

**CITY OF FONTANA
PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 18, 2012**

A regular meeting of the City of Fontana Planning Commission was held on Tuesday, September 18, 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 Lee.

ROLL CALL

Present: Chairperson Garcia and Commissioners Lee, Cothran and Hall. Commissioner Meyer arrived at 6:09 p.m.

Absent: None

Also Present: Director Don Williams, AICP; Attorney Matthew Silver; Senior Planner Shannon Casey; Assistant Planner Shawnika Johnson; City Clerk Tonia Lewis; and Planning Commission Secretary Ysela Aguirre

MINUTES:

A motion was made by Commissioner Lee and seconded by Commissioner Meyer to approve the minutes of the September 4, 2012, Planning Commission Meeting. Motion passed by a vote of 3-0-2 with Commissioners Cothran and Hall abstaining.

MINUTES:
SEP 4, 2012
VOTE: 3-0-2

PUBLIC FORUM:

PF

None.

NONE
CC

CONSENT CALENDAR:

None.

NONE
AGENDA INFO

AGENDA INFORMATION:

The Planning Commission reviewed an update of future City Council Agenda items for the September 25, 2012, and October 9, 2012, meetings for the Planning Commission's information; and an update of future Planning Commission items for the October 2, 2012, and October 16, 2012, meetings for the Planning Commission's information.

CC
SEPT 25, 2012
OCT 9, 2012
PC
OCT 2, 2012
OCT 16, 2012

Director Williams noted that item No. 3 included in the memo for the October 16, 2012, Planning Commission meeting has been moved to a Planning Commission meeting in November.

PUBLIC HEARINGS:

PH

1. A Public Hearing was opened regarding: **PLN No. 11-055/Conditional Use Permit No. 11-010:** Filed by Doradas Restaurant, Jesse Mendoza to request approval of a Conditional Use Permit (CUP) for live entertainment at Doradas Restaurant, an existing sit down eating establishment of 2,700 square feet. The restaurant also has an approved Type 41 Alcohol Beverage Control (ABC) license (approved by CUP No. 11-011). The project site is an "L" shaped property consisting of one parcel (APN: 0190-241-21) of approximately 2.2 adjusted gross acres located at the northwest corner of Palmetto Avenue and Foothill Boulevard, and having a street frontage of approximately 260 feet on Palmetto avenue and a street frontage of approximately 365 feet on Foothill Boulevard, but excluding an approximately 1.0 gross acre parcel on the corner of Foothill Boulevard and Palmetto Avenue. The project site is further identified as 17264 Foothill Boulevard, Suites M and N. Staff presentation was given by Project Planner Shawnika Johnson.

PH-1

PLN NO. 11-055

CUP NO. 11-010

VOTE: 4-1

Commissioner Meyer asked if the Police Department provided any information or reports on this project. Planner Johnson indicated that the Police Department supports this project as long as the applicant meets the conditions of approval.

Discussion was held on the type of live entertainment permitted and conditions to limit them. Planner Johnson indicated that the applicant requested the addition of Karaoke as a permitted use but there are no other conditions limiting the type of live entertainment.

Discussion was held on what the difference was between this project and another project recently approved with more restrictive conditions. Planner Johnson indicated that the previous project had issues with law enforcement and this establishment has not had any.

Discussion was held on requiring security cameras.

Discussion was held on the categories of live entertainment and the need to set definitions for the types of live entertainment as none currently exist in the City.

Discussion was held on adult entertainment having separate ordinances.

Director Williams clarified that Alfredo's is in an area of Sierra Avenue that the Police Department has concerns with because of the alcohol permits in the area. Conditions were placed on Alfredo's to limit the number of performers in the live entertainment how many nights per week they can perform; Boston Pizza was currently approved to have live entertainment with conditions on the hours, days and number of performers in live entertainment.

Discussion was held on the restaurant being a family style restaurant that will have live entertainment to enhance the dining experience.

Speaking for the applicant Jesse Mendoza, owner of Doradas Restaurant. He stated that his restaurant has a capacity for 90 dinner guests for family style dining. He anticipates having live entertainment such as, karaoke and guitarist, but not with loud music that can be heard in the parking lot; business nearby are a bowling alley and a storage place. The restaurant is carpeted, so there will not be dancing. Mr. Mendoza hopes that the live entertainment will help his struggling business because if business does not get better before the lease expires in May, he may have to close it down.

Discussion was held on the live entertainment not performing on a stage, but in a corner of the restaurant so that people can enjoy their dinner without loud music.

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

Discussion was held on the hours/days of live entertainment. Applicant responded that he would like to have live entertainment several days during the week, but not every day, from 6:00 p.m. to 11:00 p.m.

Speaking on the project, Jerry Jenkins, is in favor of the project but is concerned about the use being compatible with the residential areas and the noise level. He requested a condition for the building to be sound proofed; that the sale of alcohol and live entertainment cease at 10:00 p.m. and that police calls for service be monitored. Mr. Jenkins thanked staff for their work on the project.

Speaking in opposition to the project, Bert Bene, has lived in the neighborhood for some time with neighbors having parties and loud music. The Police Department is familiar with the area and it has been impacted with vehicles, debris and graffiti. Mr. Bene stated that the restaurant is great, but he is opposed to the music.

The public hearing was closed.

Commissioner Cothran stated that he is not in favor of making the conditions more stringent.

Commissioner Lee stated that she is in agreement with the conditions as written and is not in favor of making them more restrictive.

Commissioner Lee appreciates the neighbors coming out and voicing their concerns.

Commissioner Meyer is concerned with giving the applicant too much "carte blanche".

Commissioner Hall is in agreement with the conditions as written.

