

**CITY OF FONTANA
PLANNING COMMISSION
REGULAR MEETING
JULY 3, 2012**

A regular meeting of the City of Fontana Planning Commission was held on Tuesday, July 3, 2012, in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, California. Chairperson Garcia called the meeting to order at 6:02 p.m. Following the Invocation given by Commissioner Meyer, the Pledge of Allegiance was led by Commissioner Cothran.

ROLL CALL

Present: Chairperson Garcia and Commissioners Cothran, Lee, and Meyer

Absent: Commissioner Hall

Also Present: Director Don Williams, AICP; Attorney Matthew Silver; Senior Planner Charles Fahie; Senior Planner Orlando Hernandez; Associate Planner Paul Gonzales; Associate Planner DiTanyon Johnson; Assistant Planner Jon S. Dille; Assistant Planner Shawnika Johnson; Associate Engineer Ricco Garay; Community Policing Technician Wendy Felshaw; City Clerk Tonia Lewis; and Planning Commission Secretary Ysela Aguirre, Adam Panos, Fire Marshall.

MINUTES:

MINUTES:

None.

NONE

PUBLIC FORUM:

PF

None.

NONE

CONSENT CALENDAR:

CC

None.

NONE

AGENDA INFORMATION:

AGENDA INFO

The Planning Commission reviewed an update of future City Council Agenda items for the July 10, 2012, and July 24, 2012, meeting for the Planning Commission's information; and an update of future Planning Commission items for the July 17, 2012, meeting for the Planning Commission's information.

CC

JULY 10, 2012

JULY 24, 2012

PC

JULY 17, 2012

Commissioner Meyer asked if there were no items for the August 7, 2012 meeting. The August 7, 2012 meeting was not listed on the memo.

Commissioner Cothran clarified that the "Auto Temporary Signs" item on

the July 24, 2012, City Council meeting is not the same item being heard at tonight's Planning Commission meeting. The item listed is an item moved forward from the Planning Commission for City Council approval.

PUBLIC HEARINGS:

1. A Public Hearing was opened regarding General Plan Amendment No. 11-002/Zone Change No. 11-002 and Design Review No. 11-003 (Cont'd from 6-5-12): Filed by the City of Fontana, to request adoption of a resolution recommending that the City Council: 1) Adopt a Statement of Overriding Considerations, Mitigation and Monitoring Program, and adopt the required findings; 2) Certify the Central Park Final Environmental Impact Report (FEIR); 3) Adopt a resolution approving General Plan Amendment No. 11-002, a request to amend the land use designation from Medium Density Residential (R-M) to Public Facilities (P-PF) on approximately 4.4 adjusted gross acres of property and from Single-Family Residential (R- SF) to Public Facilities (P-PF) on approximately 3.3 adjusted gross acres of property; 3) Adopt an ordinance approving Zone Change No. 11-002, a request to change the zoning district from Medium Density Residential (R-2) to Public Facilities (P- PF) on approximately 4.4 adjusted gross acres of property and from Single-Family Residential (R-1) to Public Facilities (P- PF) on approximately 3.3 adjusted gross acres of property; and, 4) Approve Design Review No. 11-003, for the construction of three soccer/football fields, a tot lot, restrooms and a concession stand. The project site is an irregularly-shaped property consisting of seven parcels (APNs: 0191-071-02, -03, -26, -27, -50, -52 and -54) totaling approximately 13.7 acres located on the west side of Cypress Avenue, approximately 500 feet south of Upland Avenue and extending west to Oleander Avenue and having an approximate frontage of 330 feet along Cypress Avenue and an approximate frontage of 205 feet along Oleander Avenue. Staff presentation was given by Project Planner Orlando Hernandez and staff recommended approval.

PH

PH-1

GPA NO. 11-002

ZC NO. 11-002

DR NO. 11-003

VOTE: 4-0

RESOLUTION:

PC 2012-06

Issues raised regarding an easement on the project have been resolved to the satisfaction of the property owner who raised the issue.

