



CITY OF RIALTO
THE REGULAR MEETING MINUTES OF
PLANNING COMMISSION
August 30, 2017 - 6:00 p.m.

The Regular meeting of the Planning Commission of the City of Rialto was held in the City of Rialto City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Wednesday, August 30, 2017.

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This meeting was called by the presiding officer of the City of Rialto Planning Commission in accordance with the provisions of **Government Code §54956** of the State of California.

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CALL TO ORDER

Chair John Peukert called the meeting to order at 6:00 p.m.

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PLEDGE OF ALLEGIANCE

Commissioner Jerry Gutierrez led those present in the pledge of allegiance.

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ROLL CALL

Roll Call was taken by Planning Manager, Gina Gibson-Williams.

Present:

Chair: John Peukert
Vice Chair Frank Gonzalez (6:19PM)
Commissioner Al Twine
Commissioner Pauline Tidler
Commissioner Dale Estvander
Commissioner Jerry Gutierrez

Absent:

Commissioner Student, Maria Delgadillo
Commissioner Artist Gilbert

Also Present:

Associate Planner, Daniel Casey
Assistant Planner, Daniel Rosas
Contract Planner, Edgar Gonzalez
Administrative Assistant, Sheree Lewis
Project Manager, John Dutrey

ORAL COMMUNICATIONS

Chair Peukert asked if there were any oral communications from the audience not on the agenda.

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Gina Gibson-Williams and Sheree Lewis stated there are none.

**PLANNING
COMMISSION
MEETING MINUTES**

Chair Peukert announced that the next item on the agenda is Planning Commission Meeting Minutes.

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Motion by Commissioner Estvander, seconded by Commissioner Twine to approve the Amended version of July 12, 2017 meeting minutes.
All in favor, motion carried 5-0-2. Commissioner Gilbert abstained, Commissioner Gonzalez arrived late.

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Motion by Commissioner Estvander, seconded by Commissioner Twine to approve the July 26, 2017 meeting minutes as submitted.
All in favor, motion carried 5-0-2. Commissioner Gutierrez was absent, Commissioner Gonzalez arrived late.

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PUBLIC HEARINGS

Chair Peukert stated that the next item on the agenda is Public Hearings.

Gina Gibson-Williams introduced Associate Planner Daniel Casey to present a Power Point presentation along with the following oral report for Prologis;

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Mr. Casey greeted the Commission listing Tentative Parcel Map (TPM) No. 19407, Conditional Development Permit (CDP) No. 801, Variance (VAR) No. 713, and adoption of a Mitigated Negative Declaration pertaining to Environmental Assessment Review No. 16-05; a request to consolidate 7 parcels into 2 to facilitate the development of a 384,893 square foot building (Parcel 1 16.93 net acres) and an existing storm water detention basin of land (Parcel 2 6.30 net acres).

The project site is located on the east side of Tamarind Avenue, approximately 250 feet south of Walnut Avenue within the Planned Industrial Development (I-PID) zone of the Rialto Specific Plan.

Mr. Casey referenced to the Power Point presentation explaining the purpose for parcel 1 will be utilized for a Lowe's warehouse building. This building will be divided with office space, loading docks and warehouse space. The presentation illustrated elevations and landscape plans of the construction site, which is within the design guidelines. Site access will be two new entries from Tamarind Avenue, parking spaces requirement is met and trailer spaces exceed requirements.

Building height will be 51 feet although the zone maximum height is 35 feet, today's modern warehouses are created with additional height for equipment. Prologis has also constructed similar buildings exceeding the 35 feet maximum with approved Variances. Mr. Casey stated that staff recommends the approval of Variance 713 to increase the building height to 51 feet.

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It is estimated that \$2.2 Million in one-time fees will be collected from this project prior to the issuance of any building permits, along with building and plan check fees. The estimated annual revenue associated with this facility is \$73,500 from property, utility and sales tax.

This project was reviewed at the Development Review Committee, Transportation Committee, and the Planning Commission previously; all recommendations and corrections have been adhered to. No further environmental reviews are required, the 30-day Native American consultation period was held from September to October 2016, the Kitset Nation responded requesting the conditions of approval be listed in the resolution requiring a member of the Tribe to be onsite during grading.

