

**CITY OF FONTANA
PLANNING COMMISSION
REGULAR MEETING MINUTES
DECEMBER 18, 2012**

A regular meeting of the City of Fontana Planning Commission was held on Tuesday, December 18, 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 Meyer, the Pledge of Allegiance was led by Commissioner Cothran.

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, Shannon Casey; Senior Planner Orlando Hernandez; Community Policing Technician Wendy Ratcliffe; Assistant Planner Shawnika Johnson; Assistant Planner Dawn E. Clement; 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 December 4, 2012, Planning Commission Meetings. Motion passed by a vote of 4-0-1 with Commissioner Lee abstaining.

MINUTES:

**DEC 4, 2012
VOTE: 4-0-1**

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 January 8, 2013, meeting for the Planning Commission's information; and an update of future Planning Commission items for the January 15, 2013, meeting for the Planning Commission's information.

AGENDA INFO

**CC
JAN 8, 2013
PC
JAN 15, 2013**

There are no items on the agenda for the January 1, 2013, and January

15, 2013, Planning Commission meetings that require a Public Hearing.

PUBLIC HEARINGS:

PH

1. A Public Hearing was opened regarding: **Design Review No. 05-035R1:** Filed by Lewis Retailers, Rick Manners, to request a proposed façade modification to the former Circuit City building located in the Sierra Lakes Market Place shopping center previously approved by Design Review Project (DRP) No. 05-035. DRP No. 05-035R1 includes exterior and interior modifications to transform one (1) existing tenant space previously occupied by Circuit City into two (2) tenant spaces. The project site is an irregularly-shaped property consisting of one parcel (APN: 1119-191-22) of approximately 3.1 gross acres and is located approximately 453 feet west of the intersection of Sierra Lakes Parkway and Marketplace Drive, and having a frontage of approximately 13 feet on Sierra Lakes Parkway and a lot depth of approximately 740 feet. The site is further identified as 16685 Sierra Lakes Parkway. Staff presentation was given by Project Planner Shawnika Johnson.

**PH 1
DR NO.
05-035R1**

VOTE: 4-0

Chairperson Garcia recused himself from this item.

Vice Chairperson Lee continued the meeting.

The applicant was not present.

Discussion was held on the amount of restrooms needed for the establishment. The restroom requirement will be verified at the Plan Check Review process.

No member of the audience spoke in favor or opposition to this item.

The public hearing was closed.

A motion was made by Commissioner Meyer and seconded by Commissioner Hall to: 1) Direct staff to file the attached Notice of Exemption; and 2) Approve Design Review No. 05-035R1. Motion carried by a vote of 4-0.

Chairperson Garcia returned to conduct the meeting.

2. A Public Hearing was opened regarding: **Master Case No. 12-046/Conditional Use Permit No. 12-025:** Filed by Mr. Bobby Bedi, HS Group Inc., to request a conditional use permit (CUP) for

**PH 2
MC NO. 12-046
CUP NO. 12-025**

a new California Department of Alcoholic Beverage Control (ABC) Type 20 (Off-Sale Beer and Wine) license in conjunction with the proposal to operate a convenience store of approximately 2,100 square feet within an existing commercial center. The project site is an irregularly-shaped property consisting of one parcel (APN: 1100-691-10) of approximately 4.9 adjusted gross acres and is located on the northwest corner of Cherry Avenue and Roanoke Road, and having a frontage of approximately 295 feet on the west side of Cherry Avenue, and a frontage of 345 feet on the north side of Roanoke Road in the West End Specific Plan (SP) area. The site is further identified as 7470 Cherry Avenue, Suite 101. Staff presentation was given by Project Planner Dawn E. Clement.

The Police Department does not support the approval of this CUP based on overconcentration and adjacent sensitive use.

One phone call was received by staff in opposition to this project.

Director Williams clarified that three alcohol use permits are allowed before they are considered over concentrated by the ABC. There are no provisions in City Code regarding how many are allowed.

Discussion was held on the parking requirement. The original parking analysis was based on a more intense use. Parking spaces provided at the back of the building meet the parking standard.

Director Williams stated the City Code has no language as to where parking shall be – front or back.

Discussion was held on the Shell gas station located on the southwest corner of Baseline Avenue and Cherry Avenue not having an ABC license and the business never having applied for one.

Discussion was held on delivery hours not being in the conditions of approval. Planner Clement will ensure the conditions on delivery hours are inserted.

Discussion was held on the over concentration of licenses in the tract. Director Williams explained that a policy on over concentration has never been addressed by the City Council. The Planning Commission has supported and not supported requests on a case by case basis. Staff is not clear on any policy issue.