No member of the public spoke for or against the project.

The public hearing was closed.

A motion was made by Commissioner Meyer and seconded by Commissioner Lee to 1) Adopt Resolution No. PC 2012-06, and forward a recommendation to the City Council to adopt a Statement of Overriding Considerations, Mitigation and Monitoring Program, and adopt the

required findings and certify the Central Park Final Environmental Impact Report (FEIR); 2) Adopt a resolution approving General Plan Amendment No. 11-002, a request to amend the land use designation from Medium Density Residential (R-M) to Public Facilities (P-PF) on approximately 4.4 adjusted gross acres of property and from Single-Family Residential (R-SF) to Public Facilities (P-PF) on approximately 3.3 adjusted gross acres of property; 3) Adopt an ordinance approving Zone Change No. 11-002, a request to change the zoning district from Medium Density Residential (R-2) to Public Facilities (P-PF) on approximately 4.4 adjusted gross acres of property and from Single-Family Residential (R-1) to Public Facilities (P-PF) on approximately 3.3 adjusted gross acres of property; and, 4) Approve Design Review No. 11-003, for the construction of three soccer/football fields, a tot lot, restrooms, and a concession stand. Motion carried by a vote of 4-0.

2. A Public Hearing was opened regarding: **Tentative Parcel Map (TPM) No. 11-004 (TPM No. 15958) (Cont'd from 6-19-12)**: Filed by Roller City-Glendora, Inc. to request a tentative parcel map to subdivide an existing commercial shopping center consisting of one (1) lot of approximately 4.7 net acres into two (2) lots. The project site is an irregularly-shaped property consisting of one parcel (APN: 1100-771-08) totaling approximately 4.7 net acres, and is located at the southeast corner of Baseline Avenue and East Avenue, and having a frontage of approximately 170 feet on East Avenue. The project site is identified as 7391 East Avenue. Staff presentation was given by Project Planner Shawnika Johnson and staff recommended approval.

PH-2
TPM NO. 11-004
TPM NO. 15958

VOTE: 4-0

Discussion was held on emergency vehicle access. Staff is working with applicant and adjacent property owner to clear the access between the two sites. San Bernardino County Fire Department Fire Marshall Adam Panos supports the proposed emergency vehicle access. Community Policing Technician Felshaw is also supportive of the emergency vehicle access.

Discussion was held on the removal of the possibly unpermitted fence. The focus is on removal of the fence through legal enforcement mechanisms in place.

Speaking for the applicant, Tony Chado, asked that entitlements on the adjacent property be reviewed for lack of appropriate parking spaces. Mr. Chado added that there were hammer heads (on the "Jack in the Box" Shopping Center) to allow for emergency vehicles to turn around.

Speaking for the applicant, Chris Ehe, Environmental Hightech, provided information on the approved parcel map and confirmed Mr. Chado's

statement regarding the hammer heads. Director Williams thanked Mr. Ahe for the information and stated that Ms. Johnson is reviewing old case files for more information.

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

The public hearing was closed.

A motion was made by Commissioner Cothran and seconded by Commissioner Meyer to 1) Determine that the project is Categorically Exempt pursuant to CEQA Section NO. 15315 (Class 15, Minor Land Divisions); and, 2) Approve Tentative Parcel Map No. 15958 (TPM No. 11-004) with revised Condition No. 3. Motion carried by a vote of 4-0.

