

CITY OF FONTANA
PLANNING COMMISSION
REGULAR MEETING MINUTES
MARCH 5, 2013

A regular meeting of the City of Fontana Planning Commission was held on Tuesday, March 5, 2013, in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, California. Chairperson Garcia called the meeting to order at 6:03 p.m. Following the Invocation given by Commissioner Hall, the Pledge of Allegiance was led by Commissioner Cochran.

ROLL CALL

Present: Chairperson Garcia and Commissioners Cochran and Hall

Absent: Commissioner Meyer

Also Present: Director Don Williams, AICP; Attorney Alison P. Gomer; Assistant Planner Jon S. Dille; Assistant Planner Shawnika Johnson; Clerk Tonia Lewis; and Planning Commission Secretary Ysela Aguirre

SWEARING IN OF NEW PLANNING COMMISSIONER:

New Planning Commissioner, Matthew Slowik was sworn in by City Clerk Tonia Lewis and joined the Planning Commission on the dais in his new capacity.

SWEARING IN

COMM. SLOWIK

PUBLIC COMMUNICATION:

None.

PC

NONE

CONSENT CALENDAR:

None.

CC

NONE

PUBLIC HEARINGS:

PH

- A. A Public Hearing was opened regarding: **Conditional Use Permit No. 12-045:** Filed by Damian Herrera, Ace Personal Loans, The applicant is requesting that the Planning Commission review and approve Conditional Use Permit No. 12-045, to establish and operate a full service pawn shop, including: traditional pawn transactions, auto title loans, auto pawn loans, and the buying/selling of firearms and other items, within Suite No. 900, of approximately 2,390 square foot, of an existing building. The

PH A
CUP NO.
12-045

VOTE: 4-0

project site is an irregularly-shaped property consisting of one parcel (APN: 1110-491-10) of approximately 1.7 adjusted gross acres located approximately 580 feet west of the northwest corner of the intersection of Foothill Boulevard and Hemlock Avenue, and having a frontage of approximately 330 feet on the north side of Foothill Boulevard and a depth of approximately 227 feet. The site is further identified as 14976 Foothill Boulevard. Staff presentation was given by Project Planner Jon S. Dille.

Director Williams added that the sale of firearms also requires approval by the Police Department and other licensing agencies.

Discussion was held on the applicant needing approval of this CUP in order to get approval from the Police Department and Alcohol Tobacco and Firearm (ATF) to sell firearms.

Discussion was held on Conditions No. 10 and No. 12 restating what is required by law.

Policing Technician Wendy Radcliff stated that the applicant is in the process for approval from ATF and the Police Department is in support of the ATF request. The applicant cannot sell or acquire any firearms until licensing is complete.

Speaking for the applicant, Sal Briguglio stated that the applicant has tentative ATF approval. Once the CUP is approved, he can go complete the licensing process. The applicant has been in this business since 2007 and it is heavily regulated. The applicant commended staff on being exceptionally professional, welcoming and cooperative.

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

Discussion was held on the change to the hours of operation.

Speaking for the applicant, Damian Herrera stated that the hours of operation are being changed to allow flexibility and to accommodate appointments for clients. Applicant is ready to fully cooperate with the Fontana Police Department.

Applicant stated that the business will not be an auction house; it will be a second hand retail sales business.

Commissioner Cothran disclosed that he met with the applicant and toured the facility with no reportable action.

Applicant stated that this business provides collateral based personal

property loans. It provides a method to provide loans on assets in a banking type atmosphere, as well as a retail side that will consist of jewelers and high end personal property.

Discussion was held on the storage of vehicles; applicant has an agreement with a storage facility to store vehicles. There will not be any property kept outside. Protocol is in place to notify law enforcement of exact location of any vehicles.

Discussion was held on the pawn transaction following the traditional method with pawn tickets.

Discussion was held on the Fontana Police Department regulating the sale of firearms.

Discussion was held on the security needs of the business. At this time, there is no need for security; crime prevention will be addressed with Fontana Police Department.

No member of the public spoke in favor or opposition to this project.

The public hearing was closed.

Discussion was held on the CUP running with the land; if applicant moves to another location, another standard pawn shop business could move into the property and use the same CUP. If another business owner moved in, they would still be required to meet all licensing requirements of the ATF and Fontana Police Department.

Discussion was held on performance standards being met via free software programs available to pawn shops, with older pawn shops using other methods. The program is new and with technology, it is updated. The condition is not specific as to what program the applicant must use, only that it be maintained and up to date.

