

**MINUTES OF THE CITY OF FONTANA
REGULAR PLANNING COMMISSION MEETING
August 19, 2014
Grover W. Taylor City Council Chambers**

CALL TO ORDER/ROLL CALL:

A. 6:00 P.M. Call to Order/Roll Call

A regular meeting of the City of Fontana Planning Commission was held on Tuesday, August 19, 2014, in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, California. Chairperson Cothran called the meeting to order at 6:02 p.m.

Present: Chairperson Cothran, Vice-Chairperson Slowik, Secretary Armendarez, and Commissioners Garcia and Meyer.

Absent: None

Also Present: Senior Planner Orlando Hernandez; Attorney Andrew D. Maiorano; Senior Planner Shannon J. Casey, AICP; Assistant Planners Jon S. Dille, and Rina Leung; Associate Planner Paul Gonzales; Policing Technician Wendy Ratcliffe; City Clerk Tonia Lewis and Planning Commission Secretary Ysela Aguirre.

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Invocation/Pledge of Allegiance

Following the Invocation given by Commissioner Meyer, the Pledge of Allegiance was led by Vice-Chairperson Slowik.

PUBLIC COMMUNICATIONS:

A. Public Communications

None.

PUBLIC HEARINGS:

A. Master Case No. 14-044 and Conditional Use Permit No. 14-020

Project Planner, Jon S. Dille, Assistant Planner, provided the staff report.

Discussion was held on hospitals being considered sensitive use. Staff is in the process of updating City Code that addresses sensitive uses.

Secretary Armendarez recused himself from hearing this item because he owns property within 600 ft. of this project.

Policing Technician, Wendy Ratcliffe, spoke on visiting the site and provided information on calls for service and does not anticipate any problems as there are other licenses and not aware of any problems in the entire complex; the concern in the area is transient activity and the applicant has addressed that by agreeing to the condition regarding video surveillance. The Police Department is supportive of this license.

The Public Hearing was opened.

Speaking for the applicant, Onder Dirim would like to serve beer and wine at his family oriented restaurant and will limit beer to two per person.

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

No member of the audience spoke in favor or opposition.

The Public Hearing was closed.

ACTION: Motion was made by Commissioner Meyer and seconded by Vice-Chairperson Slowik to 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301, (Class No. 1, Existing Facility) of the CEQA, 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. 14-020 subject to the attached findings and conditions of approval with the removal of the sentence "...the finding of Public Convenience or Necessity can further be met due to the lack of family oriented "sit down" restaurants in the immediate vicinity." on page 21 of 84 of the staff report. Motion passed by a vote of 4-0 with Secretary Armendarez recusing himself.

Planner Hernandez introduced Benjamin Torres, Planning Intern.

B. Master Case No. 14-040, Conditional Use Permit No. 14-018 (Cont'd from 7-15-14)

Project Planner, Benjamin Torres, Planning Intern, provided the staff report.

Secretary Armendarez recused himself from hearing this item because he owns property within 600 ft. of this project.

Staff reported that two conditions from attachment No. 9 will be added as Conditions of Approval on attachment No. 6 as follows: Condition No. 2 will be added as Condition No. 42 in attachment No. 6 and Condition No. 12 will be added as Condition No. 43 in attachment No. 6.

Discussion was held on the responsibility for monitoring loitering in the parking lot. The 99 Cent Store Manager is responsible. There is a condition regarding a Security Guard being required if the loitering is not monitored.

Discussion was held on the Condition regarding changing the store hours from 10:00 p.m. to 9:00 p.m.

Discussion was held on transient activity on the property.

Discussion was held on the calls for service. A report on calls for service is not usually done unless alcohol is being sold as there is nothing to compare it to on a new license.

Technician Ratcliffe spoke on task force inspections that are done about 5 or 6 times per year if funding is available.

Discussion was held on the applicant working to stay competitive with other grocery stores in the area.

The Public Hearing was opened.

Speaking for the applicant, Steve Rawlings requested that hours of operation remain 8:00 a.m. to 10:00 p.m. Mr. Rawlings concurred with the staff report and has read, understood and agreed to the conditions of approval. Mr. Rawlings applauded the Police Department for proactive conditions of approval for alcohol sales. Applicant provided informational material at the dais and a history on the 99 Cent Only Stores. Six packs of beer will not be sold for 99 cents; wine bottles will be sold from \$2.99 to \$6.99. Staff will be fully trained. There is a good customer base and would like to offer the product to customers. Mr. Rawlings will work with store/regional managers to ensure loitering issues are addressed.

Discussion was held on the remodeling of the store.

Discussion was held on the importance of multi-container sales. The store system does not allow for single beer sales and requests a valid identification be scanned for any alcohol sale to be completed.

Discussion was held on the age of employees selling alcohol.

Discussion was held on the applicant providing a security guard to avoid problems.

Discussion was held on adding a condition regarding locking mechanisms on shopping carts. Technician Ratcliffe spoke on prior understanding the City was not ready to move forward with such a condition; this may be a condition to consider for new developments, but may be difficult for an existing project.

The Public Hearing was closed.

