

**CITY OF FONTANA
PLANNING COMMISSION
REGULAR MEETING
JULY 5, 2006**

A regular meeting of the City of Fontana Planning Commission was held on Wednesday, July 5, 2006, in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, California. Chairperson Lee called the meeting to order at 6:07 p.m. Following the Pledge of Allegiance, Commissioner Clark gave the invocation.

ROLL CALL:

Present: Chairperson Lee. Commissioners Clark, Meyer, and Slowik.

Absent: Commissioner Galasso.

Also Present: Director of Community Development Don Williams, AICP; Senior Planners Charles D. Fahie, AICP, and Orlando Hernandez; Assistant Planners Jon Dille, and Paul Gonzales; City Clerk Bea Watson, and Commission Secretary Orvene Steenbock.

MINUTES:

MINUTES

Motion made by Commissioner Meyer, seconded by Commissioner Clark, to: Approve the minutes of the June 6, 2006, regular Planning Commission meeting as presented. Motion was carried by a vote of 4-0.

APPROVE
June 6, 2006

PUBLIC FORUM:

PF

Tony Orlich, Randall Avenue, spoke regarding clean campaign money.

CONSENT CALENDAR:

None.

CC

AGENDA INFORMATION:

AGDA INFO

The Planning Commission reviewed the update of future City Council agenda items for the July 11, 2006, meeting and Planning Commission items for the July 18, 2006, July 19, 2006, and August 1, 2006, meetings.

PUBLIC HEARINGS

PH

The public hearing was opened regarding **DESIGN REVIEW NO. 05-019:** **Staff requests** that the Planning Commission continue this item to the Planning Commission meeting of August 15, 2006.

PH-1
CONT
DR 05-019
8/15/06

Staff presentation by Charles D. Fahie, AICP, staff recommends to continue Design Review No. 05-019 to the August 15, 2006, Planning Commission meeting.

Motion made by Commissioner Clark, seconded by Commissioner Meyer, to: Continue **DESIGN REVIEW NO. 05-019**, to the Planning Commission meeting of August 15, 2006. Motion carried by a vote of 4-0.

The public hearing was opened regarding **TENTATIVE TRACT MAP NO. 17634 (CONTINUED FROM 6-20-06)**: Filed by Palm Investment Group to request a subdivision of approximately 4.8 gross acres of land into 20 parcels for the purpose of single-family residential development. The project site is a rectangularly-shaped property consisting of two parcels (APN's 0241-091-32 and 33) totaling approximately 4.8 gross acres located on the west side of Mango Avenue, approximately 1,550 feet south of Baseline Avenue and having an approximate frontage of 300 feet on Mango Avenue and an approximate depth of 627 feet.

PH-2
APPROVE
TTM 17634

Staff presentation by Orlando Hernandez, staff recommends approval. No written communication was received. Speaking for the applicant was Lamar H. Stewart, 475 E. Ash Street, Brea. No one spoke in favor or opposition. The public hearing was closed. The Planning Commission discussed and deliberated after the public hearing was closed.

Motion made by Commissioner Meyer, seconded by Commissioner Slowik, to: 1) Determine that the project is Categorically Exempt pursuant to Section 3.16, Class 32 of the Local Guidelines for Implementing CEQA and direct staff to file a Notice of Exemption; and, 2) Approve **TENTATIVE TRACT MAP NO. 17634**, subject to the attached Findings and Conditions of approval. Motion carried by a vote of 4-0.

The public hearing was opened regarding **TENTATIVE PARCEL MAP NO. 17787**: Filed by Mike Austin to request approval of a tentative parcel map to create three commercial lots on approximately 4.9 acres in the West End Specific Plan area. The project site is an irregularly-shaped property consisting of one parcel (APN 1100-391-03) totaling approximately 4.9 acres located on the northwest corner of Cherry Avenue and Roanoke Road and having approximately 295 feet of frontage on the west side of Cherry Avenue and having approximately 249 feet of frontage along the north side of Roanoke Road in the West End Specific Plan area.

PH-3
APPROVE
TPM #17787

Staff presentation by Orlando Hernandez, staff recommends approval. No written communication was received. Speaking for the applicant was Daryl Christian, 3 Jenner, Suite 180, Irvine. No one spoke in favor or opposition. The public hearing was closed.

The Planning Commission discussed and deliberated after the public hearing was closed.

Motion made by Commissioner Slowik, seconded by Commissioner Clark, to: 1) Determine that the project is Categorically exempt pursuant to Section 3.16, Class 15 of the Local CEQA Guidelines, and direct staff to file the Notice of Exemption; and, 2) approve **TENTATIVE PARCEL MAP NO. 17787**, subject to the attached Findings and Conditions of Approval. Motion carried by a vote of 4-0.

The public hearing was opened regarding **TENTATIVE PARCEL MAP NO. 16804**: Filed by Reynaldo Nunez to request subdivision of one parcel into four parcels. The project site is a rectangularly-shaped property consisting of one parcel (APN: 0241-122-59) totaling approximately 1.5 gross acres located on the south side of Baseline Avenue, approximately 740 feet east of the intersection of Palmetto Avenue and Tamarind Avenue and having an approximate frontage of 189 feet on Baseline Avenue and an approximate depth of 293 feet.