The Staff recommends the adoption of Mitigated Negative Declaration for EAR No. 16-05, TPM No. 19407, CDP No. 801 and VAR 713.

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Chair Peukert asked if there were any additional questions for staff.

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Commissioner Tidler asked if in's and out's will be an issue at the facility?

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Mr. Casey replied no, the initial Traffic Study did not indicate any issues.

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Chair Peukert opened the Public Hearing, there were no comments.

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Commissioner Estvander moved to close the Public Hearing, Commissioner Twine seconded, all were in favor.

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Motion by Commissioner Estvander, seconded by Commissioner Twine to adopt Mitigated Negative Declaration (EAR No. 16-05), TPM No. 19407, CDP No. 801 and VAR 713, all subject to the conditions herein. All in favor, *motion carried 6-0-1.*

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Planning Manager, Gina Gibson-Williams stated that the next item on the agenda will be presented by Contract Planner, Edgar Gonzalez.

Edgar Gonzalez greeted the Commission and began his oral report for Conditional Development Permit No. 2017-0025, a request to allow the development of a 3,000 square foot Miguel's Jr. drive-thru (Pad C) on Parcel 26 of the Renaissance Marketplace (TPM No. 19779).

PUBLIC HEARINGS

The project site is located at the northwest corner of Renaissance Parkway and Ayala Drive within the Town Center zone of the Renaissance Specific Plan. The facility will have 56 parking spaces and 2 handicap parking spaces, along with a loading area and bike racks.

The elevations and exterior finishing of the facility meet the design guidelines and an initial preliminary review was held by the Development Review Committee. No further environmental studies are needed at this time.

Staff recommends that the Commission approve the development of a 3,000 square foot Miguel's Jr. drive-thru restaurant subject to the findings herein.

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Chair Peukert asked if there were any questions for City staff at this time.

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Commissioner Tidler asked what the handicap parking requirement is.

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Mrs. Gibson-Williams responded stating as the number of regular spaces increases, the handicap parking increases as well. Gina also offered to find out the building code details for the Commission.

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Commissioner Gutierrez asked about external building portraits?

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Mr. Edgar Gonzalez responded stating that this Commission body will not review the external building portraits.

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Chair Peukert opened the Public Hearing.

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Rick Manners of Lewis Retail Centers addressed the Commission and introduced the CEO of Miguel's Jr.

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Mr. Vasquez, CEO of Miguel Jr.

The external portraits are historical photos that are painted, digitized, then blown up to represent the community surrounding the restaurant. Each portrait is fastened to the building securely.

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PUBLIC HEARINGS

Commissioner Estvander moved to close the Public Hearing, seconded by Commissioner Twine, all were in favor and motion passes.

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Mrs. Gibson-Williams stated that she did find the handicap parking space requirements and reported the following;

Section 1858 of the Rialto Municipal code states; 5 - 40 parking spaces require 1 handicap parking space, 41-80 parking spaces requires 2 handicap parking spaces.

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Motion by Commissioner Twine, seconded by Commissioner Gonzalez to adopt the attached Resolution, exhibit E Conditional Development Permit No. 2017-0025, a request to allow the development of a 3,000 square foot Miguel's Jr. drive-thru subject to the conditions therein. All in favor, *motion carried 6-0-1.*

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Conditional Development Permit No. 2017-0028, a request to operate a discount general merchandise store within Renaissance Marketplace retail center.

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Assistant Planner Daniel Rosas approached the dais to deliver the following report for the retail store, 5 Below, with conditional development permit No. 2017-0028 requesting the operation of a discount general merchandise store in an 8,213 square foot inline tenant space within the Renaissance Marketplace retail center.

The overall project site map, TPM 19779, is finalized and this project will take place on parcel 8 which includes 2 buildings and the PPD has already been filed.

Zoning for the retail center is Town Center (TC). Total parking spaces for the establishment were also included on the overall site plan.

Mr. Rosas shared examples of the elevations that were submitted by the applicant.

