

**CITY OF FONTANA
PLANNING COMMISSION
REGULAR MEETING
JUNE 19, 2007**

A regular meeting of the City of Fontana Planning Commission was held on Tuesday, June 19, 2007, in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, California. Chairperson Lee called the meeting to order at 6:06 p.m. Following the Pledge of Allegiance, Commissioner Clark gave the invocation.

ROLL CALL:

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

Absent: None.

Also Present: Director of Community Development Don Williams, AICP; Principal Planner Craig Bruorton, AICP; Senior Planner Orlando Hernandez; Assistant Planners Jon S. Dille, Paul Gonzales, and Dawn Rowe; Planning Compliance Technician Rena Sweeney; Police Captain Rod Jones; City Attorney Jeffrey Ballinger; City Clerk Tonia Lewis, and Planning Commission Secretary Orvene Steenbock.

MINUTES: None.

MINUTES

PUBLIC FORUM:

PF

Tony Orlich, Randall Avenue, spoke regarding patriotism.

OTHER COMMISSION BUSINESS:

CONSENT CALENDAR: None.

CC

AGENDA INFORMATION:

AGDA INFO

The Planning Commission reviewed the update of future City Council agenda items for the June 20, 2007, and, July 10, 2007 meetings and the Planning Commission items for the July 18, 2007, meeting.

By consensus, the Planning Commission motioned to move the workshop regarding the proposed changes to the Fontana Zoning and Development Code scheduled for after this evening's meeting to after the regularly scheduled Planning Commission meeting on Wednesday, July 18, 2007, which is scheduled to start at 6:00 p.m.

RESCHEDULE
WORKSHOP
ZONING/DEV
CODE
7/18/07

PUBLIC HEARINGS:

PH

The public hearing was opened regarding a **TIME EXTENSION FOR TENTATIVE TRACT MAP NO. 17167 (TTM NO. 07-011)**: Filed by Manny Gonzales to request a one year time extension for Tentative Tract Map No. 17167, a 16 lot single-family residential subdivision on approximately 4.0 adjusted gross acres. The site is located south of Fairview Drive between Williams Road and Dumond Drive.

PH-1
APPROVE
TIME EXT
TTM 17167
TTM 07-011
ONE YEAR

Staff presentation by Orlando Hernandez, staff recommends approval. No written communication was received. Speaking for the applicant was Rene Guerrero, TGA Development and Engineering, Inc., 3536 Concors Street, Suite 220, Ontario. 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 added Condition No. 4a, as follows:

- 4a. Prior to issuance of a Certificate of Occupancy, the applicant shall underground all utilities, which for the purpose of this condition shall also include all boxes, structures and/or other equipment located in the public right-of-way, any public utility easement(s) and on any private property, to the satisfaction of the Community Development Director. A note to this effect shall be placed on the tentative map prior to recordation of the final map.

Motion made by Commissioner Meyer, seconded by Commissioner Slowik, to: 1) Direct staff to file a Notice of Determination of a previously approved CEQA document; and, 2) approve a **ONE YEAR TIME EXTENSION FOR TENTATIVE TRACT MAP NO. 17167**, subject to the attached Conditions of Approval, with the above listed condition. Motion carried by a vote of 5-0.

The public hearing was opened regarding a **TIME EXTENSION FOR TENTATIVE TRACT MAP NO. 17059**: Filed by Mr. Benny Sam, Young Homes, to request a time extension for Tentative Tract Map No. 17059 requesting a two year extension of the approval pursuant to Chapter 26 of the Fontana Municipal Code. The project site is a rectangularly-shaped property consisting of one parcel (APN: 1110-111-03) of approximately 4.7 adjusted gross acres and is located approximately 335 feet west of the southwest corner of the intersection of Miller Avenue and Beech Avenue and having frontage of approximately 330 feet on the south side of Miller Avenue and a depth of 630 feet.

PH-2
APPROVE
TIME EXT
TTM 17059
TWO YEARS

Staff presentation by Jon S. Dille, staff recommends approval.
 No written communication was received.
 Speaking for the applicant was Yoon Kim, Young Homes, 10370 Trademark Street, Rancho Cucamonga.
 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 Clark, seconded by Commissioner Galasso, to: 1) Determine that the time extension is Categorical Exempt pursuant to Section 3.07 of the Local Guidelines for Implementing the California Environmental Quality Act (2006) and direct staff to file a Notice of Exemption; and, 2) approve the **TIME EXTENSION FOR TENTATIVE TRACT MAP NO. 17059**, for two years until April 11, 2009, subject to the attached Findings and Conditions of Approval. Motion carried by a vote of 5-0.

The public hearing was opened regarding a **TENTATIVE TRACT MAP NO. 16503/TIME EXTENSION**: Filed by Silveroak Development to request a two year time extension for Tentative Tract Map (TTM) No. 16503 for a subdivision of approximately 3.9 acres into seventeen (17) single-family residential lots. The project site is a rectangularly-shaped property consisting of one parcel (APN 0228-101-10) totaling approximately 3.9 gross acres located on the northwest corner of Baseline Avenue and Hemlock Avenue and having a frontage of 305 feet on Baseline Avenue and a frontage of 600 feet on Hemlock Avenue.

