

**MINUTES OF THE CITY OF FONTANA
REGULAR PLANNING COMMISSION MEETING
February 17, 2015
Grover W. Taylor 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, February 17, 2015, in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, California. Chairperson Cothran called the meeting to order at 6:03 p.m.

Present: Chairperson Cothran, Secretary Garcia and Vice-Chairperson Meyer. Commissioners Rowland and Quiroga joined the dais after being sworn in.

Absent: None

Also Present: Director of Community Development James Troyer, AICP; Attorney Andrew D. Maiorano; Assistant Planner Dawn Rowe; 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 Secretary Garcia, the Pledge of Allegiance was led by Vice-Chairperson Meyer.

SPECIAL PRESENTATIONS:

A. Oath of Affirmation of Allegiance:

Mayor Warren administered the Oath of Affirmation of Allegiance to newly appointed Planning Commissioners Janie Rowland and Daniel Quiroga.

PUBLIC COMMUNICATIONS:

A. Public Communications

None.

CONSENT CALENDAR:

A. Approval of Minutes

Approve the Planning Commission Minutes of February 3, 2015.

A motion was made by Vice-Chairperson Meyer and seconded by Secretary Garcia to approve the minutes of the February 3, 2015, Planning Commission Meeting. Motion passed by a vote of 3-0-2 with Commissioners Quiroga and Rowland abstaining.

PUBLIC HEARINGS:

A. Master Case No. 14-002, Conditional Use Permit No. 14-039, a request for a Type 41 ABC License for Chipotle Mexican Grill

Dawn Rowe, Assistant Planner, provided the staff report.

Staff provided a modification of Condition No. 26 by memo at the dais to strike out Condition No. 26 as written and replace it with alternate language.

Discussion was held the project not being identified as sensitive use, but there is a continuation school 250 feet north of the project site.

Commissioner Cothran provided information to the new Commissioners regarding census tracts.

Attorney Maiorano reminded the Chairman to focus on the item at hand.

Discussion was held on including staff's recommendation to determine that this project is categorically exempt and make those findings in the motion.

Discussion was held on whether the patio was considered as part of the edifice and whether alcohol and music were allowed in the outdoor patio; alcohol is allowed in the patio area, but music is not.

Discussion was held on the replacement language of revised Condition No. 26 regarding having someone at least 21 years old on site for the sale of alcohol.

The Public Hearing was opened.

Speaking for the applicant, Valerie Sacks, spoke on the reason why Chipotle wanted Condition No. 26 revised; Chipotle only hires 18 year olds, but may not always have a 21 year old as the cashier and did not want it to be considered a violation of this condition, if the 18 year old rang up the customer.

Ms. Sacks spoke on the over concentration designation and since this project's census tract is in a commercial area, the population is not as high as the adjacent tract. It is often appropriate to be over concentrated when there is a cluster of similar uses in one census tract.

Ms. Sacks is in agreement with revising the language of Condition No. 26 as long as it is clear to everyone what is meant by "distribution". It is Chipotle's policy to have someone over 21 years old on site.

Discussion was held on the number of Chipotles that serve beer and wine.

Discussion was held on the applicant's request for a Type 41 permit versus a Type 47.

Ms. Sacks commented that staff has been extremely helpful.

Discussion was held on the rewording of Condition No. 26. Consensus was to revise the language of Condition No. 26 as follows:

"Employees engaged in the distribution of beer or wine for on site consumption shall be at least 21 years old. The business owner/licensee or management shall abide by Business and Professions Code 25663(a) and Business and Professions Code 25667 for any employee engaged in the sale of beer or wine for on-site consumption."

No member of the audience spoke in favor or opposition.

The Public Hearing was closed.

ACTION: Motion was made by Commissioner Rowland and seconded by Commissioner Quiroga to 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301, (Class No. 1, Existing Facility) of the CEQA Guidelines, and direct staff to file a Notice of Exemption; and, 2) Approve Conditional Use Permit No. 14-039 subject to the attached findings and conditions of approval and revised language to Condition No 26. 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 February 24, 2015 meeting for the Planning Commission's information; and an update of future Planning Commission items for the March 3, 2015 meeting for the Planning Commission's information.

COMMISSION COMMENTS:

A. Planning Commission Remarks

Vice-Chairperson Meyer welcomed new Commissioners Quiroga and Rowland to the Commission.

Vice-Chairperson Meyer wished everyone a happy lunar new year.

Vice-Chairperson Meyer wished everyone a holy and healthy Lent experience.

Vice-Chairperson Meyer wished everyone a good evening.

Secretary Garcia congratulated the newly appointed Commissioners Quiroga and Rowland.

Secretary Garcia wished everyone a good evening.

Commissioner Quiroga thanked Mayor Warren and the City Council for supporting him.

Commissioner Quiroga spoke on his intention to keep Fontana growing in the best way possible and being very proud to being appointed to the Planning Commission.

Commissioner Quiroga thanked his wife and family for their support.

Commissioner Quiroga thanked Phil, Peter, and Larry for their support and guidance.

Commissioner Quiroga thanked City Clerk Lewis.

Commissioner Rowland thanked her fellow Commissioners for their support.

Commissioner Rowland thanked her family and friends for being here to tonight.

Commissioner Rowland looks forward to serving on the Planning Commission.

Commissioner Rowland spoke on being born and raised here and it is important to her to be in on the development of the city.

Chairperson Cothran welcomed the new Commissioners and commended them for their heart; and commended Commissioner Garcia on his technical knowledge.

WORKSHOP:

Signs for Vineyard Valley Shopping Center

ADJOURNMENT:

By consensus, the Planning Commission adjourned at 7:06 p.m. to a Workshop in the Executive Conference Room and then to the regularly scheduled Planning Commission meeting on Tuesday, March 3, 2015, at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

Ysela Aguirre
Ysela Aguirre
Commission Secretary

THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING COMMISSION ON THE 3rd DAY OF MARCH, 2015.

Phil Cothran
Phil Cothran
Chairperson