



# THE CITY OF RANCHO CUCAMONGA

THE REGULAR MEETING **MINUTES** OF

THE HISTORIC PRESERVATION COMMISSION

AND

THE PLANNING COMMISSION

**AUGUST 10, 2016 - 7:00 PM**

Rancho Cucamonga Civic Center  
COUNCIL CHAMBERS  
10500 Civic Center Drive  
Rancho Cucamonga, California

## I. CALL TO ORDER

Pledge of Allegiance

Roll Call

Chairman Oaxaca   X        Vice Chairman Macias   X  

Munoz   X        Wimberly   X        Fletcher   X  

*Additional Staff Present: Candyce Burnett, Planning Director; Steven Flower, Assistant City Attorney; Tom Grahn, Associate Planner; Donald Granger, Senior Planner, Brian Sandona, Associate Engineer; Dominick Perez, Associate Planner; Lois Schrader, Planning Commission Secretary; Jennifer Yoshida Office Specialist I; Nikki Cavazos, Assistant Planner*

## II. PUBLIC COMMUNICATIONS

*This is the time and place for the general public to address the Historic Preservation Commission or the Planning Commission on any item listed or not listed on the agenda. State law prohibits the Historic Preservation Commission or the Planning Commission from addressing any issue not previously included on the Agenda. The Historic Preservation Commission or the Planning Commission may receive testimony and set the matter for a subsequent meeting.*

*Comments are to be limited to five minutes per individual or less, as deemed necessary by the Chair, depending upon the number of individuals desiring to speak. All communications are to be addressed directly to the Historic Preservation Commission or Planning Commission, not to the members of the audience. This is a professional business meeting and courtesy and decorum are expected. Please refrain from any debate between audience and speaker, making loud noises, or engaging in any activity which might be disruptive to the decorum of the meeting.*

*None*



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## III. CONSENT CALENDAR/HISTORIC PRESERVATION COMMISSION AND PLANNING COMMISSION

- A. Consideration of regular meeting minutes dated July 13, 2016.
- B. Consideration of adjourned meeting/workshop minutes dated July 13, 2016.

*Moved by Wimberly, seconded by Fletcher, carried 5-0, to approve the Consent Calendar.*

## IV. PUBLIC HEARINGS/PLANNING COMMISSION

***The following items have been advertised and/or posted as public hearings as required by law. The Chairman will open the public hearing to receive testimony. All such opinions shall be limited to 5 minutes per individual for each project. Please sign in after speaking.***

- C. CONDITIONAL USE PERMIT DRC2015-01190 – FIEDLER GROUP FOR RALPHS FUEL CENTER - A proposal to modify previously approved Conditional Use Permit DRC2010-00348 to allow the construction of an extension of 1,200 square feet to the existing overhead canopy, and installation of two (2) new fuel dispensers, at a gas station within an existing shopping center in the Neighborhood Commercial (NC) District, Terra Vista Community Plan (TVCP) located at the northeast corner of Haven Avenue and Base Line Road; APN: 1076-481-25. Related files: Minor Design Review DRC2015-01191, Conditional Use Permit DRC2010-00348, and Development Review DRC2010-00348D. On March 9, 2011 a Mitigated Negative Declaration was adopted by the Planning Commission for Conditional Use Permit DRC2010-00348. California Environmental Quality Act Section 15162 (a) provides that no further environmental review or Negative Declaration is required for subsequent projects or minor revisions to projects within the scope of a previous Negative Declaration.
- D. MINOR DESIGN REVIEW DRC2015-01191 – FIEDLER GROUP FOR RALPHS FUEL CENTER - A proposal to construct an extension of 1,200 square feet to an existing overhead canopy, and install two (2) new fuel dispensers, to a gas station within an existing shopping center in the Neighborhood Commercial (NC) District, Terra Vista Community Plan (TVCP) located at the northeast corner of Haven Avenue and Base Line Road; APN: 1076-481-25. Related files: Conditional Use Permit DRC2015-01190, Conditional Use Permit DRC2010-00348, and Development Review DRC2010-00348D. On March 9, 2011 a Mitigated Negative Declaration was adopted by the Planning Commission for Development Review DRC2010-00348D. California Environmental Quality Act Section 15162 (a) provides



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that no further environmental review or Negative Declaration is required for subsequent projects or minor revisions to projects within the scope of a previous Negative Declaration.