PH-3
 APPROVE
 TIME EXT
 TTM 16503

Staff presentation by Paul Gonzales, staff recommends approval.
 No written communication was received.
 Speaking for the applicant was Jim Montgomery, Silveroak Development, 19100 Von Karman Avenue, Suite 400, 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.

By consensus, the Planning Commission added Condition Nos. 11a and 11b, as follows:

- 11a. Applicant shall construct radius type driveways in accordance with City Standard Plans.
- 11b. Applicant shall prepare signing and striping plans as required, to the satisfaction of the City Traffic Engineer. The striping plan shall provide left turn pockets for the north/south direction.

Motion made by Commissioner Slowik, seconded by Commissioner Clark, to: 1) Approve the Negative Declaration, direct staff to file the Notice of Determination; and, 2) approve **TENTATIVE TRACT MAP NO. 16503**, for a time extension, subject to the attached Findings and Conditions of Approval, with the above listed conditions. Motion carried by a vote of 5-0.

The public hearing was opened regarding **DEVELOPMENT CODE AMENDMENT NO. 07-003**: Filed by the City of Fontana to request adopting a resolution recommending that the City Council adopt an ordinance amending portions of Chapter 30, Zoning and Development Code, of the Municipal Code prohibiting Medical Marijuana Dispensaries as a land use. Applicable city wide.

PH-4
APPROVE
DEV CODE
AMD 07-003
RES PC 07-04

Staff presentation by Don Williams, AICP, staff recommends approval. No written communication was received. Speaking for the applicant was Speaking in favor was Patrick Lindsey, 9628 Date Street, and Yolanda Calderon, 16462 Washington Drive Speaking in opposition was; Craig Johnson, L.I.F.E. Group, 7587 Toyon Avenue; Shawn Tizabi, HHCC, 7589 Dartmouth, Rancho Cucamonga; Tony Orlich, Randall Avenue; and, Ryan Michaels, Inland Empire Patient Advocates, 13917 San Aldo Court, Corona. 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 Galasso, to: 1) Find that the resolution is Exempt pursuant to Section 3.16, Class 21 of the Local CEQA Guidelines, and Sections 15060(c)(2) and 15060(c)(3) of the State CEQA Guidelines, and direct staff to file a Notice of Exemption; and, 2) Adopt **RESOLUTION NO. PC 2007-04**, recommending that the City Council adopt an Ordinance amending Chapter 30 of the Zoning and Municipal Code to prohibit Medical Marijuana Dispensaries. Motion carried by a vote of 5-0.

The public hearing was opened regarding **DESIGN REVIEW AMENDMENT NO. 04-040R-1**: Filed by Kamal Tadros to request a revision to a Design Review to change the use and façade of an existing two-story office building The second floor, 4,000 square feet, will remain general and/or medical offices and the first floor, 4,000 square feet, will change to retail. The project site is an irregularly-shaped property consisting of approximately 4.8 gross acres (3.4 net acres) at the southeast corner of Baseline Avenue and Beech Avenue (APN 1110-051-07) and having approximately 640 feet of frontage on Baseline Avenue, approximately 300 feet of frontage on Beech Avenue, and approximately 300 feet of frontage on Sultana Avenue.

PH-5
APPROVE
DR AMD
04-040R1

Staff presentation by Rena Sweeney, staff recommends approval.
 No written communication was received.
 Speaking for the applicant was Kamel Tadros, 1221 E. 8th Street, Upland.
 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) Adopt the Categorical Exemption Class 1 3.16 under Local CEQA Guidelines Section and direct staff to file the Notice of Exemption; and, 2) approve **DESIGN REVIEW AMENDMENT NO. 04-040R-1.** Motion carried by a vote of 5-0.

The public hearing was opened regarding **CONDITIONAL USE PERMIT NO. 07-005:** Filed by Pam and Greg Foreman, Speed Dreamin to request a conditional use application for the establishment of an indoor, fuel operated go kart race track facility for commercial recreational purposes within an existing 37,417 square foot industrial building. The project site is located at 7627 Cherry Avenue, and is a rectangularly-shaped property consisting of one parcel (APN: 1110-011-13) totaling approximately 2.4 adjusted gross acres located east of Cherry Avenue, west of Carnegie Avenue, and north of Miller Avenue, with a frontage of approximately 302 feet on Cherry Avenue, and a depth of approximately 261 feet east of Cherry Avenue, sited within the West End Specific Plan.

