

**RESOLUTION NO. PC 2024-\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA APPROVING DESIGN REVIEW NO. 06-00045 (R2) TO MODIFY THE FAÇADE FOR AN EXISTING HONDA DEALERSHIP ON APPROXIMATELY 10.4 GROSS ACRES LOCATED AT 16570 SOUTH HIGHLAND AVENUE (APNS: 0240-061-35) PURSUANT TO A CATEGORICAL EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15332 AND DIRECTING STAFF TO FILE A NOTICE OF EXEMPTION.**

**WHEREAS**, 16570 South Highland Avenue, Assessor Parcel Number (“APN”) 0240-061-35 (“Project Site”), was annexed from San Bernardino County and incorporated into the City of Fontana on October 8, 1981; and

**WHEREAS**, on August 19, 2008, the City of Fontana (“City”) approved Design Review Application No. 06-00045 for a site and architectural review of the development of a 71,441 square foot auto at the location of 16570 South Highland Avenue (APNs: 0240-061-35); and

**WHEREAS**, on May 4, 2010, the City of Fontana Planning Commission (“Planning Commission”) approved Design Review No. 06-00045 (R1) to reduce the auto dealership to 58,356 square feet; and

**WHEREAS**, on April 4, 2024 the City of Fontana (“City”) received an application from Zachary Walrod, on behalf of Lithia Real Estate Inc. (“Applicant”) for Design Review (DRP) No. 06-045 (R2) for approval to revise the façade of the existing building to a sleek and modern architectural style; and

**WHEREAS**, the Project site has a General Plan Land Use designation of General Commercial (C-G) and is located within the General Commercial (C-2) zoning district which allows for such projects; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA), the project is Categorically Exempt pursuant to Section No. 15301 (Existing Facilities) of CEQA and Section No. 3.22 (Categorical Exemption) of the 2019 Local Guidelines for Implementing CEQA; and

**WHEREAS**, the City wishes to protect and preserve the quality of the life throughout the City through effective land use and planning; and

**WHEREAS**, the Conditions of Approval are attached hereto as **Exhibit “A”** for Design Review No. (DR) No. 06-00045(R2); and

**WHEREAS**, all of the notices required by statute and the City Municipal Code have been given as required; and

**WHEREAS**, the owners of property within 660 feet of the proposed project site were notified via public hearing notice mailer prior to the Public Hearing; and a notice of the public hearing was published in the local *Fontana Herald* newspaper on November 8, 2024 and simultaneously displayed at City Hall and at the project site; and

**WHEREAS**, on November 19, 2024, a duly noticed public hearing on Design Review (DRP) No. 06-00045(R2) was held by the City of Fontana Planning Commission (“Planning Commission”) to consider testimony and evidence presented by the Applicant, City staff, and other interested parties; and

**WHEREAS**, on November 19, 2024, the Planning Commission carefully considered all information, evidence and testimony presented at its Public Hearing on Design Review No. 06-00045 (R2); and

**WHEREAS**, all other legal prerequisites to the adoption of this resolution have occurred.

**NOW, THEREFORE**, the Planning Commission RESOLVES as follows:

**Section 1.** Recitals. The above recitals are true, correct and incorporated herein by reference.

**Section 2.** CEQA. The Planning Commission hereby determines that the Project is categorically exempt pursuant to Section No. 15301 (Existing Facilities) of the California Environmental Quality Act and Section No. 3.22 (Categorical Exemption) of the 2019 Local Guidelines for Implementing the California Environmental Quality Act (CEQA). The project site meets the CEQA requirement for a Class 1 exemption as the project is an existing auto dealership, and the project scope includes interior and exterior alterations that involve negligible or no expansion of use. The Planning Commission further determines that none of the exceptions in CEQA Guidelines section 15300.2 apply to the Project, and directs staff to file a Notice of Exemption.

