

**CITY OF FONTANA  
PLANNING COMMISSION  
REGULAR MEETING  
SEPTEMBER 2, 2008**

A regular meeting of the City of Fontana Planning Commission was held on Tuesday, September 2, 2008, in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, California. Commissioner Meyer called the meeting to order at 6:02 p.m. Following the Pledge of Allegiance led by Commissioner Lee, the invocation was given by Commissioner Galasso.

**ROLL CALL:**

Present: Chairperson Slowik (arrived at 6:03 p.m.), Commissioners Galasso, Lee, Meyer, and Young, Jr.

Absent: None.

Also Present: Director of Community Development Don Williams, AICP; Senior Planners Orlando Hernandez, and Stephanie Hall; Associate Planner DiTanyon Johnson; Assistant Planner Salvador Quintanilla; FPD Special Operations Secretary Wendy Felshaw; City Attorney Jeffrey Ballinger; City Clerk Tonia Lewis and Planning Commission Secretary Orvene Steenbock.

**MINUTES:**

MINUTES

Motion made by Commissioner Meyer, seconded by Commissioner Lee, to: Approve the minutes of the August 19, 2008, regular Planning Commission meetings, as corrected. Motion was carried by a vote 4-0-1, with Commissioner Galasso abstaining.

APPROVE  
8/19/08

**PUBLIC FORUM:**

PF

Tony Orlich, Randall Avenue, spoke regarding convention notes.

**CONSENT CALENDAR:**

None.

CC

**AGENDA INFORMATION:**

AGDA INF

The Planning Commission reviewed the update of future City Council agenda items for the September 9, 2008, and September 23, 2008, meetings, and the Planning Commission items for the September 16, 2008, October 7, 2008, and October 21, 2008, meetings.

By consensus, the Planning Commission moved the Planning Commission meeting of Tuesday, October 21, 2008, to Thursday, October 23, 2008, and canceled the Planning Commission meeting of Tuesday, November 4, 2008,

due to possible lack of quorum on that evening.

**PUBLIC HEARINGS:**

PH

The public hearing was opened regarding **DESIGN REVIEW NO. 07-019/ TENTATIVE PARCEL MAP NO. 19073 AND DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)**: Filed by Brown Strauss, to request certification of Final Environmental Impact Report (FEIR, State Clearinghouse No. 20071110096) and approval of a design review for the construction of a 133,918 square foot warehouse building; and, a parcel map to combine four existing parcels into one new parcel. The project site is an irregularly-shaped property consisting of four parcels (APNs: 0236-201-01, -02, -13, and -20) totaling approximately 6.4 adjusted gross acres located at the northwest corner of Jurupa Avenue and Live Oak Avenue, and having an approximate frontage of 315 feet on Jurupa Avenue and an approximate frontage of 735 feet on Live Oak Avenue.

PH-1  
APPROVE  
DR 07-019  
TPM 19073  
DEIR

Staff presentation by Orlando Hernandez, and Josephine Alido, staff recommends approval.

No written communication was received.

Speaking for the applicant was Brett Wilson, Wilson Income Prop., 7 Weatherly Drive, Coto de Caza, CA; and, Mike Dorsey, Brown-Strauss Steel, 2495 Uravan Street, Aurora, CO.

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. 8A, corrected the circulation fee, and the Notice of Determination No. 1, as follows:

**8A. The establishment or installation of public pay telephones is only permitted on the exterior of buildings by approval of the Planning Commission through approval of a Design Review application and on the interior of buildings by approval of staff through approval of an Administrative Site Plan application in a commercial zone within the City of Fontana.**

Also, the circulation fee correction is from ~~\$6.352~~ to **\$3.202**.

1. **With the mitigation measures imposed pursuant to the MMRP,** the project will **not** have a significant effect on the environment.

Motion made by Commissioner Meyer, seconded by Commissioner Lee, to: 1) Adopt the mitigation monitoring and reporting program; 2) certify the Final Environmental Impact Report (FEIR) and direct staff to file a Notice of Determination; and, 3) approve **TENTATIVE PARCEL MAP NO. 19073**

**AND DESIGN REVIEW NO. 07-019**, subject to the attached Findings, and Conditions of Approval, as modified. Motion carried by a vote of 5-0.

The public hearing was opened regarding **CONDITIONAL USE PERMIT NO. 08-02**: Filed by Tiffany McLeod, Massage Envy, to request a conditional use permit to occupy an existing suite of approximately 3,003 square feet within an existing commercial center for a massage establishment (Massage Envy). The project is located at 16391 Sierra Lakes Parkway, Suite 100.

PH-2  
APPROVE  
CUP 08-002

Staff presentation by DiTanyon Johnson, staff recommends approval. No written communication was received. Speaking for the applicant was Tiffany McLeod; Jeanette McDowell; and, Chris Binkley, Massage Envy, 19680 Ave Presa, Murrieta, CA. 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.

By consensus, the Planning Commission modified Condition No. 6b, as follows:

- 6. b. All massage technicians employed by a massage establishment shall be required to obtain a massage technician permit issued by the Chief of Police pursuant to section **30-205** of the Municipal Code.

Motion made by Commissioner Galasso, seconded by Commissioner Young, Jr., 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. 08-002**, subject to the attached Findings and Conditions of Approval, as modified. Motion carried by a vote of 5-0.