PH-6
 APPROVE
 CUP 07-005

Staff presentation by Dawn Rowe, staff recommends approval.
 No written communication was received.
 Speaking for the applicant was Deidre McCollister, Hogle-Ireland, 4280 Latham Street #C, Riverside; and Greg Foreman, Speed Dreamin', 33516 Lansford Street, Yucaipa.
 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, and Findings, as follows:

Add

- 16a. Public pay telephones are permitted only with the prior written approval of the City. A public pay telephone is permitted on the exterior of a building/structure subject to an approved Conditional Use Permit. A public pay telephone is permitted on the interior of a building/structure subject to an approved Administrative Site Plan. In each case, the location of the public pay telephone shall be specifically identified in the Conditional Use Permit and/or Administrative Site Plan.

Modify Condition Nos. 13 and 14 to read

13. The hours of operation for the facility shall be limited to 10:00 a.m. to 10:00 p.m., Sunday through Thursday, and 10:00 a.m. to 11:00 p.m., Friday and Saturday. The manager of the facility shall ensure that all patrons must be off the premises within 30 minutes of the end business day.
14. The business owner shall provide an adult manager, (minimum age 21) on-site during all business hours and the manager shall be responsible for maintaining order inside and on the exterior grounds of the establishment.

Modify Finding No. 5

The proposed project is designed in conformance with the standards in the Municipal Code. In addition, the project would be conditioned to ~~mitigate~~ **minimize** any potential impacts and to insure that it is operated and maintained in a manner appropriate for the area.

Motion made by Commissioner Slowik, seconded by Commissioner Meyer, to: 1) Determine that this project is Categorically Exempt pursuant to CEQA review per Section 15061(b)(2) of the State Guidelines and the Local CEQA Guidelines and direct staff to file the Notice of Exemption; and, 2) approve **CONDITIONAL USE PERMIT NO. 07-005**, subject to the attached Conditions of Approval, with the above listed modifications. Motion carried by a vote of 5-0.

The public hearing was opened regarding **DESIGN REVIEW NO. 06-060:** Filed by Andresen Architecture to request to construct seven (7) single-family homes within previously approved Tentative Tract Map No. 17161. The project site is an irregularly-shaped property consisting of one parcel (APN 0251-012-12) totaling approximately 1.8 gross acres located on the southeast corner of Mallory Drive and Citrus Avenue and having a frontage of approximately 290 feet on Mallory Drive and an approximate frontage of 310 feet on Citrus Avenue.

PH-7
APPROVE
DR 06-060

Staff presentation by Paul Gonzales, staff recommends approval. No written communication was received. Speaking for the applicant was Khwan Hadyeh, 1252 S. Arrowhead Avenue, Bloomington; and, Doug Andresen, 17087 Orange Way. 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) Direct staff to file the Notice of Exemption; and, 2) approve **DESIGN REVIEW NO. 06-060**. Motion carried by a vote of 5-0.

PUBLIC FORUM CONTINUED: None.

OTHER COMMISSION BUSINESS: None.

STAFF REPORTS: None.

DIRECTOR REPORT:

DESIGN REVIEW NO. 05-068 – Minor color changes and the addition of two-tone stucco colors for previously approved design review for Tentative Tract Map Nos. 14244 and 14245, located on the south side of Citrus Avenue and Elm Avenue in the Southridge Village Specific Plan.

Staff presentation by Don Williams, AICP.

Director Williams thanked Rena Sweeney for her staff report this evening.

COMMISSION REMARKS:

Commissioner Galasso had no comments.

Commissioner Meyer stated that he was honored to attend the dinner after the recent fund raising golf tournament, which raised a substantial amount of money for the Martin Luther King Children's section of the new library. He wished everyone a good evening and reminded them of what a great privilege it is to be a citizen of this country.

Commissioner Clark had no comments.

Commissioner Slowik encouraged everyone to attend the Health and Safety Fair, to be held on Saturday, June 23, 2007, at Jack Bulik Park from 10:00 a.m. to 2:00 p.m., and to also attend the Fourth of July Spectacular. He reminded everyone of the Chamber of Commerce installation dinner on Friday, June 22, 2007, and the installation dinner for the Rotary Club on Monday, June 25, 2007. He stated that he thought the go kart item on tonight's agenda will be well received. He requested that this evening meeting be adjourned in memory of Al Coccia.

Commissioner Lee requested that everyone please have a safe and sane Fourth of July and attend the City of Fontana Fourth of July Spectacular at Fontana High School. She reminded the residents that the next regular scheduled Planning Commission meeting scheduled for July 3, 2007, has been canceled, and that the next meeting will be on Wednesday, July 18, 2007.

PUBLIC FORUM CONTINUED: None.

ADJOURNMENT:

By consensus, the Planning Commission meeting was adjourned at 8:35 p.m., in memory of Al Coccia, to the next regular Planning Commission meeting on Wednesday, July 18, 2007, at 6:00 p.m., in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, CA, followed immediately by a workshop regarding proposed changes to the Fontana Zoning and Development Code, in the Executive Conference Room.

Orvene Steenbock
Planning Commission Secretary

Carole Lee
Chairperson

WORKSHOP – PROPOSED CHANGES TO THE FONTANA ZONING & DEVELOPMENT CODE:

Continued to after the next regular Planning Commission meeting on July 18, 2007.