

**CITY OF FONTANA
PLANNING COMMISSION
REGULAR MEETING
AUGUST 21, 2012**

A regular meeting of the City of Fontana Planning Commission was held on Tuesday, August 21, 2012, in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, California. Chairperson Garcia called the meeting to order at 6:05 p.m. Following the Invocation given by Commissioner Lee, the Pledge of Allegiance was led by Commissioner Meyer.

ROLL CALL

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

Absent: None

Also Present: Director Don Williams, AICP; Attorney Matthew Silver; Senior Planner Stephanie Hall; Associate Planner DiTanyon Johnson; Associate Engineer Ricardo Garay; Community Policing Technician Wendy Felshaw; City Clerk Tonia Lewis; and Planning Commission Secretary Ysela Aguirre

MINUTES:

A motion was made by Commissioner Meyer and seconded by Commissioner Hall to approve the minutes of the June 19, 2012, Planning Commission Meeting with a correction to page 2 regarding the fence that divides the property and not "separates the two lots" by a vote of 5-0.

MINUTES:

**JUN 19, 2012
VOTE: 5-0**

PUBLIC FORUM:

None.

PF

NONE

CONSENT CALENDAR:

None.

CC

NONE

AGENDA INFORMATION:

The Planning Commission reviewed an update of future City Council Agenda items for the August 28, 2012; September 11, 2012; and September 25, 2012, meetings for the Planning Commission's information; and an update of future Planning Commission items for the September 4, 2012, and September 18, 2012, meetings for the Planning Commission's information.

AGENDA INFO

**CC
AUG 28, 2012
SEPT 11, 2012
SEPT 25, 2012
PC
SEPT 4, 2012
SEPT 18, 2012**

PUBLIC HEARINGS:

PH

1. A Public Hearing was opened regarding: **Conditional Use Permit No. 12-009/Administrative Site Plan No. 12-012 and Tentative Parcel Map No. 19387**: Filed by Jian Torkan, ICO Real Estate Group, Inc., to request an Administrative Site Plan to demolish a portion of the existing building on-site, and rehab and utilize the remaining portion for a proposed 7-Eleven Convenience store of approximately 2,800 square feet and an approximately 1,000 square foot retail suite, including a proposed drive-up Chase ATM and four (4) charging stations for electric vehicles. The project also includes a Conditional Use Permit to have a Type "20" Alcoholic Beverage Control (ABC) License and a Tentative Parcel Map request to merge the existing four (4) parcels into one (1) parcel. The project site is an irregularly-shaped property consisting of four parcels (APN: 0191-271-10 through 14) of approximately 1.3 gross acres located on the southeast corner of Arrow Boulevard and Juniper Avenue and having a frontage of approximately 136 feet on the south side of Arrow Boulevard and a frontage of approximately 99 feet on the east side of Juniper Avenue. Staff presentation was given by Project Planner DiTanyon Johnson.

PH-1

CUP NO. 12-009

ASP NO. 12-012

TPM NO. 19387

VOTE: 3-2

Communication was received from the property owner in support of this project. A copy of the communication was provided at the dais.

Police Technician Wendy Felshaw provided at the dais statistics on reported crimes in the area.

Director Williams added that at the Planning Commission's direction, he met with the applicant and a 7-11 representative that agreed to prohibit the sale of alcohol from 2:00 a.m. to 12:00 p.m. on Sundays. Additionally, Director Williams added that staff's recommendation is unchanged from the meeting held on August 6, 2012.

Discussion was held on the statistics provided in the crime report provided by Technician Felshaw. The report shows both calls for service and crime reports over the past two years in a 1.2 mile comparable radius. Technician Felshaw is standing by her previous recommendation to deny the CUP for the sale of beer and wine.

Discussion was held on whether the Police Department's position on not supporting the CUP was based on the hours of operation – 24 hours – or the sale of beer and wine. It is based on the sale of beer and wine.

Discussion was held on the area of Citrus and Arrow previously being considered having a higher crime rate, but in fact, the area of Juniper and Arrow has a higher crime rate.

Chairperson Garcia asked if another project within this same radius were brought forward, would the concerns be the same. Police Technician Felshaw stated that the Police Department's concern would be the same and would recommend not approving a CUP for the sale of alcohol.

Police Technician Felshaw stated that crime rates are always a consideration, if an existing business requests an ABC license, the Police Department will look at calls for service; if it is a new business, calls in the area will be looked at.

Discussion was held on the consideration being the same regardless of the types of license being requested.

Discussion was held on the combined impact of on-site and off-site sales of alcohol in the area.

Copies of the crime reports were provided to members of the audience.

Police Technician Felshaw provided the website for the public to get information on crimes in a specific area. www.crimemapping

Discussion was held on details provided in the crime report. Director Williams stated that this CUP is not being recommended for denial based on crime statistics; the crime report was being provided to address questions brought forward by the Planning Commission on this item at a previous Planning Commission meeting.