The state's over concentration policy was in response to the civil disturbance in Los Angeles after the Rodney King trial. The state used federal census tracts, which identify the number of people in a tract, and

used a formula to determine the number of permits allowed in that tract. A certain number of on site, off site, etc., will be allowed before a tract is determined to be over concentrated.

There is no provision in the City Code that dictates that the City Council or the Planning Commission shall abide by any direction by the State of California. City Code does address taking into consideration an ABC request that is near a sensitive use.

Director Williams will arrange for staff to hold a workshop or discussion if the Planning Commission requests a policy direction on this issue. Currently, there is nothing in the City Code and there has been no consistent policy or direction on this issue.

Discussion was held on the learning center facility near the project. It is a tutoring center for Kindergarten to high school students. Students work with a teacher for 2 1/2 hour sessions twice per week; the hours of operation are from 10:00 a.m. to 5:00 p.m. and sometimes 7:00 p.m.

Policing Technician Ratcliffe stated that the Police Department's policy is to oppose the permit because of the over concentration and the proximity to the sensitive use facility.

Commissioner Lee clarified that if this project is approved, then the tract would be considered over concentrated; and asked if parents stay with their children during tutoring sessions.

Discussion was held on the calls for service with Policing Technician Ratcliffe indicating that the Winco calls for service are pretty high.

Discussion was held on the lighting standard being the same for parking in the rear as it is for the front of the building. Policing Technician Ratcliffe stated that parking in the rear is a concern.

Speaking for the applicant Bobby Bedi, Mike Austin, and Dawn Tucker. The applicant has been in the retail and restaurant business in Rancho Cucamonga for years and currently has a 7-11 on Haven and Foothill that is similar to this location. The applicant thanked the Planning Department staff for their help.

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

Discussion was held on delivery hours. Applicant is willing to work around permitted hours and stated that deliveries are received in the back from multiple vendors with smaller vehicles and not 18-wheelers.

Director Williams stated that this is a CUP and could be brought back at a future date for re-evaluation. A note will be put in the file to bring back a Director's Report in one year to address any significant issues.

Commissioner Cothran disclosed that he met with the applicant prior to tonight's meeting with no reportable action.

Speaking for the applicant, Mike Austin, stated that employee parking is in the rear, but has not been enforced because the center is only 50-60% leased. This project will be the only 24-hour business in the center and some of the curb will be marked for 15 minute parking only.

Discussion was held on adding a condition to paint the curbs green for 15-minute parking in front of the 7-11.

Attorney Silver stated that it would be better to keep this condition general.

Director Williams stated that the property owner can work with the Engineering Department.

Discussion was held on tenant agreements that indicate who controls parking. Mr. Austin stated that each lease has parking in the rear, but it has not been enforced.

Director Williams will bring back a Director's Report on the Planning Department, Engineering Department and applicant working together to establish the 15-minute parking spaces.

Discussion was held on the tutoring center expressing any concern on this project.

Speaking in opposition to the project, Aaron Romero is concerned about parking, the high congestion of traffic, and alcohol sales.

Attorney Silver provided the wording for Condition No. 34 on page E2-18 as follows: "Deliveries to the premises involving big rig (diesel) trucks shall occur only between the hours of 7:00 a.m. and 9:00 p.m. Deliveries to the premises involving other types of vehicles of a lesser size shall occur only between the hours of 6:00 a.m. and 9:00 p.m."

The public hearing was closed.

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. 15301, Class No. 1 (Existing Faculties)

of the California Environmental Quality Act and Direct staff to file a Notice of Exemption; 2) Make a finding of Public Convenience or Necessity; and 3) Approve Conditional Use Permit No. 12-025 subject to the attached findings and conditions of approval with addition of Condition No. 34. Motion carried by a vote of 4-1 with Commissioner Hall opposing.

Chairperson Garcia welcomed City Council Member Jesse Sandoval to the Planning Commission meeting.

3. A Public Hearing was opened regarding: **Master Case No. 12-058/Zone Change No. 12-004A:** Filed by Yoon Kim, Avenal Finance, LLC, to request addition of a Warehousing Distribution/Logistic zoning use to the property located on the northeast and southeast corner of the intersection of Bohnert Avenue and Sierra Avenue on the east side of Sierra Avenue. The project site is an irregularly-shaped property consisting of three parcels (APNs: 1119-241-19, 1119-221-44, and 1119-221-02) of approximately 23 gross acres and is located on the northeast corner and southeast corner of the intersection of Bohnert Avenue and Sierra Avenue, and having a frontage of approximately 858 feet on the east side of Sierra Avenue and a depth of approximately 1,269 feet east of Sierra Avenue. Staff presentation was given by Project Planner Dawn E. Clement.

