

**MINUTES OF THE CITY OF FONTANA  
REGULAR PLANNING COMMISSION MEETING  
February 16, 2016  
Grover W. Taylor Council Chambers**

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**CALL TO ORDER/ROLL CALL:**

**A. Call To Order/Roll Call:**

A regular meeting of the City of Fontana Planning Commission was held on Tuesday, February 16, 2016, in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California. Chairperson Cothran called the meeting to order at 6:06 p.m.

Present: Chairperson Cothran, Vice Chairperson Meyer, Secretary Garcia, Commissioner Quiroga and Commissioner Rowland.

Absent: None.

Also Present: Attorney Victor Ponto; Manager Zai AbuBakar; Assistant Planner Dawn Rowe; Policing Technician Wendy Ratcliff; City Clerk Tonia Lewis, and Planning Commission Secretary Ysela Aguirre.

**INVOCATION/PLEDGE OF ALLEGIANCE:**

**A. Invocation/Pledge of Allegiance:**

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

**PUBLIC COMMUNICATIONS:**

**A. Public Communications:**

Tressy Capps spoke on promoting Toll Free IE; a grassroots effort to halt toll lanes in San Bernardino County on the 10 Freeway from Redlands to Pomona and on the 15 Freeway. She also spoke on the General Plan Advisory Committee. It has come to her attention that three members of the committee are not participating. Dr. Henry Shannon has only shown up once; Carlos Rodriguez and Jackie Aboud have each gone to one meeting and missed four. She would like to see these three GPAC members replaced as soon as possible.

**CONSENT CALENDAR:**

**A. Approval of Minutes:**

Approve the Regular Planning Commission Meeting Minutes of February 2, 2016.

A motion was made by Vice Chairperson Meyer and seconded by Secretary Garcia to approve the Minutes of the February 2, 2016, Planning Commission Meeting. Motion passed by a vote of 4-0-1 with Commissioner Rowland abstaining.

**PUBLIC HEARINGS:**

**A. Master Case No. 14-055; Conditional Use Permit No. 05-47R2 - CUP is a request to operate a grocery store in conjunction with a California Department of Alcoholic Beverage Control (ABC) Type 20 (On-Sale Beer and Wine) license.**

Dawn Rowe, Assistant Planner, provided the staff report.

Discussion was held on conditions that are specific to markets verses those specific to convenience stores. Some conditions overlap.

Chairperson Cothran has been approached by applicants regarding some line items in the conditions of approval.

Police Technician Ratcliff spoke on the conditions being in place for many years since the City of Fontana Police Department worked with the Ontario Police Department to mirror their CUPs that were proven to decrease alcohol related issues with minors and car accidents. The conditions are standard to any off sale locations.

Conditions No. 19 and Conditions No. 20 are duplicates.

Speaking for the applicant, Paul Cornejo accepts the conditions of approval. He stated that the sale of alcohol is less than 2% of their sale. The purpose for selling is for customer's convenience.

Discussion was held on when the applicant will open.

Discussion was held on craft beers.

Public Hearing was opened.

No member of the public spoke in favor or opposition to this project.

The Public Hearing was closed.

**ACTION:** A 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, and direct staff to file a Notice of Exemption; and, 2) Approve Conditional Use Permit No. 05-047R2 subject to the attached Findings and Conditions of Approval. Motion passed by a vote of 5-0.

**B. Planning Case No. 12-005; Conditional Use Permit No. 15-038 - CUP is a request to operate a convenience store in conjunction with a new California Department of Alcoholic Beverage Control (ABC) Type No. 20 (Off-Sale Beer and Wine) license.**

Dawn Rowe, Assistant Planner, provided the staff report.

Discussion was held on the bottle size of craft beers.

Discussion was held on the need for different requirements for grocery store, liquor store, etc. The goal is to maintain consistency throughout different types of stores.

Discussion was held on some stores having their CUPs long before the single sale condition was required in 2010.

Discussion was held on any possible issues with those stores selling that type of product.

Discussion was held on any issues to allow other stores to have the single can/bottle sales.

Technician Ratcliff would have to run some reports and report back to Planning Commission.

The Public Hearing was opened.

Khalid Fakhoury spoke on behalf of the applicant, on the large amount of money already invested in this project. He accepts all conditions of approval except No. 9 in the Police Department's conditions regarding the single size containers of 40 ounces or less.

Attorney Ponto spoke on Conditions No. 12 and No. 14 needing to be addressed.

Discussion was held on the difference between malt and craft beers - malt is cheaper than craft and has a higher alcohol content.

Attorney Ponto spoke on the modern trend on 22 ounce craft beers being sold for \$5 to \$10 each and it is capturing a larger market.

Technician Ratcliff spoke on the Chief of Police being amenable to changing the conditions of approval as the City Council sees fit.

Discussion was held on opening the door for single container sales of all types of beer.

Attorney Ponto spoke on the Planning Commission then getting into a case by case analysis of what is considered craft beer.