**Section 3.** Design Review Findings. The City of Fontana Planning Commission hereby makes the following findings for Design Review No. 06-00045(R2) in accordance with Section No. 30-140 “Findings for approval” of the Fontana Zoning and Development Code:

**Finding No. 1:** **That proposal is consistent with the General Plan, Zoning and Development Code, and any applicable Specific Plan.**

Findings of Fact: The application is for the revision of an Auto Dealership project, which is in General Commercial designation of the General Plan and within the Fontana Auto Center Overlay District. The Fontana Auto Center Overlay is described by intended “to promote the development of a coordinated and well-planned “auto center” that would consist primarily of car and truck dealerships with unique design features to

complement the adjacent developing areas. The objectives are intended to encourage orderly design of structures, landscaping, hardscape, signage, lighting.” The General Plan sets the framework for the City of Fontana and is a document that provides the overall policies for development within the community and does not specifically regulate development standards.

The project is located in the General Commercial (C-G) zoning designation. The C-G district is an area that seeks to accommodate a wider range of commercial activities including automobile-related sales and services. The modification to the facade design for an existing auto dealership development building will meet all zoning and development standards set forth in the Zoning and Development Code and is consistent with the General Plan. The project site is not located in a Specific Plan.

**Finding No. 2: The proposal meets or exceeds the criteria contained in this chapter and will result in an appropriate, safe and desirable development promoting the public health, safety, and welfare of the community.**

Findings of Fact: The development complies with the City of Fontana Zoning and Development Code. There will be no changes to the overall on-site circulation from the previous approvals. The request is for a modification to the facade and entrance of the auto dealership.

The site improvements have been evaluated by the City’s Fire, Building and Safety, Engineering, and Police Departments. The façade redesign includes further conformance with ADA standards. Additionally, on-site illumination was part of the previous approval to ensure sufficient visibility during nighttime. The project will continue promoting the safety and welfare of the community.

**Finding No. 3: The proposal, in its design and appearance is aesthetically and architecturally pleasing resulting in a safe, well-designed facility while enhancing the character of the surrounding neighborhood.**

Findings of Fact: The project has been thoughtfully designed to enhance and complement the surrounding area. Its architectural theme is characterized as Modern, with modifications to enhance the façade to a sleek design with use of glass and downlighting. The color scheme and materials will remain the same to remain consistent with the branding of Rock Honda. The modern design results in a high-quality architectural design that is both suitable and complimentary for the surrounding area. The development aims to create a modern

design to provide a refined customer experience, to enrich the area's character through a strong focus on aesthetics and design.

Architectural features of the building include additional windows to provide more focus on the entrance, lighting, and a canopy overhead that aligns with the chosen style. Two blue columns will be provided on each side of the main entrance to provide better framing and additional plane breaks for contrast between the service canopy and showroom.

**Finding No. 4: The site improvements are appropriate and will result in a safe, well-designed facility.**

Findings of Fact: The development complies with the City of Fontana Zoning and Development Code. Improvements including streets, sidewalks, drainage, and grading, will provide a safe and well-designed neighborhood.

The site improvements have been reviewed by the Fire, Building and Safety, and Engineering Departments. During the project review process, changes were made to the plans to ensure that the project is a well-designed project. There will be no changes to the previously approved street lighting, on-site lighting, and landscaping.

**Section 4. Approvals.** Based on the foregoing, the Planning Commission hereby approves Design Review No. 06-0045(R2) subject to the Conditions of Approval attached hereto as **Exhibit A** and incorporated herein by reference.

**Section 5. Resolution Regarding Custodian of Record:** The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Planning Department, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code Section No. 21081.6.

**Section 6. Certification.** The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

**Section 7. Effective Date.** This Resolution shall become effective immediately upon its adoption.

**Section 8. Severability.** If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect any other provisions or applications of this Resolution that can be given effect without the invalid provision or application.

**PASSED, APPROVED, AND ADOPTED** by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 19<sup>th</sup> day of November, 2024.