PH 2
MC NO. 12-058
ZC NO. 12-004A
VOTE: 5-0

Various communications were received by staff with questions on the project.

One email communication was received by staff in opposition to the project.

Discussion was held on the environmental checklist on the zone change being completed when future development is proposed.

Commissioner Cothran disclosed that he met with the engineer, owner and applicant with no reportable action.

Speaking for the applicant, Ray Allard, Allard Engineering, stated that Bohnert Avenue is not vacated, but it will not be an issue as they go through the vacation process.

Speaking for the applicant, Yoon Kim.

Director Williams stated that this project is a request for a zone change and there are no conditions of approval.

No member of the audience spoke in favor or opposition to this item.

The public hearing was closed.

A motion was made by Commissioner Meyer and seconded by Commissioner Cothran to: 1) Adopt a Negative Declaration and direct staff to file the Notice of Determination; and 2) Approve Zone Change Application No. ZC No. 12-004A, a request to add the Warehouse/Distribution Overlay District to the above listed parcels. Motion carried by a vote of 5-0.

4. A Public Hearing was opened regarding: **Design Review No. 07-046R1**: Filed by Kaiser Foundation Hospitals, Nancy Burke, to request amending the Fontana Kaiser Medical Campus Project approved by the City in 2008. It is proposed that several structures slated for demolition in the 2008 entitlement project will remain and be held for future use. The final square footage of the Fontana Hospital Campus after all demolitions will be 1,573,406 square feet, as a combination of medical office, hospital use (beds) and administrative space. In 2008, the Fontana City Council approved the use of 1,472,535 square feet. The net increase in square footage on the site is 58,630 square feet. The project site is an irregularly-shaped property consisting of one parcel (APN 0251-101-06) totaling approximately 47 adjusted gross acres located on the east side of Sierra Avenue between Marygold Avenue and Valley Boulevard and having an approximate frontage of 1,920 feet on Marygold Avenue, 1,440 feet on Valley Boulevard and 860 feet on Sierra Avenue. Staff presentation was given by Project Planner Orlando Hernandez.

PH 2
DR NO.
07-046R1
VOTE: 5-0

Planner Hernandez shared “interesting facts” about the project.

Several public communications were received by staff with questions on the project.

Planner Hernandez provided a correction to the total square footage of the project to include the Chemical Dependency Recovery buildings (CDRP) square footage.

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

Discussion was held on the adequate parking spaces being provided during the different phases of construction. Planner Hernandez indicated that page 3 of the staff report shows that at the end of each phase there has been a surplus of parking spaces.

Discussion was held on public payphones. Language will be added to include interior payphones.

Commissioner Meyer disclosed that he was aware this item was coming before the Planning Commission because of a disclosure by Kaiser staff to him and others while they were on a tour of the facility.

Speaking for the applicant Dominick Nigro thanked staff for their work. Applicant stated that there are no exterior payphones on the campus, but per State Department Licensing Title 22, three payphones must be provided. They will be located in the Emergency Room lobby, in the main lobby, and in Labor and Delivery.

Applicant read, understood, and agreed to the conditions of approval including a condition regarding indoor pay phones.

Attorney Silver provided additional wording for Condition No. 6 on page E4-11 as follows: "...and permitted on the interior by approval of an Administrative Site Plan (ASP)."

Commissioner Meyer thanked the applicant for the tour of the facility and for the project.

Chairperson Garcia thanked the applicant for the facility.

Mr. Nigro stated that 4,000 staff will be trained on new equipment in January, followed by a building orientation and simulations and licensing on April 1, 2013. The targeted patient move date is May 1, 2013.

Director Williams shared how important the partnership with Kaiser has been and he commended Nancy Burke and Jim Harrington for their leadership.

Director Williams suggested extending an invitation to tour the new facility to City Council and new Council Member Jesse Sandoval. Commissioner Lee would also like to join the tour. Planner Hernandez will schedule the tour.

Mr. Nigro stated that there will be designated parking for staff; patients and visitors will have parking closest to the buildings. Staff will park on Marygold Avenue and Sierra Avenue. Parking will be well managed with valet, offsite, shuttle and traffic directors.

Commissioner Cothran, as past president of the Fontana Historical Society asked to preserve the equipment in the building from 1953 when

the hospital was moved from the steel mill to its current location. Mr. Nigro stated that some artifacts will be preserved with the Historical Society.