Discussion was held on adding a condition to limit future uses in additional spaces. Attorney Silver stated that each project needs to be considered on its own merits and such a condition would not be appropriate on this project. Director Williams added that the code for "sensitive uses" is reciprocal, no alcohol sales near a sensitive use and no sensitive uses near alcohol sales.

Discussion was held on the property owner's communication received at the dais and its lack of relevance on the Planning Commission's decision today.

Speaking for the applicant, Jian Torkan, Icor Real Estate Group, stated that new developments have the ability to change neighborhoods as new developments will follow. He stated that he is not aware of any correlation between someone purchasing alcohol and committing a crime, but new development has a bigger impact in the reduction of crime than anything else. Applicant has worked with non-profit organizations to mitigate some of the negative effects of development by providing alcohol awareness programs and is willing to make this a condition of approval.

Applicant stated that he will lose the project if it is not approved tonight. Applicant asked if the same crime statistics existed when Wine Guys was granted their CUP a year ago for a type 20 ABC license.

Commissioner Cothran reassured the applicant that he is not against this project and commended the business model for the electrical vehicle charging station with a 7-11.

Commissioner Lee stated that she believes the electric vehicle charging station is good, but is concerned with the over concentration and proximity to sensitive uses.

Nicole Ramirez spoke in opposition to the project. She provided a map that showed that there are 50 ABC license and five churches within a 1 mile radius of the project. She stated that more things are needed to service the community and it is the City's responsibility to keep kids safe. She commended the Fontana Police Department for their amazing job. The speaker recommended that the project site be used for a daycare center instead of a convenience store.

Hortencia Jimenez spoke in opposition to the project. She asked for more education for kids in the area and no more alcohol sales as there are enough of those in the area.

Rosetta Mendoza spoke in opposition to the project. She reemphasized the amount of ABC licenses and churches on the map. She stated that there is already a 7-11 within a mile of the project and that the map had to be zoomed out to 2 miles to find 2 daycare centers in the area. She stated that it would be very faulty on the City's behalf to not be responsible to the community and the children. The speaker supported the recommendation for a daycare center at the project location.

Anthony Williams spoke in favor of the project. He traveled from San Diego in a gas powered vehicle due to the lack of electric vehicle charging stations in the area. He stated that many want and can afford electric vehicles. Considering the high crime rate, he asked if the project is not approved, what is the end plan for the area. If this is such a bad area, no one will want to develop here.

Maryann Rico spoke in opposition to the project. She stated that she was born and raised here and does not feel safe anymore. She spoke on how beautiful Arrow was to drive down and there used to be a Charley's. She stated that there are no daycares in the area and there are convenience stores within walking distance. She stated that she likes the electric cars idea, but would like to see those projects towards the freeway, not the center of the city.

Applicant stated that his firm has done several projects in the community, including a medical building on Foothill and a current project on Sierra near the 210 freeway and he has a stake in the city as well, not just as a developer.

The public hearing was closed.

Discussion was held on the number of ABC licenses in the area.

Director Williams provided clarification on the daycare center that the public speakers mentioned. There is no proposal before the Planning Division for a day care center at this project site. A business license request was received, but there is no CUP.

Attorney Silver reminded the Planning Commission that there is no application filed for the day care center.

Commissioner Lee appreciated tonight's speakers' research and their passion for getting more daycares in the community.

Commissioner Lee stated that the Planning Commission does not put anything anywhere, property owners work with the Planning Department and their recommendation is brought to the Planning Commission to consider all of the information and make a decision. She stated that the Planning Commission has to focus on the project before them and make a decision based on the findings brought forward for this project.

Commissioner Hall is in favor of supporting staff's recommendation.

Discussion was held on the merging of the project's parcels.

Commissioner Garcia is in favor of alternative energy for vehicles. This project would not just be for local vehicles, but for regional vehicles also – people getting away for the weekend, long term trips, etc. and it would be nice to have a charging station here in Fontana as a stopover.

Commissioner Garcia stated that he is not opposed to the 7-11, but he is sensitive to the high crime rates and although beer and wine would be sold, it would also provide a convenience for all ages.

Commissioner Garcia stated that discussion about a daycare is not on the table tonight.

A motion was made by Commissioner Meyer and seconded by Commissioner Garcia to 1) Determine that the project is Categorically Exempt pursuant to Section No. 15332, Class No. 32 (Infill Development), of the California Environmental Quality Act, and; 2)

Approve Administrative Site Plan 12-012 and Tentative Parcel Map No. 19387, subject to the attached Findings and Conditions of Approval; and 3) Approve Conditional Use Permit No. 12-009, subject to the attached Findings. Motion not carried by a vote of 2-3 with Commissioners Cothran, Hall, and Lee opposing.

