Initials: 0

AutoNav: Enabled

Envelope Stamping: Enabled

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Status: Completed

Envelope Originator:

Maria Torres

8353 Sierra Avenue

Fontana, CA 92335

mtorres@fontana.org

IP Address: 192.146.186.121

Record Tracking

Status: Original

6/16/2022 | 11:29 AM

Holder: Maria Torres

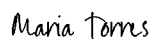
mtorres@fontana.org

Location: DocuSign

Signer Events

Maria Torres

mtorres@fontana.org

Security Level: Email, Account Authentication
(None)**Signature**

Signature Adoption: Pre-selected Style

Signed by link sent to mtorres@fontana.org

Using IP Address: 192.146.186.121

Timestamp

Sent: 6/16/2022 | 11:31 AM

Viewed: 6/16/2022 | 11:31 AM

Signed: 6/16/2022 | 11:31 AM

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Cathline Fort

cathlinefort@verizon.net

Security Level: Email, Account Authentication
(None)

Signature Adoption: Drawn on Device

Signed by link sent to cathlinefort@verizon.net

Using IP Address: 75.83.120.169

Signed using mobile

Sent: 6/16/2022 | 11:31 AM

Viewed: 6/18/2022 | 11:23 PM

Signed: 6/18/2022 | 11:23 PM

Electronic Record and Signature Disclosure:

Accepted: 6/18/2022 | 11:23 PM

ID: ffdb69cc-ac62-457b-a250-38e66adbee4b

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**

Evelyne Ssenkoloto

essenkoloto@fontana.org

Security Level: Email, Account Authentication
(None)**COPIED**

Sent: 6/18/2022 | 11:23 PM

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Carbon Copy Events

Kathy Kasinger
Kkasinger@fontana.org
Records Coordinator
Security Level: Email, Account Authentication
(None)

Status**COPIED****Timestamp**

Sent: 6/18/2022 | 11:23 PM
Viewed: 6/20/2022 | 07:44 AM

Electronic Record and Signature Disclosure:

Accepted: 6/10/2022 | 09:50 AM
ID: 65a4bc50-270f-4857-98bf-1f3fec446c11

Witness Events**Signature****Timestamp****Notary Events****Signature****Timestamp****Envelope Summary Events****Status****Timestamps**

Envelope Sent
Certified Delivered
Signing Complete
Completed

Hashed/Encrypted
Security Checked
Security Checked
Security Checked

6/16/2022 | 11:31 AM
6/18/2022 | 11:23 PM
6/18/2022 | 11:23 PM
6/18/2022 | 11:23 PM

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: cteveda@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 cteveda@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 cteveda@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 cteveda@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.