No member of the audience spoke in favor or opposition to this item.

The public hearing was closed.

A motion was made by Commissioner Lee and seconded by Commissioner Meyer to: 1) Determine that the Mitigated Negative Declaration (MND) adopted for Design Review No. 07-046, the Addendum to the MND, have adequately identified the impacts associated with Design Review No. 07-046R1 and that no previously reviewed impacts have changed, adopt the Addendum to the MND, and direct staff to file a Notice of Determination; and 2) Approve Design Review No. 07-046R1 with revision to Condition No. 6 regarding interior pay phones. Motion carried by a vote of 5-0.

OTHER COMMISSION BUSINESS:

OCB

None.

NONE

STAFF REPORTS:

SR

None.

NONE

DIRECTOR REPORT:

DR

At the previous Planning Commission meeting, a memo and workshop on the bathroom issue was requested from Building and Safety Department. Andy Shipper will craft a memo and will also present information at a workshop.

WORKSHOP

Director Williams suggested workshops are a good use of Commissioners' time and would consider adding other items to make for substance, possibly on parking and overconcentration of alcohol.

Director Williams will work with Chairperson Garcia to place items on the workshop agenda.

Director Williams reminded that the reception for the new hospital will be held on April 18, 2013.

HOSPITAL
OPENING

COMMISSION COMMENTS:

COMMENTS

Commissioner Cothran wished everyone a Merry Christmas and a Happy New Year.

COTHRAN

Commissioner Hall wished everyone a good evening.

HALL

Commissioner Hall wished everyone a Merry Christmas.

Commissioner Lee wished everyone a blessed and peaceful holiday season

LEE

Commissioner Lee is excited to see the hospital moving forward. Her own daughter and granddaughter were born there.

Commissioner Lee requested a prayer for every community that has experienced a tragedy, to keep them in our thoughts and prayers during the holiday season.

Commissioner Lee wished everyone a good evening.

Commissioner Meyer welcomed Commissioner Lee back.

MEYER

Commissioner Meyer congratulated Commissioner Lee on her well run campaign.

Commissioner Meyer had a very wonderful retreat with 120 teens from the community that will be confirmed in May.

Commissioner Meyer wished the Filipino community a happy Simbang Gabi.

Commissioner Meyer wished everyone a Merry Christmas, Happy New Year, Feliz Navidad, and Feast of Epiphany.

Commissioner Meyer everyone of whatever religion a happy holiday season.

Commissioner Meyer asked everyone to remember that we are a community and work together.

Commissioner Meyer requested that tonight's meeting be adjourned in memory of all the victims of violence this past year and especially those in Newtown, Connecticut.

A motion was made by Commissioner Lee and seconded by Commissioner Hall to cancel the regular meeting of January 15, 2013, and adjourn to a workshop on January 15, 2013, in the executive conference room. Motion carried by a vote of 5-0

**CANCEL
JAN 15, 2013
VOTE: 5-0**

City Clerk Lewis had a wonderful parade with 80 entrees and perfect weather. It was wonderful to see many people out.

LEWIS

City Clerk Lewis reminded everyone to embrace their children.

City Clerk Lewis wished everyone a happy holiday.

Director Williams thanked the Planning Commission for their service to the community and the City Council. He thanked them for the appreciation they show to Planning staff.

WILLIAMS

Director Williams wished everyone a Merry Christmas, Happy Chanukah, and all holidays.

Director Williams invited Planning Commissioners to a City Council workshop on January 22, 2013, but they will need to sit separately and not confer.

Chairperson Garcia thanked staff for a great job this year and for all their hard work.

GARCIA

Chairperson Garcia thanked attorney Silver for his assistance.

Chairperson Garcia wished everyone a great new year.

Chairperson Garcia is looking forward to more in the new year.

PUBLIC FORUM

PF

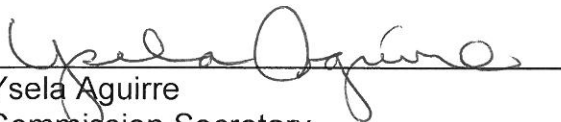
None.


NONE

ADJOURNMENT

**ADJOURN
8:24 P.M.**

By consensus, the Planning Commission adjourned at 8:24 in memory of all victims of violence and of Newtown, Connecticut, to a workshop on Tuesday, January 15, 2013, at 6:00 p.m. in the Executive Conference Room, located at 8353 Sierra Avenue, Fontana, California.


Ysela Aguirre
Commission Secretary


Peter Garcia
Chairperson