*Nikki Cavazos, Assistant Planner, presented the staff report and Powerpoint presentation. She noted two proposed amended conditions placed before the Commissioners for their consideration (copy on file): delete the requirement for automatic fire sprinklers and also delete and reword #2: to read "Due to the condition to restripe the east leg of the intersection of Valencia Avenue at Haven Avenue, loops on the east leg shall be reinstalled per the City's latest project plans and specifications. The work shall include but is not limited to, Type D loops at the limit line, Type E loops elsewhere. Type D and Type E loops on separate detector channels, and new detector lead-in cables and detector cards for each added detector channel."*

*Commissioner Wimberly asked if the modifications to the site will improve circulation.*

*Ms. Cavazos said breaking up the linear planter and adding about 20 directional signs will improve circulation during peak hours.*

*Commissioner Fletcher asked if the arrows are between the pumps and if they are directional.*

*Ms. Cavazos reported that all the directional arrows will be painted on the pavement to improve circulation to and from the pumps.*

*Chairman Oaxaca opened the public hearing.*

*Ken Barton of the Fiedler Group representing the applicants said they accept the amended conditions. He noted they are also restriping on Valencia to improve the stacking problem.*

*Commissioner Fletcher informed Mr. Barton of needed improvements at the pumps such as replacing worn out key pads, lack of receipt paper and pump trigger issues and said the location is great but service at Costco is better.*

*Mr. Barton indicated these concerns are not part of the project but he would let corporate know. He said the problem with the pump trigger is due to the prior customer "topping off".*

*Chairman Oaxaca closed the public hearing.*

*Moved by Macias, seconded by Fletcher, carried 5-0 to adopt the Resolutions approving Conditional Use Permit DRC2015-01190 and Minor Design Review DRC2015-01191 with the amended conditions.*

- E. MUNICIPAL CODE AMENDMENT DRC2016-00616 – CITY OF RANCHO CUCAMONGA - A request to amend Titles 5, 9 and 17 of the Municipal Code to amend regulations regarding



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new and existing massage establishments. This item is exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA guidelines under CEQA section 15601.b.3. This item will be forwarded to the City Council for final action.

*Dominick Perez, Associate Planner, gave the staff report and Powerpoint presentation.*

*Commissioner Wimberly asked for clarification regarding the chain of authority with respect to the Titles 5 and 9 portions of the application.*

*Mr. Perez explained that before the use was A CUP which runs with the land and now the permit is being removed from running with the land and will run with the business operation which gives more authority for the City to revoke the permit if the business is not complying.*

*Steven Flower, Assistant City Attorney said the review prior to issuance of the permit will be at staff level. The City will no longer regulate it as a land use and it will not be under Commission review; the City now will regulate it as a business. He said it will be the same type of review and but regulated by another arm of the City.*

*Commissioner Wimberly said it seems the Commission is being by-passed and the Commission has been removed from the process. He said the process also seems a little muddled for Doctors to add the use to their practice.*

*Commissioner Fletcher asked if the owner can appeal if his permit is revoked and if a complaint comes in on a business, who would handle that.*

*Mr. Flower said there will still be regulated as a land use but the regulation will be more specific to the operator than the land use. He said a revocation is appealable to the City Manager. The permit review and decision to issue or not to issue a permit is made in the Planning Department, and the operator's expertise and background are reviewed. If the decision is appealed it goes to the City Manager or his designee and if they don't like the decision, they can file a lawsuit. He said other types of licenses and permits issued by the City that also follow this path. He said the Planning Director will handle the complaints on these business operations.*

*Chairman Oaxaca opened the public hearing and hearing and seeing no comment, closed the public hearing. He mentioned that there are specific conditions listed that would trigger suspension/revocation. He asked how the conditions will be tracked and if there will there be regular checks and if the conditions can be enforced.*

*Mr. Perez said there is a massage task force in place that conducts inspections to ensure compliance and would also work with other agencies if operators are working outside of good business standards. He said this new process is a work in progress.*



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*Mr. Flower said there is a provision in the new Title 5 found on page 22 of the agenda packet (Section 5.18.170) that provides for inspections. He noted that the State still certifies these individuals-and they can't practice without the certification. He said there is another level of review in that we can do a cross check with the State if we believe someone does not have the proper background. He said there is no feasible means to make sure all are up to date and current at all times but if complaints come in then we can start looking at other things that we might not look at in the initial application. He said the regular inspections gives us a chance to see the red flags.*

*Commissioner Fletcher said the State conducts a background check.*

*Mr. Flower said we confirm with the State if needed.*

*Moved by Wimberly, seconded by Fletcher, carried 5-0 to adopt the Resolution recommending approval of Municipal Code Amendment DRC2016-00616 by the City Council.*

- F. DEVELOPMENT CODE AMENDMENT DRC2016-00563 - CITY OF RANCHO CUCAMONGA - A supplement to Development Code Update DRC2010-00571 amending Title 17 (Development Code) of the Rancho Cucamonga Municipal Code to revise development standards for the Mixed Use (MU) District by removing maximum Floor Area Ratio (FAR) requirements. The City Council adopted a Negative Declaration of environmental impacts for this project on October 21, 2015. The California Environmental Quality Act provides that no further environmental review or Negative Declaration is required for subsequent projects or minor revisions to projects within the scope of a previous Negative Declaration. This item will be forwarded to the City Council for final action.