The retail store caters to teens and pre-teens, and has 8 product categories including; style, room, sports, tech, craft, candy, electronics and more. All prices are within the bargain store costs. Hours of operation are 9AM-9PM Monday thru Saturday and 10AM-6PM on Sundays.

Pursuant to section 1866.030q in the Rialto municipal code, this discount merchandise store has filed their application on August 11, 2017. The

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Development Review Committee (DRC) had preliminary review of the item and forwarded recommendation to the Planning Commission for use, final action will be taken with the DRC in September following the Planning Commission's review.

The project meets and exceeds all TC zone requirements and design guidelines, also consistent with the goals 216 and 31 of the land use element of the General Plan. This project was previously analyzed in EAR 16-55 covers all environmental guidelines. Notices were sent to all residents within 300 feet of the project area.

It is staff's recommendation to adopt the resolution and approve the conditional development permit no. 2017-0028 to allow operation of the discount general merchandise store in an 8,213 square foot inline tenant space within the Renaissance Marketplace retail center subject to the conditions therein.

Mr. Rosas stated that the applicant Rick Manners is present for questions.

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Commissioner Tidler asked if all 5 Below stores are similar and, if they will all stay the same. After visiting the store in Fontana, she had a difficult time finding things and stated that lots of products were outside.

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Mrs. Gibson-Williams stated that the City's design guidelines does not currently allow sale of goods outside the store unless a permit is requested for one-day sidewalk sales.

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Applicant Rick Manners approached the dais with the following information in reference to the project;

The district manager, Doug Rice and real estate representatives were also present.

Doug Rice stated the following;

Merchandising outside is normal at 5 Below stores to educate people on the great products available for \$5 or less. Currently the other 14 Southern California stores allow sidewalk merchandising, but some do not due to City restrictions. Most products displayed are seasonal items, based on store location, seasonal items differ.

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PUBLIC HEARINGS

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Commissioner Tidler stated that she understands the marketing, but believes the sidewalk marketing is clutter.

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Commissioner Gonzalez asked how well the outdoor merchandise is selling.

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Mr. Rice stated that the receptiveness is high on the seasonal/now items.

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Chair Peukert opened the Public Hearing. No public comments.

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Commissioner Estvander moved to close the public hearing, seconded by Commissioner Twine, all in favor.

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Motion by Commissioner Tidler, seconded by Commissioner Estvander, to approve Conditional Development Permit No. 2017-0028, to allow the operation of a discount general merchandise store within the Renaissance Marketplace retail center at 1275 W. Renaissance Parkway subject to the findings herein. All in favor, *Motion carried* 6-0-1.

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Mrs. Gibson-Williams introduced Contract Planner, Edgar Gonzalez to present the next item, Parcel Map No. 2017-0004 (TPM 19806).

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Mr. Gonzalez greeted the Commission introducing Tentative Parcel Map 2017-0004 (TPM 19806), the request to allow the consolidation of four (4) parcels into two (2) parcels with approximately 69.71 acres of land to facilitate the development of a 1,099,046 square foot Monster Energy Distribution Center.

The project site is located at the north side of Miro Way between Locust Avenue and Linden Avenue within the Business Center (BC) zone of the Renaissance Specific Plan. Surrounding land uses are; to the north, building 5 which is under construction (BC) zone, to the east, vacant land zoned for medium density residential and utility public facilities, to the south, a logistics center and San Bernardino County offices zoned employment, and west, the Medline Distribution center (BC) zone all within the Renaissance Specific Plan.

Mr. Gonzalez displayed the map sites showing the parcels that will be considered for the project and explained which sections of each parcel will be consolidated. The applicant filed a covenant to hold the parcels as one which

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was recorded at the land closing. The City issued a Certificate of Compliance to facilitate the sale of property, the TPM has been filed to consolidate the lots permanently and the building is under construction. TPM 2017-0004 complies with all conditions and requirements specified in chapter 17.16 of the Municipal code.