3. A Public Hearing was opened regarding: **Conditional Use Permit**

No. 12-010 (Master Case No. 12-015): Filed by the City of Fontana Economic Development and Al Mazal of Alfredo's Italian Restaurant to request a Conditional Use Permit (CUP) No. 12-010 for review and approval of a new CUP for Alfredo's Italian Restaurant for the use of alcohol sales within an existing building. The CUP will operate in conjunction with an Alcoholic Beverage Control (ABC) Type 41 (On-Sale Beer and Wine for a Bona Fide Public Eating Place) license for the restaurant. The project site is a rectangularly-shaped property consisting of two parcels (APN: 0192-151-07, and -08) of approximately 6,000 square feet located approximately 200 feet north of the intersection of Orange Way and Sierra Avenue and having a frontage of approximately 60 feet on the east side of Sierra Avenue and having a depth of approximately 100 feet. The site is further identified as 8651 Sierra Avenue. Staff presentation was given by Project Planner Paul Gonzales and staff recommended approval.

PH-3

CUP NO. 12-010

MC NO. 12-015

VOTE: 4-0

Discussion was held on the maintenance of the trash enclosure. Restaurant owner is responsible for the maintenance.

Discussion was held on rear door access, parking availability and lighting of the parking lot. Director Williams will notify Chuck Hayes to see if anything can be done about the lighting.

Condition No. 5 on page E3-11 of staff report indicates that the rear door is an emergency exit. It should state "north rear door". Condition number 5 was changed to indicate that the north rear door is designated as an emergency exit.

Speaking for the applicant, Alan Mazal, Lisa Mazal, and Attorney Carrie Raven. Applicant stated that parking is imperative to his business and there is parking in the rear.

Applicant read, understood and agreed to the conditions of approval with the exception of Condition No. 6 regarding the hours of operation and Condition No. 19 regarding live entertainment.

Discussion was held on previous conditions of approval for live entertainment. Director Williams recommended the Planning Commission continue this item to the end of the meeting to allow staff to convene with the applicant on a condition that satisfies both parties.

Applicant agreed for this item to be continued to the end of the meeting.

A motion was made by Commissioner Meyer and seconded by Commissioner Cothran to continue this item to the end of tonight's public hearing agenda. Motion carried by a vote of 4-0.

The public hearing was re-opened at 8:15 p.m.

Condition No. 6 was changed to reflect the hours of operation to be from 11:00 a.m. to 11:00 p.m.

Condition No. 19 was changed to read as follows: "The business owner/licensee or management may allow occasional, incidental live entertainment only between the hours of 6:00 p.m. and 11:00 p.m. This shall occur at a maximum of six (6) times in a single month. Entertainment shall not occur more than two (2) days consecutively. The incidental live entertainment may be a solo artist, duo, trio, or a quartet to provide background music for the restaurant. The incidental live entertainment shall not be used as promotional event, but shall be intended solely for the enjoyment of restaurant patrons."

Applicant agreed to the changes to Conditions No. 5, 6 and No. 19.

The public hearing was closed.

A motion was made by Commissioner Meyer and seconded by Commissioner Lee to 1) Direct staff to file a Notice of Exemption; and, 2) Approve Conditional Use Permit No. 12-010 with changes to conditions No. 5, 6 and No. 19 as noted. Motion carried by a vote of 4-0.

4. A Public Hearing was opened regarding: **Conditional Use Permit No. 12-014:** Filed by Mr. Scott Hampton to request a revision to the existing Sunrise Ford freeway sign to update the existing sign and increase the sign area to approximately 1,173 square feet. The project site is an irregularly-shaped property consisting of three (3) parcels (APNs: 0235-221-47, -52, and -53) of approximately 16.6 gross acres located at the southwest corner of Valley Boulevard and Citrus Avenue and having a frontage of approximately 1,094 feet on the south side of Valley Boulevard and a frontage of approximately 1,034 feet on the west side of Citrus Avenue. The project site is also known as 16005 Valley Boulevard. Staff presentation was given by Project Planner DiTanyon Johnson and staff recommended approval.

PH-4
CUP NO. 12-014
VOTE: 4-0

No communication was received for or against the project.

Discussion was held on the size of the sign.

Discussion was held on the electronic message board's video capability.

Associate Engineer Ricco Garay provided an update on the Citrus Avenue Interchange that is under construction and on schedule and the Duncan Canyon Interchange that has just been funded.