PH-4
APPROVE
TPM #16804

Staff presentation by Orlando Hernandez, staff recommends approval. No written communication was received. Speaking for the applicant was Reynaldo Nunez, 17405 Baseline Avenue. No one spoke in favor or opposition. The public hearing was closed. The Planning Commission discussed and deliberated after the public hearing was closed.

Motion made by Commissioner Meyer, seconded by Commissioner Clark, to: 1) Determine that the project is Categorically Exempt pursuant to Section 3.16, Class 15 of the Local Guidelines for implementing CEQA and direct staff to file a Notice of Exemption; and, 2) approve **TENTATIVE PARCEL MAP NO. 16804**, subject to the attached Findings and Conditions of Approval. Motion carried by a vote of 4-0.

The public hearing was opened regarding **DESIGN REVIEW NO 05-045/ TENTATIVE PARCEL MAP NO. 17652/DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)/HOME DEPOT DEVELOPMENT AGREEMENT:** Filed by Greenberg Farrow to request: 1) A Design Review for the construction of a 148,821 square foot commercial shopping center, 2) A parcel map to reconfigure four existing parcels into four new parcels; and, 3) A statutory development agreement for Home Depot. The project site is a rectangularly-shaped property consisting of four parcels (APNs: 0255-101-17, -18, -19, and -26) totaling approximately 13.7 gross acres located at the southwest corner of Santa Ana Avenue and Sierra Avenue, and having an approximate frontage of 780 feet on Santa Ana Avenue and an approximate frontage of 510 feet on Sierra Avenue.

PH-5
APPROVE
DR #05-045
TPM #17652
DEIR
DEV AGRMT
HOME
DEPOT

Staff presentation by Orlando Hernandez, staff recommends approval.
No written communication was received.

Speaking for the applicant were Michael Napolitano, Greenberg Farrow, 1920 Main Street, Suite 1150, Irvine; Ester Barriga, Penco Engineering, 1 Technology Park, J-725, Irvine; Frank Coda, Greenberg Farrow, 408 16th, Huntington Beach; and, Allen Haynie, 6150 W. Broadway, Suite 1800, San Diego.

No one spoke in favor.

Speaking in opposition were Paul and Diane Fernandez, 16895 Manila Court, who cited concerns over air quality, traffic, noise, and day laborers.

The public hearing was closed.

The Planning Commission discussed and deliberated after the public hearing was closed.

By consensus, the Planning Commission modified the Conditions of Approval, as follows:

117. The ~~eastern~~ **most** driveway along Santa Ana Avenue is granted on a conditional basis. In the event the driveway becomes a safety issue, the continued use of the driveway shall be rescinded by the City Traffic Engineer at the applicant's expense.

118. **All construction traffic shall be required to enter the site from Sierra Avenue, but can exit east bound on Santa Ana Avenue.**

Motion made by Commissioner Meyer, seconded by Commissioner Slowik, to: Adopt **RESOLUTION PC NO. 2006-07**, recommending to the City Council to 1) Adopt the Statement of Overriding Consideration relating to the unmitigatable impact to local air quality; 2) adopt the mitigation monitoring and reporting program; 3) certify the Final Environmental Impact Report (FEIR) and direct staff to file a Notice of Determination; 4) adopt an ordinance approving the Home Depot Development Agreement; and, approve **TENTATIVE PARCEL MAP NO. 17652 AND DESIGN REVIEW NO. 05-045.**

Motion carried by a vote of 4-0.

The public hearing was opened regarding **CONDITIONAL USE PERMIT NO. 06-051**: Filed by Sylvia Ramirez to request a new Alcohol Beverage Control (ABC) license. Type 40 (On-Sale Beer). Authorizes the sale of beer only for consumption on or off the premises. The project site is an irregularly-shaped property consisting of one parcel located at 7337 East Avenue, southeast of the intersection of Baseline Avenue and East Avenue in Suite "B".

PH-6
APPROVE
CUP 06-051

Staff presentation by Paul Gonzales, staff recommends approval.
No written communication was received.

Speaking for the applicant was Sylvia Ramirez, 7337 East Avenue, #D.

No one spoke in favor or opposition.

The public hearing was closed.

The Planning Commission discussed and deliberated after the public hearing was closed.

Motion made by Commissioner Meyer, seconded by Commissioner Slowik, to: 1) Determine that the project is Categorically Exempt pursuant to Section 3.16, Class 1 of the Local Guidelines for Implementing CEQA and direct staff to file a Notice of Exemption; and, 2) approve **CONDITIONAL USE PERMIT NO. 06-051**, subject to the attached Findings and Conditions of Approval. Motion carried by a vote of 3-1, with Commissioner Clark voting against.

