

**MINUTES OF THE CITY OF FONTANA
REGULAR PLANNING COMMISSION MEETING
September 20, 2016
Grover W. Taylor Council Chambers**

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, September 20, 2016, in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California. Vice Chairperson Meyer called the meeting to order at 6:01 p.m.

Present: Vice Chairperson Meyer, Secretary Quiroga, Commissioner Gongora, and Commissioner Sanchez.

Absent: Chairperson Garcia.

Also Present: Attorney Victor Ponto; Planning Manager Zai AbuBakar; Assistant Planner Jon Dille; Assistant Planner Alejandro Rico; 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 Gongora, the Pledge of Allegiance was led by Commissioner Sanchez.

PUBLIC COMMUNICATIONS:

A. Public Communications:

None.

CONSENT CALENDAR:

A. Approval of Minutes:

Approve the Regular Planning Commission Meeting Minutes of September 6, 2016.

ACTION: A motion was made by Commissioner Gongora and seconded by Commissioner Sanchez to approve the Minutes of the September 6, 2016, Planning

Commission Meeting. Motion passed by a vote of 4-0.

PUBLIC HEARINGS:

- A. Master Case No. 14-057; Minor Use Permit No. 12-002R1 - a request to review and approve a revision to an existing Minor Use Permit for an existing grocery store (Rio Ranch Market).**

Assistant Planner Jon S. Dille provided the staff report.

Discussion was held on the current number of off-sale permits in this census tract.

By consensus, the word "if" will be removed from Condition No. 23.

The Public Hearing was opened.

Speaking for the applicant, Jay McCormack agreed to removing "if" from Condition No. 23.

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

The Public Hearing was closed.

Discussion was held on Condition No. 34; the applicant stated that their rules call for employees being 21 and over to serve alcohol.

Staff recommended replacing "available" with "required" on Condition No. 23.

ACTION: A motion was made by Commissioner Sanchez and seconded by Commissioner Quiroga to 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301, (Class No. 1, Existing Facility) and Section No. 15332 (Class No. 32, In-Fill Development Project) of the CEQA, and direct staff to file a Notice of Exemption; and, 2) Approve Minor Use Permit No. 12-002R1 with corrections to Condition No. 23 as discussed. Motion passed by a vote of 4-0.

- B. Master Case No. 14-069; Conditional Use Permit No. 16-020 - a request to operate an existing restaurant (Chipotle Mexican Grill) in conjunction with a new California Department of Alcoholic Beverage Control (ABC) Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) license. The request does include the service of alcoholic beverages within the patio area.**

Assistant Planner Jon S. Dille provided the staff report.

Staff indicated that Conditions No. 11 and No. 19 are duplicates and Condition No. 19 will be deleted.

Attorney Ponto provided the definition of "Findings of Public Conveniences and Necessity" for the Commission's understanding.

Discussion was held on the physical separation of the outside seating area.

Discussion was held on the renderings; they are not a requirement of this project.

By consensus, the word "if" will be removed from Condition No. 23 and the word "available" will be changed to "required".

Discussion was held on adding language to Condition No. 7 to require a 21-year old be on site at all times for the sale of alcohol.

Speaking for the applicant, Valerie Sacks provided history on Chipotle's operations throughout the State of California; employees are promoted from within allowing them to learn the rules as they grow in the business. They are expecting the opening of this Chipotle in mid-October and have lots of trainings and systems in place to manage the sale of alcohol. She spoke on the security of the outdoor eating area and staff being trained to monitor. The sale of alcohol is less than 5% of their gross receipts.

Discussion was held on preventing someone from passing a beverage to someone in the Starbucks drive-through lane.

Speaking for the applicant, Jorge Espinosa, General Manager, there is a significant amount of distance from the wall to the drive through lane.

Policing Technician Ratcliffe spoke on this same situation in other areas.

Discussion was held on a condition requiring a security guard if the Police Department finds it necessary.

Discussion was held on requiring a higher wall in the patio due to the high winds. The applicant is aware of that and will consider it for the future.

By consensus, the hour of operation were approved from 9:00 a.m. to 11:00 p.m.

Discussion was held on the signage requirements; it is not an issue, staff will work with applicant to make sure it is up to code.

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

Discussion was held on the barrier to prevent a car from going in the patio area; it is a metal guard rail and glass.

The Public Hearing was opened.

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

The Public Hearing was closed.

Discussion was held on each applicant being considered on its merit.

Discussion was held on the notification process.

Staff did not receive any communication in favor or opposition to this project.

Discussion was held on the census tract including areas outside of the City of Fontana's jurisdiction.

ACTION: A motion was made by Commissioner Sanchez and seconded by Commissioner Gongora to 1) Determine that the project is Categorically Exempt pursuant to Section No. 15301, (Class No. 1, Existing Facility) and Section No. 15332 (Class No. 32, In-Fill Development Project) of the CEQA, and direct staff to file a Notice of Exemption; and, 2) Approve Conditional Use Permit No. 16-020 with corrections subject to the attached Findings and Conditions of Approval. Motion passed by a vote of 4-0.

C. Master Case No. 16-048; Zoning Code Amendment No. 16-006 - To adopt a resolution recommending that the City Council approve an amendment to Chapter 30 Article V, (Residential Zoning Districts), Section 30-160.1.9, and Article VI, (Commercial and Mixed-Use Zoning Districts) Division 3 Section 30-202.A, and Section 30-205 of the Fontana Zoning and Development Code regarding fortune telling business.