The public hearing was opened regarding **ADMINISTRATIVE SITE PLAN NO. 08-015 AND CONDITIONAL USE PERMIT NO. 08-008**: Filed by Mr. Chi, DRC Foods LLC, to request a new conditional use permit (CUP) to obtain an Alcoholic Beverage Control (ABC) Type 41 (On-Sale Beer and Wine for a Bona Fide Public Eating Place) license to be operated in conjunction with a restaurant (Shakey's Pizza Parlor), and an Administrative Site Plan for the architectural review for the exterior modification to the existing building. The project site is a rectangularly-shaped property consisting of one parcel (APN: 0254-221-40) of approximately 0.3 adjusted gross acres located approximately 163 feet east of the intersection of Sierra Avenue and Slover Avenue and having a frontage of approximately 156 feet on the north side of Slover Avenue and a depth of approximately 85 feet. The site is further identified as 16940 Slover Avenue.

PH-3  
APPROVE  
ASP 08-015  
CUP 08-008

Staff presentation by Salvador Quintanilla, staff recommends approval.  
 No written communication was received.  
 Speaking for the applicant was Dean Chi, DRC Foods, LLC., Shakey's  
 Pizza Parlor, 791 E. Foothill Boulevard, Suite B, 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.

By consensus, the Planning Commission modified Condition No. 9, as follows:

- 9. Any transformer shall be properly screened from the public right-of-way. **Any additional transformers required for the project shall be screened to the satisfaction of the Director of Community Development prior to the issuance of the Certificate of Occupancy.**

Motion made by Commissioner Meyer, seconded by Commissioner Lee, to: 1) Determine that the project is Categorically Exempt pursuant to Section 3.16, Class 1 of the Local Guidelines for Implementing CEQA 2006, and direct staff to file a Notice of Exemption; 2) make a Finding of Public Convenience and Necessity; and, 3) approve **ADMINISTRATIVE SITE PLAN NO. 08-015 AND CONDITIONAL USE PERMIT NO. 08-008**, subject to the attached Findings and Conditions of Approval, as modified. Motion carried by a vote of 5-0.

The public hearing was opened **TENTATIVE PARCEL MAP NO. 18223 AND VARIANCE NO. 07-006**: Filed by Massaro & Welsh, to request a tentative parcel map to subdivide approximately 0.7 gross acres of property into two (2) single-family residential lots and the applicant also is requesting a variance for a flag lot. The project site is a rectangularly-shaped property consisting of one parcel (APN 0226-163-01) of approximately 0.7 gross acres located at the northeast corner of the intersection of Sierra Lakes Parkway and Maloof Street and having a frontage of approximately 298 feet on the north side of Sierra Lakes Parkway and a frontage of approximately 100 feet on the east side of Maloof Street.

PH-4  
 APPROVE  
 TPM 18223  
 VAR 07-006

Staff presentation by Salvador Quintanilla, staff recommends approval.  
 No written communication was received.  
 Speaking for the applicant was Paul T. Welsh, Massaro & Welsh, 1572 N. Waterman Avenue, Suite 5, San Bernardino.  
 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 corrected Condition No. 35, as follows:

- 35. Dedicate public street and utility easements in accordance with the Circulation Element of the adopted General Plan, as shown on the tentative map, and as required by the City Engineer. Specific public street dedications are as follows:

<b>Street Name</b>	<b>Direction/Distance</b>	<b>Limits</b>	<b>from Center Line</b>
1) Maloof Avenue		52 <b>32</b> ft. wide	to Property Line
2) Sierra Lakes Parkway Avenue		46 <b>52</b> ft. wide	to Property Line

Motion made by Commissioner Lee, seconded by Commissioner Meyer, to: 1) Adopt the Negative Declaration and direct staff to file the Notice of Determination; and, 2) approve **TENTATIVE PARCEL MAP NO. 18223**, subject to the attached Findings and Conditions of Approval, as modified. Motion carried by a vote of 3-2, with Commissioners Slowik and Young, Jr. voting in opposition.

**PUBLIC FORUM CONTINUED:** None.

**OTHER COMMISSION BUSINESS:** None.

**STAFF REPORTS:** None.

**DIRECTOR REPORT:** D R

Director Williams had no comments.

**COMMISSION REMARKS:**

Commissioner Lee thanked the Rotary Club for the opportunity to drive a tram at the raceway on Sunday, and thanks all those who attended the races.

Commissioner Galasso wished everyone a good evening.

Commissioner Meyer commented that it was another wonderful race weekend. He encouraged everyone to drive with care now that schools are back in session. He wished everyone a good evening and a great week.

Commissioner Young, Jr. wished everyone a good evening, and a safe drive home.

Commissioner Slowik encouraged everyone to participate in the grand opening of Ceres Court, to be held at 16284 Ceres Avenue, on Friday, September 12, 2008 from 10:00 a.m. to 11:00 a.m. He reminded everyone to register to vote for the upcoming November

election. He expressed thanks for the approximately 400 volunteers who worked at the raceway this past weekend.

**PUBLIC FORUM CONTINUED:** None.

**ADJOURNMENT:**

By consensus, the Planning Commission meeting was adjourned at 8:02 p.m., to the next regular Planning Commission meeting on Tuesday, September 16, 2008, at 6:00 p.m., in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, CA.

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Orvene Steenbock  
Planning Commission Secretary

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Matthew Slowik  
Chairperson