The public hearing was opened regarding **CONDITIONAL USE PERMIT NO. 06-008**: Filed by Mr. Mike Rebuli to request a new Conditional Use Permit to operate an Alcoholic Beverage Control (ABC) Type 41 License (On-Sale Beer and Wine-Eating Place) within an existing building, approximately 1,285 square feet, for Mexican Grill Juanchos Restaurant. The project site is a rectangularly-shaped parcel consisting of one parcel (APN 0194-381-14) of approximately 17.5 adjusted gross acres and is located on the northeast corner of the intersection of Jurupa Avenue and Sierra Avenue, and having a frontage of approximately 590 feet on the north side of Jurupa Avenue and having a second frontage of approximately 1,250 feet on the east side of Sierra Avenue.

PH-7
APPROVE
CUP 06-008

Staff presentation by Jon S. Dille, staff recommends approval. No written communication was received. Speaking for the applicant was Mike Rebuli, 2303 Willowbrook Lane, Perris. No one spoke in favor or opposition. The public hearing was closed. The Planning Commission discussed and deliberated after the public hearing was closed.

By consensus, the Planning Commission modified the Conditions of Approval, as follows:

Hours of operation shall be Sunday through Thursday 7:00 a.m. to 10:00 p.m., Friday and Saturday 7:00 a.m. to 11:30 p.m.

9. The approved **signed** set of conditions of approval shall be posted at all times in a visible location in the facility and shall remain legible at all times.

Motion made by Commissioner Clark, seconded by Commissioner Meyer, to: 1) Determine that the project is categorically exempt pursuant to Section 3.16, Class 1 of the Local Guidelines for Implementing CEQA and direct staff to file a Notice of Exemption; and, 2) approve **CONDITIONAL USE PERMIT NO. 06-008**, subject to the attached Findings and Conditions of Approval, with the above listed modifications. Motion carried by a vote of 3-0-1, with Commissioner Clark opposing.

The public hearing was opened regarding **TENTATIVE PARCEL MAP NO. 17246/VARIANCE NO. 05-005**: Filed by Mark Wendel, Lewis Retail Centers, to request to subdivide two parcels totaling approximately 5.5 adjusted gross acres into five commercial lots and a variance to allow for three of the lots to be less than the minimum lot size per the zoning district. The lots range in size from 0.6 acres to 2.1 acres. Most of the site is currently developed with an existing commercial retail center and no change in the use is proposed. The project is an irregularly-shaped property consisting of two parcels (APNs 0226-901-01, and -03) totaling approximately 5.5 adjusted gross acres and is located approximately 215 feet north of the northwest corner of the intersection of Summit Avenue and Beech Avenue and having a frontage of approximately 240 feet on the west side of Beech Avenue and a second frontage of approximately 425 feet west of the northwest corner of Summit Avenue and Beech Avenue and having a frontage of approximately 220 feet on the north side of Summit Avenue.

PH-8
 APPROVE
 TPM 17246
 VAR 05-005

Staff presentation by Jon S. Dille, staff recommends approval.

No written communication was received.

Speaking for the applicant was Mark Wendel, Lewis Retail Centers, 1156 Mountain Avenue, Upland.

No one spoke in favor.

Speaking in opposition was Tony Orlich, Randall Avenue.

The public hearing was closed.

The Planning Commission discussed and deliberated after the public hearing was closed.

Director Williams noted that the Planning Department has learned that some of the utilities are not recommended to be undergrounded, and that staff is working with the various utility companies to rewrite the condition to establish the correct recommendations to camouflage utilities as much as possible. Director Williams asked the Planning Commission to allow for an interpretation of the phrase “to the satisfaction of the Director of Community Development” to include screening (with decorative block walls) of utilities where undergrounding is not legitimately permitted by the utility company.

By consensus, the Planning Commission agreed to allow for this interpretation.

Motion made by Commissioner Clark, seconded by Commissioner Lee, to: 1) Determine that the project is Categorically Exempt pursuant to Section 3.16, Class 15 of the Local Guidelines for Implementing CEQA and direct staff to file a Notice of Exemption; and, 2) approve **TENTATIVE TRACT MAP NO. 17246 AND VARIANCE NO. 05-005**. Motion carried by a vote of 4-0.

OTHER COMMISSION BUSINESS: None.

STAFF REPORTS: None.

DIRECTOR REPORT:

Director Williams stated that the July 18, 2006, regular Planning Commission meeting has only one item scheduled, but that the meeting would be adjourned to a workshop immediately after to review the Ventana Specific Plan. He reminded the Planning Commission of the special meeting scheduled for July 19, 2006, to review the revocation of the Sierra Room Conditional Use Permit.

COMMISSION REMARKS:

Commissioner Slowik, Meyer, and Clark had no remarks

Commissioner Lee wished everyone a good evening.

PUBLIC FORUM CONTINUED: None.

ADJOURNMENT:

By consensus, the Planning Commission meeting was adjourned at 8:24 p.m., to the next regular Planning Commission meeting on July 18, 2006, at 6:00 p.m., in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, CA,

Orvene Steenbock
Planning Commission Recording Secretary

Carole Lee
Chairperson