A motion was made by Commissioner Cothran and seconded by Commissioner Slowik to 1) Determine that the project is Categorically Exempt pursuant to Section 15301, Class 1 (Existing Facilities) of the California Environmental Quality Act, and; 2) Approve Conditional Use Permit No. 12-045, subject to the attached Findings and Conditions of Approval, and direct staff to file the Notice of Exemption. Motion carried by a vote of 4-0

B. A Public Hearing was opened regarding: Administrative Site Plan No. 12-036 Conditional Use Permit No. 12-031. Filed by Leonard H. Lundin. The applicant requests approval for increased sign area

**PH B
ASP NO. 12-036
CUP NO. 12-031**

and height for the proposed retail use. Administrative Site Plan No. 12-036: The applicant requests approval for exterior façade improvements to accommodate a proposed retail use. The project site is an irregularly-shaped property consisting of one (1) parcel (APN: 0194-451-14) of approximately 5.9 acres, and is located approximately 556 feet east of Sierra Avenue, and having a frontage of approximately 45 feet on the south side of Valley Boulevard. The project site is also identified as 17059 Valley Boulevard Suite D - 17069 Valley Boulevard, Suite A within the Valley Vineyard Shopping Center. Staff presentation was given by Project Planner Shawnika Johnson.

VOTE: 4-0

Discussion was held on the size of the sign being larger than the standard and other businesses in the area having similar size signs. Due to the age of some of the signs, staff was unable to locate exact signage dimensions.

Speaking for the applicant, Herb Lundin, spoke on the Food 4 Less sign being two inches higher than the proposed signage for dd's Discounts. Kmart's sign is comparable to his proposed sign size.

Commissioner Cothran disclosed that he has known the applicant for about 25 years.

Discussion was held on signage facing the freeway on the south side. The only request before the Planning Commission is for front facing signage.

Discussion was held on the sign code in existence now was not in existence 30 years ago when the commercial center was originally permitted. Language in the code allows applicants to request increased signage size with a conditional use permit application. The Sign Code does not have any specific measurements to increase sign area and/or height.

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

No member of the audience spoke in favor or opposition.

The public hearing was closed.

The word "residential" on Condition No. 2 on pages 35 and 37 will be changed to "commercial".

A motion was made by Commissioner Slowik and seconded by Commissioner Hall to 1) Determine that the project is Categorically

Exempt pursuant to Section 15301, Class 1 of the California Environmental Quality Act (CEQA), and direct staff to file a Notice of Exemption; and, 2) Approve Conditional Use Permit No. 12-031 and Administrative Site Plan No. 12-036, subject to the attached findings and conditions of approval with a correction to change "residential" to "commercial" on Condition No. 2 on pages 35 and 37. Motion carried by a vote of 4-0.

C. A Public Hearing was opened regarding: **Conditional Use Permit (CUP) No.12-039/Conditional Use Permit (CUP) No.12-040** Filed by Leonard H. Lundin. The applicant requests approval for a Type 41 Alcohol Beverage Control (ABC) license for an existing restaurant/arcade. Per the City of Fontana Zoning and Development Code ("Chapter 30"), an approved CUP is required for ABC Licensed establishments. Conditional Use Permit (CUP) No. 12-040: The applicant requests approval to expand the footprint of an existing restaurant/arcade establishment. Per Chapter 30, an approved CUP is required for an arcade. The project site is an irregularly-shaped property consisting of one (1) parcel (APN: 0194-451-14) of approximately 5.9 acres, and is located approximately 556 feet east of Sierra Avenue, and having a frontage of approximately 45 feet on the south side of Valley Boulevard. The project site is also identified as 17069 Valley Boulevard, Suites A-D within the Vineyard Valley Shopping Center. Staff presentation was given by Project Planner Shawnika Johnson.

PH C
CUP NO. 12-039
CUP NO. 12-040
VOTE: 4-0

Discussion was held on the over concentration designation process by ABC. This project is in a predominately commercial tract and may be why it is considered over concentrated.

Discussion was held on establishments outside of city limits/jurisdiction, but within the county area not being considered as part of the over concentration.

A typographical error was found on the Fontana Police Department report, "Type 47" should read "Type 41".

Policing Technician Wendy Radcliff noted that there have been no alcohol related calls in the past year for Chuck E. Cheese.

Commissioner Cothran disclosed that he met with the applicant and had no reportable action.

Speaking on behalf of the tenant, Chuck E. Cheese is property owner and applicant, Herb Lundin.

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

Discussion was held on the requirements for the CUP for alcohol related sales were established in 1995; Chuck E. Cheese was in business since 1985 with an ABC license issued by the State of California. The CUP was grandfathered, but since the business is now intensifying its use by expanding, it loses its grandfathered status and must now have the CUP approved.

Planner Johnson stated that this project would be considered a legal non-conforming use, but now that it is expanding and its use intensifying, the applicant must request a CUP to meet current code and be approved for an ABC license.

Discussion was held on Mr. Lundin speaking on behalf of the tenant, Chuck E. Cheese to accept the conditions of approval. Mr. Lundin is the property owner and Chuck E. Cheese is the tenant. The CUP will run in perpetuity of the land.

Director Williams stated that if the Planning Commission did not approve this CUP, the applicant could decide not to expand and would remain in legal non-conforming status.

No member of the audience spoke in favor or opposition.

The public hearing was closed.

