

**CITY OF FONTANA
PLANNING COMMISSION
REGULAR MEETING MINUTES
APRIL 16, 2013**

A regular meeting of the City of Fontana Planning Commission was held on Tuesday, April 16, 2013, 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 Slowik, the Pledge of Allegiance was led by Commissioner Hall.

ROLL CALL

Present: Chairperson Garcia, and Commissioners Hall, Meyer and Slowik

Absent: Commissioner Cothran

Also Present: Director Don Williams, AICP; Attorney Alison P. Gomer; Assistant Planner Jon S. Dille; Senior Planner Stephanie Hall; Community Policing Technician Wendy Ratcliffe; City Clerk Tonia Lewis; and Planning Commission Secretary Ysela Aguirre

SPECIAL PRESENTATIONS:

The Planning Commission presented former Planning Commissioner Dr. Carole Lee a memento for her years of service on the Planning Commission.

**SP
DR. LEE**

Former Commissioner Kenneth Galasso commended Dr. Lee for her work on the Planning Commission.

Dr. Lee thanked the Planning Commissioners and staff for all of their support over the years.

A recess was called at 6:19 p.m.

The meeting was reconvened at 6:38 p.m.

PUBLIC COMMUNICATION:

None.

PC

NONE

CONSENT CALENDAR:

A motion was made by Commissioner Meyer and seconded by Commissioner Hall to continue the minutes of the March 19, 2013, Planning Commission Meeting to the May 21, 2013, Planning Commission meeting. Motion passed by a vote of 3-0-1 with Commissioner Garcia

CC

**MAR 19, 2013
CONTINUED
VOTE: 3-0-1**

abstaining.

PUBLIC HEARINGS:

PH

- A. A Public Hearing was opened regarding: **Conditional Use Permit No. 12-038** Filed by Family Dollar 10301 Monroe Road, Matthews, NC 28201-1017. A Conditional Use Permit (CUP) request for an existing retail store (Family Dollar), to operate in conjunction with a California Department of Alcoholic Beverage Control (ABC) Type 20 (Off-Sale Beer and Wine) license. The project site is an irregularly-shaped property consisting of one parcel (APN: 0194-011-25) of approximately 2.4 adjusted gross acres, located on the southeast corner of the intersection of Merrill Avenue and Sierra Avenue, excluding the two (2) out-parcels, and having a frontage of approximately 95 feet on the south side of Merrill Avenue, a second frontage of approximately 192 feet on the east side of Sierra Avenue, and a depth of approximately 445 feet. The site is further identified as 8933 Sierra Avenue.

PH A
CUP NO.
12-038

CONTINUED
VOTE: 4-0

A memo was presented at the dais from staff to continue this item off calendar per the applicant's request.

Speaking for the applicant, Steve Rawlings, requested a continuance of this item and understands that applicant will need to re-notice if they choose to move forward with this item at a future date.

The public hearing was closed.

A motion was made by Commissioner Meyer and seconded by Commissioner Hall to continue this item off calendar. Motion carried by a vote of 4-0.

- B. A Public Hearing was opened regarding: **Municipal Code Amendment (MCA) No. 13-001**. A request to adopt a resolution recommending that the City Council approve MCA No. 13-001, an amendment to Chapter 21, Article V (Timing and Payment of Development Impact Fees) of the Fontana City Code. The amendment will allow the payment of Development Impact Fees upon the issuance of a certificate of occupancy for residential construction. Staff presentation was given by Project Planner Stephanie Hall.

PH B
MCA NO. 13-001

RESOLUTION
NO. PC 2013-02

VOTE: 4-0

Discussion held on the number of developers taking advantage of the deferral program.

Discussion held on the ordinance applying to multiple tracts, not single

residence.

Discussion held on the development impact fee being collected at the time of issuance of occupancy permit.

Discussion held on how defrayed fees are collected and fund projects as they are needed thought the city – not necessarily tied to each project. This ordinance will make permanent what the City Council has wanted. With new software, staff can track fees lot by lot. Director Williams stated that when a tract is being built, there are fees and costs already incurred by the city such as storm drain or sewer line.

Discussion held on the software system not allowing an issuance of Certificate of Occupancy if the collection of fees does not occur. If fees are not collected, litigation would follow.

No member of the audience spoke in favor or opposition.

The public hearing was closed.

A motion was made by Commissioner Meyer and seconded by Commissioner Hall to adopt PC Resolution No. 13-02, a resolution forwarding a recommendation to the City Council 1) finding that there will be no significant environmental impacts caused by this project; therefore, Notice of Exemption has been prepared pursuant to Section 15061 (b) (3) (General Rule Exemption), of the California Environmental Quality Act; and, 2) to approve Municipal Code Amendment (MCA) No. 13-001, an amendment to Chapter 21, Article V (Timing and Payment of Development Impact Fees) of the Fontana City Code. Motion carried by a vote of 4-0.