On July 26, 2016, the City Council certified an amendment to the 2010 EIR for the Renaissance Specific Plan ER 16-33 in accordance with CEQA. On December 13, 2016 the City Council certified subsequent 16-55 for the Renaissance Specific Plan in accordance with CEQA, both the addendum and SEIR analyze the development of the proposed distribution center and no further review under CEQA is required for the project.

Staff recommends the Planning Commission to approve attached Resolution D, to approve Tentative Parcel Map 2017-0004, consolidating four parcels into two, to facilitate the development of a 1,099,046 square foot Monster Energy Distribution Center.

Mr. Gonzalez stated that the applicant is present and available for questions.

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Commissioner Estvander asked why the address for the applicant is 150 S. Palm, same as the City's address

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Mrs. Gina Gibson-Williams stated that when the project was originally filed, the property was still owned by the City, this information will be updated now that the exchange has taken place and the County Assessor's office will also update the official record.

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Chair Peukert opened the Public hearing. No public comments.

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Commissioner Twine moved to close the public hearing, seconded by Commissioner Estvander. All in favor.

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Motion by Commissioner Gonzalez, seconded by Commissioner Estvander to adopt Resolution D, to approve Tentative Parcel Map 2017-0004, consolidating four parcels into two, to facilitate the development of a 1,099,046 square foot Monster Energy Distribution Center, subject to the findings and conditions herein. All in favor, *Motion Carried* 6-0-1

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Assistant Planner, Daniel Rosas presented Conditional Development Permit No. 2017-0027.

PUBLIC HEARINGS

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Mr. Rosas presented the project located at 2091 W. Stonehurst Drive. The applicant Edward Monroy is requesting the Planning Commission to review and approve a Conditional Development Permit 2017-0027, to allow operation of an auto salvage yard on a 3.5 acre parcel of land at the address sited above.

Mr. Rosas distributed aerial images of the project site stating the site is in the Rialto Airport Specific Plan, zoned for General Manufacturing. This area was annexed into the City with existing properties.

The outside of the facility has an existing 7-8 foot screening wall around the perimeter. Two gates are existing as driveways, there are no street improvements existing from Alder to Locust on Stonehurst. Due to the previous County property status, Public Works states that the dedication required will be 32 half-width dedication, but 2091 has the dedication necessary but lacks improvements.

Parking requirements for the Rialto Municipal code is not currently met. Based on calculations, 8 spaces onsite are required and it appears that parking is taking place within the street dedication and 25 foot setback area of the property. Staff is recommending that required street improvements are deferred from this specific project until the City is capable of requiring all dedication. When the City does require all dedication, improvements will be adhered to and these conditions are listed in the Resolution.

The establishment existed prior to annexation into the City and does not have the proper land use required in the General Manufacturing Zone to operate a salvage yard. The applicant wants to eliminate the non-conforming status to expand as a new user and a new license under the City's guidelines and requirements. This property qualifies as an existing facility and notices have already been prepared.

Moving forward, the deferral of street improvements Agreement should be added into the Resolution as conditioned. Staff recommends the Planning Commission adopt Conditional Development Permit No. 2017-0027, to allow operation of an auto salvage yard on a 3.5 acre parcel of land at 2091 W. Stonehurst Drive.

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Commissioner Twine asked if there was another application for this project reviewed earlier this year?

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Mr. Rosas stated that there was other activity on Stonehurst, but not this specific property.

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Chair Peukert opened the Public Hearing. No public comments

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Commissioner Estvander moved to close the public hearing, seconded by Commissioner Twine. All in favor.

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Motioned by Commissioner Gutierrez, seconded by Commissioner Twine, to adopt the attached Resolution of approval for Conditional Development Permit No. 2017-0027 subject to the conditions and findings therein. All in favor, *Motion Carried 6-0-1.*

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PLANNING DIVISION
COMMENTS

Chair Peukert stated that the next item on the agenda is Planning Division Comments.

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Mrs. Gibson-Williams acknowledged staff for dedicating time towards the Renaissance Specific Plan projects and commended the extensive work and research required to write reports.