*Tom Grahm, Associate Planner gave the staff report and Powerpoint presentation.*

*Commissioner Fletcher asked what was the original intent and purpose to establish FAR.*

*Mr. Grahm said at the time it was to restrict the overall size of the development. He said we did not realize the full impact of the restriction and how it would affect the proposition of mixed use and marketability. In response to Commissioner Fletcher, he said the restriction affects parking, density, building height, landscape standards, setbacks etc.*

*Chairman Oaxaca summarized by noting it does not fit for mixed use development.*

*Mr. Grahm said this requirement would prevent the higher residential density and commercial component we are looking for along Foothill Boulevard.*



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*Commissioner Wimberly said it would essentially eliminate the residential component at a higher density.*

*Commissioner Munoz asked how this will impact parking for mixed use development and if it will require less, the same or more parking.*

*Mr. Grahn said will not require more parking. He said the parking requirement will still be tied to the number of bedrooms for the residential component and square footage for the commercial component. If an applicant comes in with more bedrooms per unit, then the parking calculation standard will trigger the need for more parking.*

*Chairman Oaxaca opened the public hearing and seeing and hearing no comment, closed the public hearing.*

*Moved by Wimberly, seconded by Macias, carried 5-0 to adopt the Resolution recommending approval of Development Code Amendment DRC2016-00563 by the City Council.*

## **V. COMMISSION BUSINESS/HISTORIC PRESERVATION AND PLANNING COMMISSION**

### G. INTER-AGENCY UPDATES

*None*

### H. COMMISSION ANNOUNCEMENTS

*None*

## **VI. ADJOURNMENT**

*7:50 PM*

*I, Lois J. Schrader, Planning Commission Secretary of the City of Rancho Cucamonga, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on August 4, 2016, at least 72 hours prior to the meeting per Government Code Section 54964.2 at 10500 Civic Center Drive, Rancho Cucamonga.*



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If you need special assistance or accommodations to participate in this meeting, please contact the Planning Department at (909) 477-2750. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility. Listening devices are available for the hearing impaired.

## INFORMATION FOR THE PUBLIC

### TO ADDRESS THE PLANNING COMMISSION

The Planning Commission encourages free expression of all points of view. To allow all persons to speak, given the length of the agenda, please keep your remarks brief. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. To encourage all views and promote courtesy to others, the audience should refrain from clapping, booing or shouts of approval or disagreement from the audience.

The public may address the Planning Commission on any agenda item. To address the Planning Commission, please come forward to the podium located at the center of the staff table. State your name for the record and speak into the microphone. After speaking, please sign in on the clipboard located next to the speaker's podium. It is important to list your name, address and the agenda item letter your comments refer to. Comments are generally limited to 5 minutes per individual.

If you wish to speak concerning an item *not* on the agenda, you may do so under "Public Comments." There is opportunity to speak under this section prior to the end of the agenda.

Any handouts for the Planning Commission should be given to the Planning Commission Secretary for distribution to the Commissioners. A copy of any such materials should also be provided to the Secretary to be used for the official public record.

All requests for items to be placed on a Planning Commission agenda must be in writing. Requests for scheduling agenda items will be at the discretion of the Commission and the Planning Director.

### AVAILABILITY OF STAFF REPORTS

Copies of the staff reports or other documentation to each agenda item are on file in the offices of the Planning Department, City Hall, located at 10500 Civic Center Drive, Rancho Cucamonga, California 91730. These documents are available for public inspections during regular business hours, Monday through Thursday, 7:00 a.m. to 6:00 p.m., except for legal City holidays.

### APPEALS

Any interested party who disagrees with the City Planning Commission decision may appeal the Commission's decision to the City Council within 10 calendar days. Any appeal filed must be directed to the City Clerk's Office and must be accompanied by a fee of \$2,597 for all decisions of the Commission. (Fees are established and governed by the City Council).

**Please turn off all cellular phones and pagers while the meeting is in session.**

**Copies of the Planning Commission agendas, staff reports and minutes can be found at [www.CityofRC.us](http://www.CityofRC.us).**



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