A motion was made by Commissioner Hall and seconded by Commissioner Cothran to 1) Determine that the project is Categorically Exempt pursuant to Section 15301, Class 1 of the California Environmental Quality Act (CEQA), and direct staff to file a Notice of Exemption; 2) Make a finding of Public Convenience or Necessity; and, 3) Approve Conditional Use Permit Nos. 12-039 and 12-040. Motion carried by a vote of 4-0.

DIRECTOR COMMUNICATIONS:

DC

Director Williams introduced new Assistant City Attorney, Allison P. Gomer, who will sit on the Planning Commission.

**ASSIST. CITY
ATTORNEY**

Director Williams thanked the Planning Commissioners for their service and congratulated the newly appointed/reappointed Commissioners.

**REAPPOINT
COMM**

Director Williams announced that there are no items anticipated for the April 2, 2013, Planning Commission agenda and suggested a workshop on "Development 101". Consensus was to have a workshop. Director

**APRIL 2, 2013
WORKSHOP**

Williams will bring a list of topics to the next Planning Commission meeting.

Director Williams suggested agendizing the selection of Planning Commission officers at the April 2, 2013, Planning Commission meeting, and then adjourning to the workshop.

Director Williams thanked the Planning Commissioners for their patience on working with the new agenda formatting that still requires further reformatting. The new software on www.fontana.org allows all the information on all the cases being heard to be posted.

**ELECTION OF
COMMISSION
OFFICERS
NEW AGENDA
FORMAT**

AGENDA INFORMATION:

AGENDA INFO

The Planning Commission reviewed an update of future City Council Agenda items for the March 12, 2013, meetings for the Planning Commission's information; and an update of future Planning Commission items for the March 19, 2013, meeting for the Planning Commission's information.

**CC
MAR 12, 2013

PC
MAR 19, 2013**

COMMISSION COMMENTS:

COMMENTS

Commissioner Hall spoke on her attendance at Planning Commissioner's Academy.

HALL

Commissioner Hall thanked the City Council for her reappointment.

Commissioner Hall wished former Commissioner Carole Lee well and hopes to see her around in the community.

Commissioner Hall appreciates building new relationships with Rancho Cucamonga and Ontario.

Commissioner Hall wished everyone a good evening.

Commissioner Cothran enjoyed the practical Planning Commissioner's Academy training and appreciated attending.

COTHRAN

Commissioner Cothran thanked former Commissioner Carole Lee for her 11 years of service on the Planning Commission.

Director Williams announced that former Commissioner Lee will be recognized at the March 26, 2013, City Council meeting.

Commissioner Cothran welcomed Commissioner Slowik back to the Planning Commission.

Commissioner Cothran welcomed new Assistant City Attorney Allison Gomer.

Commissioner Slowik welcomed new Assistant City Attorney Allison Gomer and wished her a long and prestigious career.

SLOWIK

Commissioner Slowik thanked the City Council for his reappointment to the Planning Commission.

Commissioner Slowik thanked City Clerk Tonia Lewis for swearing him in.

Commissioner Slowik thanked former Commissioner Carole Lee for her service to the Planning Commission.

Commissioner Slowik spoke on being fortunate to be the local representative for the I10 and I15 Corridors. He will report progress to the community.

Commissioner Slowik thanked everyone for welcoming him back to Planning Commission.

City Clerk Lewis welcomed attorney Allison Gomer.

LEWIS

City Clerk Lewis wished former Commissioner Carole Lee well and will miss her.

City Clerk Lewis announced that applications are going out now for the Fontana Days Parade and they need to be submitted early. She can be reached at 909.3250.7655 or tlewis@fontana.org for information.

City Clerk Lewis announced that businesses are being offered an opportunity to purchase a 3x5 foot banner for \$500 to be posted on the perimeter fence of the Fontana Days Carnival.

Commissioner Garcia welcomed Ms. Gomer and looks forward to working with her.

GARCIA

Commissioner Garcia thanked Mayor Warren and the City Council for his reappointment to the Planning Commission; he is doing his best to serve the City.

Commissioner Garcia invited everyone to come out to Center Stage Theater's Thursday night event, Noches con Ritmo. He attended on

Valentine's Day with his wife and enjoyed a nice venue, good live band and dj music. Council Member Wibert was also in attendance and they all had a great time.

Commissioner Garcia participated in the Fontana Community Little League Opening Day event and thanked the Fontana Police Department Association for their sponsorship.

Commissioner Garcia thanked Mayor Warren and City Council members Tahan, Wibert, and Roberts for attending the opening day ceremony.

Commissioner Garcia thanked former Commissioner Carole Lee for her service on the Planning Commission; she served quite some time and served the community well. He learned from her and wished her well.

PUBLIC FORUM

PF


None.


NONE

ADJOURNMENT

**ADJOURN
7:54 P.M.**

By consensus, the Planning Commission adjourned at 7:54 to the next Regular Planning Commission meeting on Tuesday, March 19, 2013, at 6:00 p.m. in the Grover W. Taylor City Council Chambers, located at 8353 Sierra Avenue, Fontana, California.


Ysela Aguirre
Commission Secretary


Peter Garcia
Chairperson