

**CITY OF FONTANA
PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 17, 2009**

A regular meeting of the City of Fontana Planning Commission was held on Tuesday, February 17, 2009, in the Steelworkers Auditorium, in the Lewis Library and Technology Center, 8437 Sierra Avenue, Fontana, California. Chairperson Meyer called the meeting to order at 6:02 p.m. Following the Pledge of Allegiance led by Commissioner Garcia, the invocation was given by Commissioner Slowik.

ROLL CALL:

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

Absent: None.

Also Present: Director of Community Development Don Williams, AICP; Senior Planners Shannon Casey, AICP, and Charles Fahie, AICP; Associate Planner Paul Gonzales; Assistant Planners Arely Monarez and Jon Dille; Deputy City Attorney Jeffrey Ballinger; City Clerk Tonia Lewis; and Planning Commission Secretary Orvene Steenbock.

MINUTES:

MINUTES

By Consensus, the Planning Commission revised the minutes of the January 20, 2009 Planning Commission minutes, as follows:

CLOSED SESSION:

C S

~~CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION~~

~~PURSUANT TO SUBDIVISION (a) OF SECTION 54956.9~~

~~Name of Case: City of Fontana v. David R. Eshleman, Case No. CIVSS
704064~~

~~The Planning Commission met in closed session during the “Other Commission Business” portion of the agenda.~~

and,

The Planning Commission adjourned to Closed Session, at 6:51 p.m. and reconvened the meeting at 7:10 p.m. The Deputy City Attorney reported the Commissioners Galasso, Lee and Meyers met in closed session to discuss this item, there was no reportable action.

Motion made by Commissioner Lee, seconded by Commissioner Galasso, to: Approve the revised minutes of December 2, 2008, and the revised minutes of the January 20, 2009, regular Planning Commission meetings. Motion was carried by a vote 5-0.

APPROVE
12/2/08
1/20/09

PUBLIC FORUM:

P F

Tony Orlich, Randall Avenue, spoke regarding Judges.

JUDGES

CONSENT CALENDAR: None.

C C

AGENDA INFORMATION:

AGDA INF

The Planning Commission reviewed the update of future City Council agenda items for the February 24, 2009, March 10, 2009, March 24, 2009, and April 24, 2009 meetings, and the Planning Commission items for the March 3, 2009, and March 17, 2009, meetings.

PUBLIC HEARINGS:

PH

Commissioners Galasso and Garcia removed themselves due to possible conflict of interest.

The public hearing was opened regarding **SPECIFIC PLAN NO. 04-006/ ZONE CHANGE NO. 07-005/GENERAL PLAN AMENDMENT NO. 06-006/ DEVELOPMENT AGREEMENT, AND DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) (STATE CLEARINGHOUSE NO. 2006071109) FOR THE ARBORETUM SPECIFIC PLAN (CONT'D FROM 1-20-09):** The project is located on the northwest corner of Casa Grande Avenue and Sierra Avenue having a frontage of approximately one mile west on Casa Grande Avenue and a frontage of approximately one mile north on Sierra Avenue. **Staff requests** that the Planning Commission continue this item to the March 3, 2009, Planning Commission hearing to allow the applicant to finalize the Arboretum Specific Plan Development Agreement.

PH-1
CONT
SP 04-006
ZC 07-005
GPA 06-006
DEV AGR
DEIR
3/3/09

Staff presentation by Charles Fahie, AICP, staff recommends continuation. No written communication was received. No member of the public spoke in favor or opposition.

Motion made by Commissioner Lee, seconded by Commissioner Galasso, to: 1) Continue **SPECIFIC PLAN NO. 04-006/ZONE CHANGE NO. 07-005/ GENERAL PLAN AMENDMENT NO. 06-006/DEVELOPMENT AGREEMENT, AND DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) (STATE CLEARINGHOUSE NO. 2006071109) FOR THE ARBORETUM SPECIFIC PLAN,** to the March 3, 2009, Planning Commission meeting. Motion carried by a vote of 3-0-2, with Commissioners Galasso and Garcia abstaining.

Commissioners Galasso and Garcia returned.