Speaking for the applicant, James Bruncati, stated that the sign is a full color electronic sign that meets Caltrans regulations and screen will not change more than every four seconds. Displays will be for on premise advertising; the sign is video capable, but only still images will be displayed.

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

No member of the public spoke in favor or opposition.

The public hearing was closed.

A motion was made by Commissioner Lee and seconded by Commissioner Cothran to 1) Determine the project is Categorically Exempt pursuant to Section No. 15301, Class No. 1 (Existing Facilities), of the California Environmental Quality Act; and, 2) Approve Conditional Use Permit No. 12-014, subject to the attached Findings and Conditions of Approval. Motion carried by a vote of 4-0.

5. A Public Hearing was opened regarding: Conditional Use Permit No. 12-013/Conditional Use Permit No. 12-017 (Planning Case No. 08-004): Filed by Mr. Richard Tess, Boston's Gourmet Pizza and Sports Bar to request a Conditional Use Permit (CUP) No. 12-013 to review a new CUP for a previously approved restaurant (Boston's Gourmet Pizza and Sports Bar) of approximately 6,410 square feet and a patio area of approximately 1,975 square feet, totaling approximately 8,385 square feet, to operate in conjunction with a new California Department of Alcoholic Beverage Control (ABC) Type 47 (On-Sale General for Bona Fide Public Eating Place) license. The project site is an irregularly-shaped property consisting of one parcel (APN: 1119-221-45) of approximately 1.0 adjusted gross acres and is located on the northeast corner of the intersection of State Highway 210 off-ramp and Sierra Avenue, and having a frontage of approximately 139 feet on the north side of State Highway 210 off-ramp and a second frontage of approximately 104 feet along the east side of Sierra Avenue. The site is further identified as 16927 Sierra Lakes Parkway. Staff presentation was given by Project Planner Jon S. Dille and staff recommended approval.

PH-5
CUP NO. 12-013
CUP NO. 12-017
PC NO. 08-004
VOTE: 3-1

Commissioners Meyer and Cothran disclosed having spoken to the applicant for general information.

Discussion was held on staff's recommendation regarding finding of "Public Convenience and Necessity". This area is not over concentrated and this finding is not needed.

Discussion was held on the hours of operation.

Speaking for the applicant, Richard Tess, expects to open on September 1, 2012. This is a full service dining experience with, fine dining and entertainment for sports enthusiast.

Applicant read, understood and agreed to the conditions of approval except for the condition on the hours of operation. Mr. Tess stated that the 9:00 a.m. to 12:00 a.m. hours of operation were guidelines set by their corporate office. Commissioner Meyer stated that he was familiar with Boston's in another state and they have shortened hours of operation during the week.

No member of the public spoke in favor or opposition.

The public hearing was closed.

Discussion was held on a possible trial run on the extended hours of operation with a report every six months for two years; it is easier to request a modification to the CUP versus revoking a CUP.

Discussion was held on approving the extended hours of operation with a condition built in that if there are too many Police Department calls for service, then it reverts back to 12:00 a.m. Attorney Silver stated that it would still require due process.

The public hearing was re-opened.

Discussion was held on information shared at a multi-city task force regarding the Boston's Pizza in Rancho Cucamonga and the calls for service.

Discussion was held on the Police Department supporting extended hours of operation with a period of regular reports for review.

Discussion was held on nearby restaurant businesses and their hours of operation. Applicant stated that Boston's Pizza serves food and beverages until 2:00 a.m.

Applicant stated that he would agree to periodic reports every six months if that is required for approval.

Discussion was held on the applicant being able to close by 2:00 a.m. if they are still serving until that time.

The public hearing was closed.

The public hearing was re-opened.