Chairperson Garcia is in agreement with the conditions as written and feels they are adequate and have provisions in place if things get out of control.

Discussion was held on providing a trial period. State law and municipal code do not provide for a trial period.

Discussion was held on the Conditional Use Permit running with the land unless it is revoked or modified.

Discussion was held on the definition of live entertainment not being established. Discussion was held on Condition No. 8 being revised to address live entertainment noise levels.

Discussion was held on Condition No. 9 still being enforceable if there were no ABC license.

Discussion was held with the applicant regarding limiting the number of musicians performing.

Attorney Silver provided the following language for the revision of Condition No. 8 as follows: "Music may be permitted but the sound emitted from any source shall not be audible outside the walls of the business establishment. Music outside the walls of the business establishment, such as in a patio area, is prohibited."

A motion was made by Commissioner Hall and seconded by Commissioner Lee to: 1) Determine that the project qualifies for a Categorical Exemption, pursuant to Section No. 15301 (Class No. 1, Existing Facilities) of the California Environmental Quality Act (CEQA), and direct staff to file a Notice of Exemption; and 2) Approve Conditional Use Permit No. 11-010 subject to the attached findings and conditions of approval with a revision to Condition No. 8 as stated above. Motion carried by a vote of 4-1 with Commissioner Meyer opposing.

OTHER COMMISSION BUSINESS:

OCB

None.

NONE

STAFF REPORTS:SR
NONE

None.

DIRECTOR REPORT:

DR

1. **Recommendation to cancel the October 2, 2012, Planning Commission meeting:** A motion was by Commissioner Meyer and seconded by Commissioner Hall to cancel the Planning Commission meeting of October 2, 2012. Motion carried by a vote of 5-0.

**CANCEL
OCT 2, 2012
PC MEETING
VOTE: 5-0**
2. **Director's Determination Application (DDA No. 12-001) (Red Blossom Massage):** The Director of Community Development made the determination that a massage establishment is conditionally permitted and requires approval of a Minor Use Permit. Recent state law strongly suggests that massage business not be treated different than other personal care businesses i.e. nail salon, barber shop, etc. The Director's Report provided indicates the six findings used to guide the decision.

DDA NO. 12-001
3. **Discussion on sending a Planning Commission representative to the City Council hearing for Appeal No. 12-002, tentatively scheduled for October 9, 2012.** A motion was made by Commissioner Hall and seconded by Commissioner Meyer to have Commissioners Lee and Cothran represent the Planning Commission at the October 9, 2012, City Council meeting. Motion carried by a vote of 5-0.

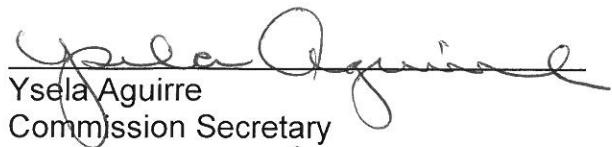
**APPEAL
NO. 12-002
VOTE: 5-0**
4. **Workshop regarding the Water of Life Church to be held after the regular Planning Commission meeting** Director Williams notified the Planning Commission that staff was preparing a 30-minute workshop on the Water of Life Church; he received a request this afternoon from the Water of Life Church requesting that the workshop be held before the Planning Commission meeting of October 16, 2012, instead of afterward. Director Williams recommended to Water of Life that the workshop be held in the normal order, after the meeting.

**WORKSHOP
WATER OF
LIFE CHURCH**

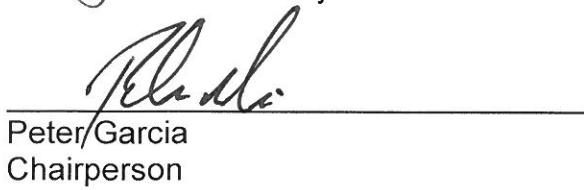
<u>COMMISSION COMMENTS:</u>	<u>COMMENTS</u>
Commissioner Hall had no comments.	HALL
Commissioner Meyer announced that there is presentation on the Duncan Canyon Project this evening at the Jessie Turner Health and Fitness Center this evening and encouraged anyone interested in attending.	MEYER
Commissioner Meyer commended the Cothran family for their work at the race event.	
Commissioner Meyer congratulated Commissioner and Mrs. Cothran on their 32 years of marriage.	
Commissioner Lee thanked community members, staff and leadership for the new fire station in honor of John Roberts. The dedication event was wonderful as it was equally balanced between honoring 9-11 and Mayor Pro Tem Roberts.	LEE
Commissioner Lee attended a barbecue provided by AmVets at the VFW and had the honor of meeting many veterans.	
Commissioner Lee announced the Volunteer Appreciation event to be held on Saturday, September 22, at the Jessie Turner Health and Fitness Center.	
Commissioner Lee wished everyone a good evening.	
Commissioner Cothran thanked all of the volunteers at the raceway event this weekend.	COTHRAN
Commissioner Cothran congratulated John Roberts for his 32 years of service as a fire fighter; he has done a great job for our community	
City Clerk Lewis announced that plans are on target for Sammy Hagar to be the Grand Marshall at the Fontana Days 100 th event in June 2013.	LEWIS
City Clerk Lewis announced that the Christmas Parade is planned for December 6, 2012, applications are now being taken and she can be contacted at Tlewis@fontana.org	
Chairperson Garcia wished everyone a good evening.	GARCIA
<u>PUBLIC FORUM</u>	
None.	PF NONE

ADJOURNMENT

By consensus, the Planning Commission adjourned at 7:34 to the regularly scheduled Planning Commission Meeting on Tuesday, October 16, 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.

ADJOURN**7:34 P.M.**

Ysela Aguirre
Commission Secretary



Peter Garcia
Chairperson