The applicant, Salim Namat spoke on the market shifting to other types of beers that only come in single container sizes but they are not considered a craft beer.

Technician Ratcliff spoke on a possible solution would be to only allow applicant to sell

warm alcohol. The applicant spoke on craft beers needing to be sold chilled.

Discussion was held on tabling this item to a date certain to allow staff to gather input from other agencies and the community regarding single container sales.

Applicant is in agreement to table this item.

Vice Chairperson Meyer directed staff to work with the applicant to modify Condition No. 24 to be consistent with the project prior regarding video surveillance.

No member of the public spoke in favor or opposition to this project.

The Public Hearing was closed.

**ACTION:** A motion was made by Vice Chairperson Meyer and seconded by Secretary Garcia to continue this item to the March 15, 2016, Planning Commission meeting. Motion passed by a vote of 5-0.

**C. Master Case No. 15-058; Conditional Use Permit No. 15-020 - CUP is a request to operate a restaurant in conjunction with a new California Department of Alcoholic Beverage Control (ABC) Type 41 (On-Sale Beer and Wine for a Bona Fide Public Eating Place) license.**

Dawn Rowe, Assistant Planner, provided the staff report.

Staff indicated a typo on page 51 of the report; it should read "1,175 feet from the project".

Staff reported that the Applicant is not in attendance at tonight's meeting, but stated in writing that he is in favor of all of the conditions of approval.

Discussion was held on the hours of service.

The Public Hearing was opened.

No member of the public spoke in favor or opposition to this project.

The Public Hearing was closed.

**ACTION:** A motion was made by Rowland and seconded by 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. 15-020 subject to the attached Findings and Conditions of Approval. Motion passed by a vote of 5-0.

## **OTHER COMMISSION BUSINESS:**

### **A. Status Report for 7-Elevens, Alfredo's Pizza, and Options for Youth**

Commissioner Meyer requested a verbal report for an audience member that requested

the report.

Dawn Rowe provided the verbal status report.

Discussion was held on the increase in calls for services at the 7-Eleven at Arrow & Juniper.

Discussion was held on the report being available to anyone who would like to see it.

Discussion was held on review of Conditions of Approval. If there is a violation of one of the conditions, the applicant can be brought in to respond to it. There is also a condition that they can be directed to obtain a security guard.

## **DIRECTOR COMMUNICATIONS:**

### **A. Director Communications:**

The Planning Commission reviewed an update of future City Council Agenda items for the February 23, 2016 and March 8, 2016, meetings for the Planning Commission's information; and an update of future Planning Commission items for the March 1, 2016 and March 8, 2016 meetings for the Planning Commission's information.

Manager AbuBakar indicated that tonight's meeting will be adjourned to a Joint City Council and Planning Commission Workshop on February 23, 2016 at 5:30 p.m.

## **COMMISSION COMMENTS:**

### **A. Planning Commission Remarks:**

Secretary Garcia had no comments.

Commissioner Rowland wished everyone a good evening.

Vice Chairperson Meyer spoke on the turn out for the Sacred Heart Mardi Gras Dinner and thanked the sponsors, speakers and attendees of the event; many attendees were impressed with the Jessie Turner Health and Fitness Center.

Vice Chairperson Meyer spoke on staff in this city being great people and great employees and all part of a family. He requested tonight's meeting be adjourned in memory of Paul Gonzales' father, Gilbert Gonzales.

Commissioner Quiroga thanked the supporters of the Fontana Middle School Travel Club's McTeacher Night Fundraiser; especially Matthew Slowik, Michael Tahan, Jesse Armendariz, Phil Cothran and Mayor Warren.

Chairperson Cothran spoke on participating in the McTeacher Night Fundraiser representing the Chamber of Commerce on behalf of Idilio Sanchez.

Chairperson Cothran invited everyone interested in volunteering at NASCAR on March

20, 2016. There will be Racefest activities begin on Thursday, March 17, 2016, at 5:00 p.m. and the big race on Sunday, March 20, 2016.

Chairperson Cothran requested that tonight's meeting be adjourned in memory of Jesus Armendariz and Gilbert Gonzales.

## **WORKSHOP:**

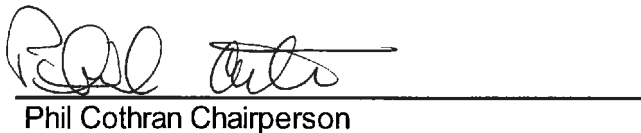
None.

## **ADJOURNMENT:**

By consensus, the Planning Commission meeting adjourned at 7:23 p.m. in memory of Jesus Armendariz and Gilbert Gonzales to a Joint City Council and Planning Commission Workshop on February 23, 2016 at 5:30 p.m. then to the Regular Planning Commission Meeting on Tuesday, March 1, 2016, at 6:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

  
Ysela Aguirre Commission Secretary

**THE FOREGOING MINUTES WERE APPROVED BY THE PLANNING COMMISSION  
ON THE 1st DAY OF MARCH 2016.**

  
Phil Cothran Chairperson