Speaking in favor of the project, Shawn Lim, (father of the business owner) stated that the last call for alcoholic beverages is approximately 1:20 a.m. with no drinks served after 1:30 a.m., and all glasses picked up at 1:45 a.m. Mr. Lim stated that they had no intention of making the business a night club. Mr. Lim stated that with no disrespect to Policing Technician Felshaw, but there were discrepancies in her report on the Boston's in Rancho Cucamonga. Mr. Lim stated that Applebee's hours are posted as closing at 1:00 a.m.

Discussion was held on minors being allowed in after 10:00 p.m.

Discussion was held on possible options for extended hours of operation.

The public hearing was closed.

Discussion was held on separate hours of operation for restaurant and for sports bar. It is difficult to enforce separate hours of operation.

Discussion was held on cutting off sales at 1:00 a.m. and providing a report every six months.

A motion was made by Commissioner Cothran to extend the hours of operation until 2:00 a.m. The motion was not seconded. The motion did not receive a second and was therefore removed from the floor.

Staff was given direction to provide reports every six months for two years to give the applicant an opportunity to petition to extend the hours of operation.

A motion was made by Commissioner Meyer and seconded by Commissioner Lee to 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301, Class No. 1 (Existing Facilities), of the California Environmental Quality Act; and 2) Approve Conditional Use Permit No. 12-013, subject to the attached findings and conditions of approval, and, 3) Approve Conditional Use Permit No. 12-017 subject to the attached finding and conditions of approval, and direct staff to file the Notice of Exemption with a change to Condition No. 4 to extend the hours of operation to close at 1:00 a.m. Motion carried by a vote of 3-1 with Commissioner Cothran opposing.

OTHER COMMISSION BUSINESS:

OCB

None.

NONE

STAFF REPORTS:

SR

None.

NONE

DIRECTOR REPORT:

DR

Director Williams reported that the next Planning Commission meeting will open in the Grover W. Taylor City Council Chambers then the Commission will travel to Kaiser Hospital for a tour of the new facility.

KAISER
FACILITY TOUR

COMMISSION COMMENTS:

COMMENTS

Commissioner Cothran wished all citizens of Fontana a safe 4th of July.

COTHRAN

Commissioner Cothran asked for tonight's meeting to be adjourned in memory of Hazel Putnam, Historical Society member.

Commissioner Lee encouraged everyone to have a wonderful 4th of July **LEE** and to honor all of those who have given their lives for democracy and freedom.

Commissioner Lee encouraged everyone to keep with the safe and sane fireworks.

Commissioner Lee wished everyone a good evening.

Commissioner Lee wished her granddaughter Casey a happy birthday.

Commissioner Meyer wished everyone an extremely great Independence **MEYER** Day and reminded everyone to remember our blessings in this country.

Commissioner Meyer encouraged everyone to celebrate safely and sanely.

Commissioner Meyer announced that the City was awarded \$20 million for the Duncan Canyon Interchange and anticipate ground breaking in the fall.

Commissioner Meyer said goodbye to the clergy of Sacred Heart that are leaving the church and welcomed new clergy.

City Clerk Lewis wished everyone a happy and safe Independence Day. **LEWIS**

Chairperson Garcia wished everyone a happy and safe Independence **GARCIA** Day.

PUBLIC FORUM

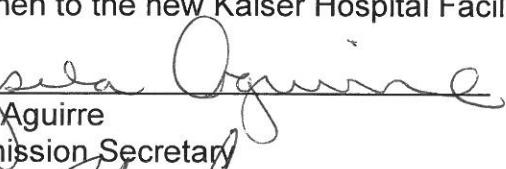
PF
NONE

None.

ADJOURNMENT

ADJOURN
8:25 P.M.

By consensus, the Planning Commission adjourned in memory of Hazel Putnam at 8:25 p.m. to the regularly scheduled Planning Commission Meeting on Tuesday, July 17, 2012, in the Grover W. Taylor City Council Chambers, located at 8353 Sierra Avenue, Fontana, California at 6:00 p.m. then to the new Kaiser Hospital Facility.


Ysela Aguirre
Commission Secretary


Peter Garcia
Chairperson