

**CITY OF FONTANA  
PLANNING COMMISSION  
REGULAR MEETING  
AUGUST 7, 2012**

A regular meeting of the City of Fontana Planning Commission was held on Tuesday, August 7, 2012, 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 Cothran, 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 Shannon Casey, AICP; Associate Planner DiTanyon Johnson; Associate Engineer Kathy Weber; 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 Cothran to approve the minutes of the July 3, 2012, and July 17, 2012, Planning Commission Meetings. Motion was carried by a vote of 4-0-1 with Commissioner Hall abstaining from the July 3, 2012, meeting minutes and Commissioner Lee abstaining from the July 17, 2012, meeting minutes.

**MINUTES:**

**JUL 3, 2012**

**VOTE: 4-0-1**

**JUL 17, 2012**

**VOTE: 4-0-1**

**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 August 14, 2012; 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 August 21, 2012, and September 4, 2012, meetings for the Planning Commission's information.

**CC**

**AUG 14, 2012**

**AUG 28, 2012**

**SEPT 11, 2012**

**SEPT 25, 2012**

**PC**

**AUG 21, 2012**

Discussion was held on the Ventana Specific Plan Workshop item scheduled for September 25, 2012. It is a public meeting and Planning Commissioners are welcome to attend.

**SEPT 4, 2012**

**PUBLIC HEARINGS:**

1. A Public Hearing was opened regarding **Design Review No. 12-003**: Filed by Todd Burnight, The Carson Companies, to request a proposed project to construct a warehouse of approximately 400,412 square feet. The project site is an irregularly-shaped property (APNs: 0238-142-08) of approximately 18.7 gross acres located on the southeast corner of Santa Ana Avenue and Etiwanda Avenue and having a frontage of approximately 875 feet on the south side of Santa Ana Avenue and a frontage of approximately 986 feet on the east side of Etiwanda Avenue. The site is further identified as 11001 Etiwanda Avenue. Staff presentation was given by Project Planner DiTanyon Johnson and staff recommended approval.

**PH**

**PH-1**  
**DR NO. 12-003**

**VOTE: 5-0**

No communication was received from the public on this project.

Discussion was held on access at Etiwanda Avenue; the traffic study recommends a traffic signal at Etiwanda and Dahlia Street. There is a future plan for medians that will make the driveway right in and right out.

Speaking for the applicant, Todd Burnight, Carson Companies. Currently the site is being used as a lay down yard for storage of big yard drilling equipment. It was purchased by Carson Companies over a year ago and has been going through the planning process. The applicant is looking forward to building on this site. Other warehouse buildings are owned throughout California and Houston, with several in Fontana and applicant is familiar with the area. Applicant is planning to begin building in October and be complete by the second quarter of 2013.

Discussion was held on the amount of office space planned, applicants usually seek approval for a certain amount of office space, but they cannot exceed it due to parking requirements.

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) Adopt the Negative Declaration and direct staff to file a Notice of Determination; and, 2) Approve Design Review No. 12-

003. Motion carried by a vote of 5-0.

2. 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-2  
CUP NO. 12-009  
ASP NO. 12-012  
TPM NO. 19387

CONTINUED  
VOTE: 4-1

Written communication was received from Southwest Air Quality Control Board in favor of the electric charging station of the project.

Staff requested the deletion of Condition Nos. 64, 75, 82, and 83 as those conditions of approval are not applicable to this project.

Discussion was held on a church operating nearby that is not in the staff report. There is currently no CUP on file for activity at that building. It may be that assembly at this site may precede the requirement for CUP. Director Williams and staff will do some research and provide information in a future Director's Report.

Discussion was held on J & M Restaurant and Wine Guys operating with a liquor license in the same census tract. J & M Restaurant is still operating, but Wine Guys is not although the license is still active.

Discussion was held on the off-site and type 20 and 21 licenses in this census tract.

The street name "Tamarind" is a typo on page E2-11 of staff report and will be changed to "Juniper".

Discussion was held on new census tracts information with Community Police Technician Felshaw indicating that this tract is not changing.

Discussion was held on the Police Department's concern regarding sensitive uses and over-concentration in the area.