C. A Public Hearing was opened regarding **Zoning Code Amendment (ZCA) No. 13-002**. A request to adopt a resolution recommending that the City Council approve ZCA No. 13-002, an amendment to Chapter 30, Article II Division 12 (Home Occupation Permit) of the Fontana City Code. The amendment will allow Cottage Food Operations as a permitted use in the residential zoning district with the approval of a home occupation permit. Staff presentation was given by Project Planner Stephanie Hall.

PH C

ZCA

NO. 13-002

RESOLUTION

NO. PC 2013-03

CONTINUED

VOTE: 4-0

Discussion held on who would be considered an “employee”. The law allows the owner and one additional employee; owner can hire one employee outside of the family, anyone that is a family member or lives in the residence is not considered an employee.

Discussion held on staff keeping track of the 600 feet rule.

Commissioner Slowik spoke on the state's intent of AB 1616 and its impact on the health and safety of the residents of Fontana.

Discussion held on what the city can do to protect the health and safety of residents. The law is very restrictive on what the city is able to do.

Discussion held on foot traffic, operation from house, people all day, trash, and hours of operation, etc.

Discussion held on the list of "non-potentially hazardous food".

Discussion held on what authority the city has over a facility in regards to public health and safety. The county is the agency losing its enforcement ability as they have health inspectors; the city is not allowed to inspect a Cottage Food Operation for health and safety standards.

A recess was called at 7:43 p.m.

The meeting was reconvened at 7:49 p.m.

Discussion held on the possibility of the City of Fontana being liable for issuing permits should there be any litigation. Attorney Gomer suggested moving this item to closed session if it is foreseen that there was a threat of litigation.

Discussion held on researching what other cities have done regarding AB1616 and if they had the same concerns. This ordinance was crafted by Best, Best and Krieger with city staff adding a few items.

Commissioner Meyer suggested moving this item to the May 21, 2013, Planning Commission meeting to allow for a thorough discussion before action is taken to recommend this ordinance to the City Council.

Upon the Planning Commission's vote, Director Williams will schedule this item for a closed session on May 21, 2013.

Discussion held on applicants being required to get a city business license. Planner Hall stated that all business that operate in the city must have a business license.

No member of the public spoke in favor or opposition.

The public hearing was closed.

A motion was made by Commissioner Meyer and seconded by Commissioner Slowik to continue this item to a closed session and public hearing at the May 21, 2013, Planning Commission meeting. Motion carried by a vote of 4-0.

NEW BUSINESS

NB

None.

NONE

DIRECTOR COMMUNICATIONS:

DC

Director Williams commented that the Planning staff has been busy recently working with residential developers. There are approximately 400 lots, with some tract maps that have expired and some are maps that were approved over the past few years. Over time, with this new increased activity, the work load on Tuesday night will start to increase.

**INCREASED
ACTIVITY**

A. The Planning Commission reviewed an update of future City Council Agenda items for the April 23, 2013, meeting for the Planning Commission's information; and an update of future Planning Commission items for the May 7, 2013, meeting for the Planning Commission's information.

**CC AGENDA
APRIL 23, 2013
PLANNING
AGENDA
MAY 7, 2013**

B. ABC Licensing and architectural foam treatments will be placed on the May 21, 2013, workshop agenda. Commissioner Slowik requested specific information regarding on-site and off-site licenses by census tract.

**WORKSHOP
AGENDA
ITEMS**

C. Director Williams asked the Planning Commission to kindly reply to Mr. Dominick Nigro regarding their attendance at the Kaiser Hospital Grand Opening.

**KAISER
OPENING
ATTENDANCE**

Commissioner Meyer requested having the closed session on May 21, 2013, begin at 5:30 p.m.

**WORKSHOP
AT 5:30 P.M.**

COMMISSION COMMENTS:

COMMENTS

Commissioner Slowik is pleased to see Charley's Burger Stand on Arrow Blvd. open for business.

SLOWIK

Commissioner Slowik stopped at Kaiser tours on Saturday. He encouraged residents to take the opportunity to visit the state of the art facility.

Commissioner Slowik attended the Senior Prom at the Fontana Community Senior Center.

Commissioner Slowik requested to adjourn tonight's meeting in memory of Dorothy Grant.

Commissioner Meyer congratulated former Commissioner Dr. Lee for her years of service.

MEYER

Commissioner Meyer requested to adjourn in memory of the Boston tragedy victims.

Commissioner Hall requested prayers for the victims of the Boston tragedy.

HALL

City Clerk Tonia Lewis expressed sadness on the loss of Dorothy Grant.

**CITY CLERK
LEWIS**

City Clerk Lewis reminded everyone of the Fontana Days Festival.

Chairperson Garcia wished everyone a good evening.

GARCIA

PUBLIC FORUM

PF

None.


NONE

ADJOURNMENT

**ADJOURN
8:25 P.M.**

By consensus, the Planning Commission adjourned in memory of Dorothy Grant and victims of the Boston tragedy at 8:25 to the next Regular Planning Commission meeting on Tuesday, May 7, 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