Regarding the tattoo facility in the Downtown area, Ms. Gibson-Williams addressed the employee complaints of witnessed loitering and consumption of alcoholic beverages at the tattoo shop. Ms. Gibson-Williams continued explaining the Commission's concerns for this behavior, and stated the Commission can wait until the 6 moth CDP review and use calls of service reports, or request the applicant to appear before the Commission as a discussion item.

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Chair Peukert stated that the main concern is this report was hearsay

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Commissioner Tidler stated there was no backup to the complaint and it was uncomfortable perusing disciplinary action because there was no information to justify the complaints.

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Ms. Gibson-Williams stated that there was activity in and around the facility, and Code Enforcement calls are confidential, plus the matter was reported by City staff.

The recommendation was to discuss only, not to schedule termination.

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Chair Peukert stated that he was not aware of this complaint coming from a Staff person.

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Ms. Gibson-Williams stated that in normal circumstances it would not be announced who reported the behavior.

Our next scheduled meeting will be September 15, 2017 and the agenda is expected to be full.

The housing element was approved by Housing and Community Development, when more time is available, new code amendments for Housing and Community Development mandates involving emergency and temporary housing will come before the Commission to be sure the City remains compliant.

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Planning Commission Comments.

PLANNING
COMMISSION
COMMENTS

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Commissioner Tidler on Locust near B and B plastics, there is a storage yard with cranes raised high above the block wall, it was her understanding that restrictions were in place for such storage items.

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Ms. Gibson-Williams replied; most facilities in the area were entitled prior to the outdoor storage ordinance and the site must comply with the precise plan of design and code amendment in place during the time of approval. This is a code enforcement issue now and staff will find out if this facility is compliant or not.

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Commissioner Tidler also stated that trucks are coming out of Casa Grande, travelling up alder turning onto mango where the truck then turned in at the Target distribution property. It is her understanding that these trucks should not be entering at the Mango entrance.

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Ms. Gibson-Williams stated that there were many Precise Plan of Design modifications throughout tenancy here due to multiple re-tenancies. The facility may be operating outside the original entitlement exceeding the CEQA document and this is an ongoing conversation that is being addressed. Our City attorney will be drafting an official letter to begin the conversation with Target and Other re-tenancy facilities in the same area.

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Commissioner Gutierrez asked if there is a permit for truck access at this entry.

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Mrs. Gibson-Williams stated there is a PPD condition that must be adhered to.

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Commissioner Gutierrez asked if the Commission can make a motion to bring this item back to the board for discussion.

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COMMENTS

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Mrs. Gibson-Williams stated a new Certificate of Occupancy should have been filed when operations were modified. She asked attorney Pam Lee if this item can be brought back for discussion.

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If it's evident that the PPD conditions were violated, the item would be revisited by the PPD board.

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Commissioner Gutierrez stated that the issues in this particular area should be addressed sooner than later, the community feels that the City is ignoring the issues and reports of street racing and unauthorized truck routes. In Fontana, street signs are in place to identified truck only routes.

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Mrs. Gibson-Williams stated that the multiple complaints are governed under different sections of the Municipal code and this ongoing discussion that will be addressed.

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Commissioner Gutierrez is concerned with safety and has sent video footage of people drag racing to the City, but nothing has been addressed yet. He doesn't want someone to be seriously hurt.

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City Attorney Pam Lee stated that this item should be agendized for further discussion, and City staff should review the PPD in place to determine if the facility use is fully compliant, or not. The municipal code will determine if the issue can be escalated to a higher committee.

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Commissioner Tidler stated that the issues are; unauthorized truck routes, and illegal street racing.

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Commissioner Gonzalez asked if cars are allowed to be parked on the grass areas

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Ms. Gibson-Williams stated that cars can only be stored on a paved driveway surface, not to be stored on the landscape or set-back areas.

ADJOURNMENT

Motion by Commissioner Twine seconded by Commissioner Gutierrez to adjourn the meeting. All in favor *Motion carried 6-0-1.*

The Regular Planning Commission meeting on Wednesday, August 30, 2017 adjourned at 7:21 p.m.

Sheree Lewis, Administrative Assistant
Planning Commission

John Peukert, Chair
Planning Commission