The public hearing was opened regarding **CONDITIONAL USE PERMIT NO. 08-019**: Filed by Mr. Armando Benitez, to request review and approval of a new CUP to obtain an Alcoholic Beverage Control (ABC) Type 47 (On-Sale General for Bona Fide Public Eating Place) license to be operated in conjunction with an existing restaurant (Brandon’s Diner). The project site is a rectangularly-shaped property consisting of one parcel (APN: 0254-221-61) of approximately 0.7 adjusted gross acres, which is located approximately 1100 feet east of the northeast corner of the intersection of Slover Avenue and Sierra Avenue, and having a frontage of approximately 226 feet on the north side of Slover Avenue and a depth of approximately 144 feet. The business is located at 17132 Slover Avenue, within the Palm Court Center.

PH-2
 APPROVE
 CUP 08-019

Staff presentation by Jon Dille, staff recommends approval.

No written communication was received.

Speaking for the applicant were Armando and Juana Benitez, Brandon’s Diner, 17132 Slover Avenue.

Speaking in favor was Tracy Nonnemacher.

No member of the public 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 Condition Nos. 1 and 16, as follows:

1. One year from the date of approval of the conditional use permit, the Planning Division ~~may~~ **shall** bring a status report to the Planning Commission identify impacts of failure to comply with conditions resulting from the CUP approval. Such status report may contain a police report regarding calls for service at the location. Nothing herein shall modify or limit the city’s authority to regulate the business or modify or revoke the permit upon the City’s determination that the business is being operated in a manner adverse to the public’s health, safety and welfare.

16. There shall be ~~an~~ **no** sale of alcoholic beverages from the drive-thru window.

Motion made by Commissioner Galasso, seconded by Commissioner Lee, to: 1) Determine that the project is Categorically Exempt pursuant to Section 15301, Class 1 of the State Guidelines for Implementing CEQA, and direct staff to file a Notice of Exemption; 2) make a Finding of Public Convenience or Necessity; and, 3) approve **CONDITIONAL USE PERMIT NO. 08-019**, subject to the attached Findings and Conditions of Approval. Motion carried by a vote of 3-2, with Commissioners Garcia and Slowik opposing.

The public hearing was opened regarding **CONDITIONAL USE PERMIT NO. 07-036R1**: Filed by Ms. Deanna DeVries, Al Shankle Construction, to request a revocation of Conditional Use Permit (CUP) No. 07-036 for a place of assembly of 5,040 square feet within a previously approved industrial business park. The project site is an irregularly-shaped property consisting of one (1) parcel (APN No. 1100-391-04) of approximately 4.7 gross acres located on the northwest corner of the intersection of Meyer Canyon Drive and Cherry Avenue, having a frontage of approximately 530 feet on the west side of Cherry Avenue, and a frontage of approximately 356 feet on the north side of Meyer Canyon Drive (7888 Cherry Avenue, Suite A).

PH-3
REVOKE
CUP 07-036R1

Staff presentation by Arely Monarez, staff recommends revocation. No written communication was received. Speaking for the applicant was Tracy Nonnemacher. No member of the public 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 Lee, to: 1) Determine that the revocation is Categorically Exempt pursuant to Section 3.16, Class 21 of the Local Guidelines for Implementing the California Environmental Quality Act (2006), and direct staff to file a Notice of Exemption; and, 2) revoke **CONDITIONAL USE PERMIT NO. 07-036**, subject to the attached Findings. Motion carried by a vote of 5-0.

The public hearing was opened regarding **TENTATIVE PARCEL MAP NO. 08-001 (TPM NO. 18876)**: Filed by Ms. Deanna DeVries, Al Shankle Construction, to request a Tentative Parcel Map to subdivide approximately 4.7 acres into 18 industrial condominiums, thus creating individual units for sale that will have separate legal descriptions. The project site is an irregularly-shaped property consisting of one (1) parcel (APN No. 1100-391-04) of approximately 4.7 gross acres located on the northwest corner of the intersection of Meyer Canyon Drive and Cherry Avenue, having a frontage of approximately 530 feet on the west side of Cherry Avenue, and a frontage of approximately 356 feet on the north side of Meyer Canyon Drive (7888 and 7898 Cherry Avenue).