Assistant Planner Alejandro Rico provided the staff report.

Staff did not receive any communication in favor or opposition to this project.

Discussion was held on sensitive uses and this project not falling under that designation.

Discussion was held on how many of these type of businesses are in the City of Fontana; this ordinance may bring out establishments that may not be permitted.

Discussion was held on the process for reporting businesses without a license. City of Fontana Code Enforcement is reactive.

Discussion was held on the 1,000 feet from a similar business requirement; staff can only speculate as to why it was, as it is an older requirement. The City of Fontana would open itself up to a lawsuit if that were a requirement now.

Discussion was held on the types of business that would fall under this ordinance.

Discussion was held on these types of businesses being prohibited from operating from a home.

The Public Hearing was opened.

No member of the audience spoke in favor or opposition.

The Public Hearing was closed.

ACTION: A motion was made by Commissioner Gongora and seconded by Commissioner Sanchez to adopt Resolution PC No. 2016-08, a resolution forwarding a recommendation to the City Council: 1) Finding that there will be no significant

environmental impacts caused by this project because it is exempt pursuant to Section 15061 (b) (3) (General Rule Exemption) of the California Environmental Quality Act, and direct staff to file a Notice of Exemption; 2) To adopt an ordinance approving Zoning Code Amendment (ZCA) No. 16-006, an amendment to Chapter 30 Article V, (Residential Zoning Districts), Section 30-160.1.9, and Article VI, (Commercial and Mixed-Use Zoning Districts) Division 3 Section 30-202.A and Section 30-205 of the Fontana Zoning and Development Code regarding fortune telling business. Motion passed by a vote of 4-0.

DIRECTOR COMMUNICATIONS:

A. Director Communications:

The Planning Commission reviewed an update of future City Council Agenda items for September 27, 2016 and October 11, 2016 for the Planning Commission's information; and an update of future Planning Commission agenda items for the September 27, 2016 and October 4, 2016 for the Planning Commission's information.

Planning Manager AbuBakar shared the Downtown Area Plan Workshop #2 on Saturday, October 15, 2016 from 9:00 a.m. to 12:00 p.m. at the Fontana Senior Center.

Planning Manager AbuBakar shared that the GPAC meeting information will be provided at a later date.

COMMISSION COMMENTS:

A. Planning Commission Remarks:

Commissioner Quiroga thanked everyone for coming out. He appreciates all the Commissioners. It is important to be on the same team and look out for Fontana.

Commissioner Quiroga wished everyone a good evening.

Commissioner Gongora thanked everyone for being here today.

Commissioner Gongora thanked his colleagues for having an open mind and open dialogue.

Commissioner Gongora thanked Planning Manager AbuBakar.

Commissioner Gongora attended the Volunteer Ceremony; it was a good experience.

Commissioner Gongora visited over 200 homes, walking door to door, to hear concerns in the community. For the most part, everyone is happy and appreciate the hard work going on in the community.

Commissioner Gongora raised concerns about traffic on Juniper Avenue by Jack Bulik Park. Planning Manager AbuBakar will notify Engineering staff.

Commissioner Gongora raised concerns from citizens walking their dog on west end of the park without significant lighting and people not conducting themselves properly. He requested improved lighting and increased patrols.

Commissioner Gongora requested an update on warehouse noises. Planning Manager AbuBakar will work with Code Enforcement regarding those concerns.

Commissioner Gongora thanked his wife for picking up the slack, his family for being there, and this community for allowing him to serve.

Commissioner Sanchez thanked everyone for coming.

Commissioner Sanchez thanked Planning Manager AbuBakar and staff.

Commissioner Sanchez thanked everyone for coming out to the School Board Meeting and reminded everyone that elections are coming up.

Commissioner Sanchez spoke on decisions being biased for doing what is best for Fontana. He cares about the City and the economic development so more people will come to Fontana.

Commissioner Sanchez spoke on his mother passing away three years ago from Leukemia and he requested that tonight's meeting be adjourned in her memory.

Vice Chairperson Meyer spoke on Heritage residents getting frustrated with the loading docks at Winco. Policing Technician Ratcliffe will notify Code Enforcement.

Vice Chairperson Meyer attended Fontana Day at the Fair, along with Commissioner Gongora. Fontana's American Legion Posts and VFW Post as well as various veterans were honored as Citizens of the Year.

Vice Chairperson Meyer noticed a young lady with a walker trying to walk across the Metrolink tracks. There is no sidewalk there and he requested staff look into it.

Vice Chairperson Meyer requested that tonight's meeting be adjourned in honor of his father, Robert J. Meyer, who passed away one year ago.

City Clerk Tonia Lewis' daughter-in-law, Victoria Lewis, passed away last week.

WORKSHOP:

None.

ADJOURNMENT:

By consensus, the Planning Commission adjourned at 7:19 p.m. in memory of Nerva Sanchez, Victoria Lewis, and Robert J. Meyer, to a Joint City Council and Planning Commission Workshop on September 27, 2016 at 5:30 p.m. then to the Regular Planning Commission Meeting on Tuesday, October 4, 2016, 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 4th DAY OF OCTOBER, 2016.

Larry Meyer
Larry Meyer
Vice Chairperson