Discussion was held on the alley as a shared driveway. Traffic Engineer Weber stated that the driveway was evaluated and this worked well for this intersection. There is no condition for maintenance of the alley, but there is a condition for improvement of the alley.

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

Speaking for the applicant, Jian Torkan, asked the Planning Commissioners to take all factors into consideration for the benefit of the City. Applicant provided information on how the electric charging station works and stated that the Inland Empire has a facility available in San Bernardino. This facility will be between two major freeways and the goal is to have as many as possible in the future.

Discussion was held on the need for an ABC license on the project.

Discussion was held on Applicant's agreement with a local church to provide funding for alcohol and drug intervention programs; and an agreement with J & M to retire their CUP for beer and wine.

Discussion was held on the need for a new cutting edge electrical vehicle charging station with a liquor license.

Applicant stated that this project is being done without government funding and expects the cash flow from the 7-11 to make it affordable.

Discussion was held on 7-11 operating with other than typical hours of operation i.e. modification of hours on Sunday.

Speaking on the behalf of the applicant, Donald Tucker, 7-11 Real Estate Representative, stated that he may have to speak with senior management regarding the modification of hours of operation. He also stated that churches only have services on Sunday, there is no on site day to day activity. Mr. Tucker stated that 7-11 likes Fontana and would like to continue to expand. This store location fits a targeted trade area and can accommodate pedestrian traffic. This location will be sought after by a franchisee. Typical beer and wine sales are 15-20% of total sales.

Discussion was held on this type of project being innovative with the developer owning the charging station and not using government funding. The charging station is geared towards electric vehicle owners who may need a charge when out and about.

Director Williams explained the CUPs of J & M and Wine Guys. The premise is to remove one CUP that is no longer being used and establish a new one.

Chairperson Garcia clarified that revocation of the Wine Guys CUP is not part of project; the drug and alcohol awareness program with the church is just a gesture on the applicant's part and not a condition of approval.

Attorney Silver stated that the revocation of the existing CUP has not been agendized and is not part of the consideration.

Director Williams stated that should the Planning Commission wish to consider supporting the CUP, a directive would be needed for staff to come back with findings for approval and this item would then be agendized at a future meeting.

Discussion was held on property owner rights and CUPs.

Commissioner Lee stated that she appreciates the charging station and the convenience store, but cannot support the sale of alcohol.

Applicant stated that it is hoped that in the future, electric vehicles will be mass produced and can be less expensive to purchase; today's decision is for the future.

Director Williams provided clarification on the two separate CUPs held by J & M Restaurant and the Wine Guys. J & M's CUP was to have beer and wine sold and consumed on the premises; the Wine Guys CUP was for off-site sales. This allowed for alcohol purchased at Wine Guys to be consumed at J & M Restaurant. There are still two CUPs there.

Discussion was held on the possible purchase of alcohol at 7-11 and consumption at a nearby location while the purchaser's vehicle is charging.

Discussion was held on the process for the revocation of an existing CUP.

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

Greg Hanssen spoke in support of the electric vehicle charging station. He stated that mixing the charging station with a 7-11 is genius and if successful, will lay a path for others to follow. Mr. Hanssen does not work for Edison or Nissan, but only works with off road electric vehicles.

Anthony Williams, Quick Charge Power, spoke in support of the electric vehicle charging station. He stated that Washington and Oregon have more electrical charging stations than California. Electric Vehicle owners need a place to stop and get a fast charge. Mr. Williams requested the Commission consider the liquor license issue to facilitate the charging station request.

Dan Sinclair, spoke in support of the electric vehicle charging station and stated that people in town would not use the charging station, but it would attract nice people that would not normally be coming to Fontana.

The public hearing was closed.

Commissioner Cothran stated that our community needs to be protected.

Commissioner Meyer agrees with Commissioner Cothran and suggested holding this item to allow conditions to be added on this project that are different than what is typically done.

Commissioner Garcia stated that he does not have any major problems with the project. Staff mailed out required letters notifying the community about this project and there is no one here speaking in opposition to the project.

Discussion was held on the potential agreements between the applicant and J & M restaurant and the church.