PH-4
APPROVE
TPM 08-001

Staff presentation by Arely Monarez, staff recommends approval. No written communication was received. Speaking for the applicant was Tracy Nonnemacher. No member of the public 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. 6a, as follows:

- 6a. The establishment or installation of public pay telephone on the exterior an or interior of buildings in a commercial or mixed-use zoning district are only permitted by approval of a minor use permit application by the Director of Community Development.

Motion made by Commissioner Garcia, seconded by Commissioner Lee, to: 1) Determine that the previously adopted environmental documents are adequate without modification and a finding can be made pursuant to Section No. 15162 of the Guidelines for Implementing the California Environmental Quality Act, and direct staff to file a Notice of Determination; and, 2) approve **TENTATIVE PARCEL MAP NO. 08-001 (TPM NO. 18876)**, subject to the attached Findings and Conditions of Approval. Motion carried by a vote of 5-0.

OTHER COMMISSION BUSINESS:

O C

PROGRESS UPDATE FOR ADMINISTRATIVE SITE PLAN NO. 07-004, CONDITIONAL USE PERMIT NO. 07-006, ADMINISTRATIVE SITE PLAN NO. 07-046, CONDITIONAL USE PERMIT NO. 07-031, ADMINISTRATIVE SITE PLAN NO. 07-0047 AND CONDITIONAL USE PERMIT NO. 07-032:

PROGRESS UPDATE

Staff presentation by Paul Gonzales. Mr. Gonzales stated that the applicant had met the schedule established by the Planning Commission and had submitted the correct materials to the City’s Engineering Department as required. Mr. Gonzales further stated that the next project milestone established by the Planning Commission would be due in approximately 90 days. Director Williams suggested that the Planning Commission accept Mr. Gonzales report and direct staff to return with the next project status report on May 19, 2009.

Motion made by Commissioner Lee, seconded by Commissioner Galasso, to: request staff bring back a report on this item to the May 19, 2009, Planning Commission meeting. Motion carried by a vote of 5-0.

STAFF REPORTS:

S F

None.

DIRECTOR REPORT:

D R

Director Williams had no comment.

COMMISSION REMARKS:

C R

Commissioner Garcia thanked staff for the detailed reports, and stated they are very helpful, good reports.

Commissioner Galasso had no comments.

Commissioner Lee encouraged everyone to stay dry and keep the remarks short.

Commissioner Slowik thanked the City Council and staff for inviting the Planning Commissioners to participate the in Valley Boulevard Transition District bus tour last Friday, and stated there are some elements of history in that area that should be documented. He encouraged everyone to come out to the Fontana Art Association's "Ascension, A Rise From the Ashes" art show and reception at the Koehler Gallery. He thanked IEUA staff for the "Best Water Management Tour". He congratulated members of the Mena family on their singing careers, especially the daughter who recently won the local Idol contest. He thanked the community for its support of the recent Burger Eating Challenge, and all who participated.

City Clerk Lewis encouraged everyone to come out to the St Patrick's Day Dinner, hosted by the Exchange Club, and honoring Students of the Month from local high schools. The keynote Speaker will be Cali Olsen Binks. The dinner will be held at the Sierra Lakes Country Club on March 17, 2009.

Commissioner Meyer congratulated Matt Slowik, Amos Young Jr., Ray Allard and all who participated in the Burger Challenge and stated it was delightful to watch. He stated on April 18, 2009, Lewis Library and Technology Center will have it's one year birthday party, and between now and then library staff expects attendance of the Lewis Library's one millionth visitor. He thanked Helen Fisher and Leonard Hernandez for their great work at the Lewis Library and Technology Center over the past year. He wished everyone a good evening.

PUBLIC FORUM CONTINUED: None.

ADJOURNMENT:

By consensus the Planning Commission adjourned the Planning Commission meeting at 7:47 p.m. to the regular Planning Commission meeting on Tuesday, March 3, 2009, at 6:00 p.m., in the Steelworkers Auditorium located in the Lewis Library and Technology Center at 8437 Sierra Avenue, Fontana, CA.

Orvene Steenbock
Planning Commission Secretary

Lawrence Meyer
Chairperson