Discussion began on shopping cart restrictions; Attorney Maiorano requested the discussion focus on this project and bring back the shopping cart discussion at Commission Comments.

Discussion was held on room temperature sales.

ACTION: Motion was made by Slowik and seconded by Meyer 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; 2) Make a finding of Public Convenience or Necessity; and, 3) Approve Conditional Use Permit No. 14-018, subject to the attached findings and conditions of approval, and direct staff to file the Notice of Exemption with the additional conditions of approval. Motion passed by a vote of 3-1; Commissioners Meyer, Cothran and Slowik in favor with Commissioner Garcia opposing and Secretary Armendarez recusing himself.

C. AMD No. 11-025R1 - Windflag signs

Project Planner, Rina Leung, Assistant Planner, provided the staff report.

Discussion was held on Code Enforcement only addressing an issue if there is a complaint; there will not be good data unless there are complaints. The ordinance is only enforced on a case-by-case basis and not proactively.

Discussion was held on the five permits that were pulled.

Discussion was held on the success of the ordinance.

Discussion was held on provisions regarding the condition of the flags.

Discussion was held on enforcing the ordinance and having Code Enforcement be proactive; if Code Enforcement receives direction to address it, they will.

Discussion was held on the communication of the ordinance to businesses before enforcing it.

Discussion was held on Code Enforcement only being able to enforce ordinances that are active; current sign code does not allow windflag signs.

Discussion was held on not having enough information to evaluate the effectiveness of the ordinance.

The Public Hearing was opened.

Ray Allard spoke on flags in the public right of way; clarification on the 45 days of flag display; and providing an online permit application for more people to utilize.

The Public Hearing was closed.

Commissioner Meyer suggested moving this item to a future meeting.

Discussion was held on this ordinance expiring over one year ago and just now coming forward for renewal.

Consensus was to form a workshop and invite business owners to get some feedback before moving this item forward for City Council approval.

Discussion was held on any recourses, fines, and penalties.

Vice-Chairperson Slowik requested the entire sign ordinance language.

Senior Planner Hernandez recommended taking this item off the agenda and bringing it back to future meeting with a Workshop prior to bringing it back.

ACTION: Motion was made by Meyer and seconded by Garcia to continue this item to a date uncertain. Motion passed by a vote of 5-0.

D. Design Review Amendment No. 13-009R1 for Frontier Homes

Project Planner, Paul Gonzales, Associate Planner, provided the staff report.

Discussion was held on the applicant meeting all of the conditions of approval for each stage of the development. There are no problems with this applicant.

The Public Hearing was opened.

Speaking for the applicant, Mathew Esquivel, read, understood and agreed to the conditions of approval.

Discussion was held regarding an agreement with the neighboring lot. The concerned neighbor was in attendance earlier to attest to the agreement.

Gerardo Placencia, spoke on concerns with the time of work being performed on the site and the retaining wall at the rear of his property.

Planner Hernandez will share contact information with the speaker to address his concerns.

The Public Hearing was closed.

ACTION: Motion was made by Secretary Armendarez and seconded by Vice-Chairperson Slowik to 1) Determine that the project is Categorically Exempt pursuant to Section No. Section 15061b (3) (General Exemption) of the California Environmental Quality Act; and, 2) Approve Design Review Amendment No. 13-009R1. Motion passed by a vote of 5-0.

DIRECTOR COMMUNICATIONS:

A. Director Communications

The Planning Commission reviewed an update of future City Council Agenda items for the August 26, 2014, September 9, 2014, and September 23, 2014, meetings for the Planning Commission's information; and an update of future Planning Commission items for the September 2, 2014, September 16, 2014, and September 23, 2014 (Joint Planning Commission and City Council Workshop), meetings for the Planning Commission's information.

COMMISSION COMMENTS:

A. Planning Commission Remarks

Commissioner Meyer wished everyone a good evening.

Secretary Armendarez wished everyone a safe drive home and a good evening.

Vice-Chairperson Slowik announced the Baseline Interchange Groundbreaking on Thursday, August 21, at 9:30 a.m.

Vice-Chairperson Slowik announced the Senior Center Parking Lot Ribbon Cutting event on Friday, August 29, 2014.

Vice-Chairperson Slowik congratulated the Sons of Italy on their 30th Anniversary.

Vice-Chairperson Slowik reminded everyone to be careful with students going back to school and at Back to School events this week.

Vice-Chairperson Slowik spoke on the potential for addressing the shopping cart issue for new commercial developments and those adding space.


Commissioner Garcia wished everyone a good evening.

Commissioner Meyer requested a workshop on the shopping cart issue.
Consensus was to direct staff to hold a workshop.


Chairperson Cothran reminded the community of the Indy Race on August 30, 2014.

ADJOURNMENT:

By consensus, the Planning Commission adjourned at 8:08 p.m. to the regularly scheduled Planning Commission meeting on September 2, 2014, at 6:00 p.m., in the Grover W. Taylor City Council Chambers located at 8353 Sierra Avenue, Fontana, California.


Ysela Aguirre
Commission Secretary

**THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING
COMMISSION ON THE 2ND DAY OF SEPTEMBER, 2014.**


Phil Cothran
Chairperson