Discussion was held on the Planning Commissioners' concerns regarding over-saturating the area with alcohol sale availability in this community.

Discussion was held on the applicant's right to appeal if the CUP is denied by the Planning Commission.

Discussion was held on directing staff to come back to a future meeting with conditions of approval for an ABC license for the Planning Commission to consider.

The Planning Commissioners were polled to determine what specific conditions they would prefer to have included address some of the issues. Commissioner Garcia asked to treat this business the same as any other business and would prefer to see it brought back with standard terms and conditions. Commissioner Hall had none. Commissioner Cothran asked for any conditions that would allow the Police Department to approve the project. Commissioner Lee asked that the Wine Guys CUP be revoked and a surveillance system be added. Commissioner Meyer agreed with Commissioner Cothran and also requested limited

hours of service.

Commissioner Garcia also asked for the alley design to be checked and any Police Department suggestions for the alley access and lighting.

Applicant agreed to have the conditions of approval reviewed and brought back to a future meeting.

A motion was made by Commissioner Meyer and seconded by Commissioner Lee to continue this item to the August 21, 2012, Planning Commission Meeting to allow staff and applicant to work together to craft Findings for the CUP and Findings of Necessity and Convenience. Motion carried by a vote of 4-1 with Commissioner Cothran opposing.

Director Williams clarified that staff will craft the findings, but the Planning Commission will make the ultimate decision.

**OTHER COMMISSION BUSINESS:**

OCB

None.

NONE

**STAFF REPORTS:**

SR

None.

NONE

**DIRECTOR REPORT:**

DR

1. **Finding of substantial conformance for Tentative Tract Map (TTM) No. 11-003 (approved on December 20, 2011)** Director Williams provided a written report on Tentative Tract Map No. 11-003

SUBSTANTIAL  
CONFORM  
TTM NO. 11-003

Commissioner Cothran asked about a project on Santa Ana and Tamarind. Those projects are approved under the same set of guidelines with some buildings not coming through the Planning Commission for approval as the Commission gave staff the ability to approve some of those projects.

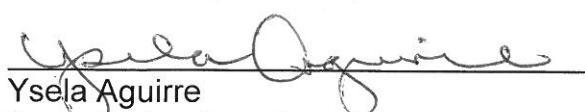
Commissioner Cothran asked for the construction at Sierra and San Bernardino Avenue to be reviewed. Director Williams will report this to Traffic and Engineering.

<u>COMMISSION COMMENTS:</u>	<u>COMMENTS</u>
Commissioner Lee hoped everyone enjoyed a great National Night Out.	<b>LEE</b>
Commissioner Lee announced that her brother was one of the construction staff at JPL that worked on the Mars vehicle.	
Commissioner Lee asked to keep former Commissioner Patty Peoples in prayer.	
Commissioner Cothran hoped the community had a great time at National Night Out.	<b>COTHRAN</b>
Commissioner Cothran stated that he takes his responsibility of taking care of the community very seriously and appreciates others for their opinions.	
Commissioner Cothran wished former Commissioner Patty Peoples well.	
Commissioner Cothran acknowledged the great opportunity that National Night Out provides.	<b>HALL</b>
Commissioner Hall wished Dr. Peoples and her family well.	
Commissioner Meyer announced that school is back in session.	<b>MEYER</b>
Commissioner Meyer announced the opening of the water park on Saturday.	
Commissioner Meyer stated that tonight's projects are examples of this community continuing to grow and to build.	
City Clerk Lewis had no comments.	<b>LEWIS</b>
Chairperson Garcia wished everyone a good evening.	<b>GARCIA</b>
<b><u>PUBLIC FORUM</u></b>	<b>PF</b>
None.	<b>NONE</b>

**ADJOURNMENT**

By consensus, the Planning Commission adjourned at 8:46 to the regularly scheduled Planning Commission Meeting on Tuesday, August 21, 2012, in the Grover W. Taylor City Council Chambers, located at 8353 Sierra Avenue, Fontana, California at 6:00 p.m.

**ADJOURN  
8:46 P.M.**



Ysela Aguirre  
Commission Secretary

  
Peter Garcia  
Chairperson