A motion was made by Commissioner Cothran and seconded by Commissioner Lee to 1) Determine that the project is Categorically Exempt pursuant to Section No. 15332, Class No. 32 (Infill Development), of the California Environmental Quality Act, and; 2) Approve Administrative Site Plan 12-012 and Tentative Parcel Map No. 19387, subject to the attached Findings and Conditions of Approval; and 3) Deny Conditional Use Permit No. 12-009, subject to the attached Findings. Motion carried by a vote of 3-2 with Commissioners Garcia and Meyer opposing.

Director Williams thanked the Planning Commission for their deliberation of this project and thanked the Police Department for the very good job they are doing of policing this community.

Director Williams clarified that the statistics are not saying that this is a higher crime area, but that the statistics show the crimes that are reported in this area; he further stated that this area is safe compared to other communities.

The appeal process was reviewed for the applicant's benefit.

Commissioner Garcia stated that if tonight's decision is appealed to the City Council, a member of the Planning Commission that was in favor of the decision is usually in attendance at the City Council meeting.

2. Conditional Use Permit No. 11-009: Filed by Greg Greenstein, The Baralat Company, to request a proposed remodel to the existing 60' high freeway sign for the shopping center and the addition of an approximately 144 square foot electronic message board. The project site is an irregularly-shaped property consisting of 17 parcels (APNs: 0251-171-17, -18, -29, -30, 0251-191-19 thru -22, -24 thru -28, 0251-201-01, -04, -05, -08) of approximately 34.8 gross acres located on the southwest corner of Valley Boulevard and Sierra Avenue and having a frontage of approximately 1,232 feet on the south side of Valley Boulevard and a frontage of approximately 923 feet on the west side of Sierra Avenue. The site is further known as 16761 Valley Boulevard. Staff presentation was given by Project Planner DiTanyon Johnson.

PH-2

CUP NO. 11-009

VOTE: 5-0

Discussion was held on Condition No. 12 requiring the posting of conditions of approval on the property.

Speaking for the applicant, Greg Greenstein, stated that there is a 24-hour security shack where the conditions can be posted. He stated that control of the sign will be electronically from an off-site computer.

Chairperson Garcia stated that the sign will be a great addition and likes the change.

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

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

The public hearing was closed.

A motion was made by Commissioner Lee and seconded by Commissioner Hall 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. 11-009, subject to the attached Findings and Conditions of Approval. Motion carried by a vote of 5-0.

OTHER COMMISSION BUSINESS:

OCB

None.

NONE

STAFF REPORTS:

SR

None.

NONE

DIRECTOR REPORT:

DR

None

NONE

COMMISSION COMMENTS:

COMMENTS

Commissioner Hall stated that she just could not find it in her heart to support the project under Public Hearing No. 1. She stated that she hopes the residents understand that there are tough decisions that the Planning Commission has to make. She appreciates the residents coming out to share their concerns and they support what is being done for the city.

HALL

Commissioner Lee thanked everyone for their hard work. She stated that it is not always easy and sometimes there are more challenges; one might start out feeling one way, but through the power of the listening process, they can come up with another decision.

LEE

Commissioner Lee wished everyone a good evening.

Commissioner Meyer requested that tonight's meeting be adjourned in memory of his cousin's wife who passed away one year ago. **MEYER**

Commissioner Meyer wished everyone a good evening.

Commissioner Cothran that even though everyone does not always agree on everything, it is nice to serve with people that believe in what is right for our community. **COTHRAN**

Commissioner Cothran commended our great Police Department.

Commissioner Cothran wished well to a motorcycle officer that was involved in a car accident.

City Clerk Lewis had no comments. **LEWIS**

Chairperson Garcia attended the grand opening of the Fontana Splash Park that went off without a hitch; families had a great time! **GARCIA**

Chairperson Garcia commended City staff for a job well done on getting the Splash Park up and running.

PUBLIC FORUM

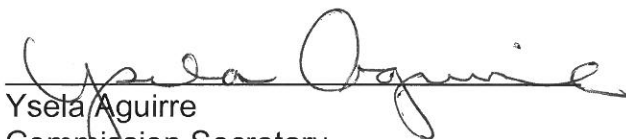
**PF
NONE**

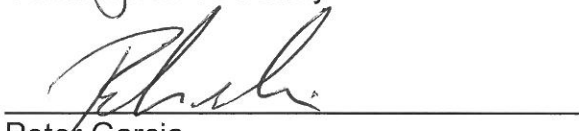
None.

ADJOURNMENT

**ADJOURN
7:56 P.M.**

By consensus, the Planning Commission adjourned at 7:56 to the regularly scheduled Planning Commission Meeting on Tuesday, September 4, 2012, at 6:00 p.m. in the Grover W. Taylor City Council Chambers, located at 8353 Sierra Avenue, Fontana, California at 6:00 p.m.


Ysela Aguirre
Commission Secretary


Peter Garcia
Chairperson