**City of Fontana**

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Cathline Fort, Chairperson

**ATTEST:**

I, Ricardo Quintana, Secretary of the Planning Commission of the City of Fontana, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 19<sup>th</sup> day of November, 2024 by the following vote, to-wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Ricardo Quintana, Secretary



indemnification shall also include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorneys' fees, and other costs, liabilities and expenses incurred in connection with such claim, action, or proceeding whether incurred by applicant, the City and/or any parties bringing such forth.

The City of Fontana and the applicant acknowledge that the City would not have approved this project if the City were to be liable to applicant in damages under or with respect to all or any part of this application or this condition of approval. Accordingly, applicant shall not sue the City for damages or monetary relief for any matter arising from or related to this condition of approval. Applicant's sole and exclusive remedy shall be limited to declaratory/injunctive relief, mandate, and/or specific performance.

3. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60) days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections No. 30-23 of the Municipal Code.
4. Prior to the construction of any modifications, all structural and aesthetic changes to the project design must be requested and approved in writing by the Director of Community Development or his/her designee. Major structural and aesthetic changes exceeding the codified parameters of administrative policy shall be presented to the Planning Commission for approval. Changes made without approval as stated herein, will prevent the occupancy of the structure until corrections are approved in writing by all appropriate staff.
5. The Applicant shall adhere to the conditions of approval for Design Review No. 06-00045 (R1).
6. All signs shall be reviewed under a separate Design Review Sign application. This includes, but is not limited to, building signs, monument signs, pylon signs, etc.
7. All temporary signs (banners, wind flags, etc.) shall not be placed on the property unless the proper permits are obtained.
8. This Design Review Modification shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Division inspection, has commenced within this period.
9. This project shall comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.
10. Color combinations and color schemes for commercial buildings approved under a Design Review Permit application shall not be modified or changed without prior

approval from the original approving body by a revision to the original application. Minor hue color changes may be approved by the Director of Community Development. The Director of Community Development shall have the authority to refer minor hue color changes to the Planning Commission for consideration under a revision to the original application if deemed necessary. Appeals shall follow provisions of the Municipal Code.

11. The applicant shall provide up-lighting on the perimeter and up-light proposed trees to the satisfaction of the Director of Planning and his/her designee.
12. The applicant shall post a publicly visible sign on the project site with the telephone number and 24-hour point of contact for dust, noise, and construction complaints. The 24-hour point of contact shall be available 24 hours a day, 7 days a week and have authority to commit additional assets to control dust, or respond to construction complaints after hours, on weekends and on holidays. Construction shall be limited to 7:00am to 6:00pm on weekdays, 8:00am to 5:00pm on Saturdays, and no construction on Sundays and Holidays.
13. Historic Archaeological Resources
  - A. Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.
  - B. Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.
  - C. Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern



California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

14. The construction contractor will use the following source controls at all times:
  - A. Construction shall be limited to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays unless it is approved by the building inspector for cases that are considered urgently necessary as defined in Section 18-63(7) of the Municipal Code.
  - B. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise generating potential practical for their intended use.
  - C. The construction contractor will ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and lubricated, and that mufflers are working adequately.
  - D. Have only necessary equipment onsite.
  - E. Use manually adjustable or ambient-sensitive backup alarms. When working adjacent to residential use(s), the construction contractor will also use the following path controls, except where not physically feasible, when necessary:
    1. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
    2. Temporarily enclose localized and stationary noise sources.
    3. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.

**PRIOR TO ISSUANCE OF GRADING PERMIT**

15. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions shall be placed on a sheet in the final building or grading plans prior to issuance of any building or grading permits.
16. The applicant shall underground all utilities, which for the purpose of this condition shall include all boxes, structures and/or other equipment located in the public rights-of-way, any public utility easement(s), and on any private property, to the satisfaction of the Director of Community Development.

**PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**

17. A Planning Department final inspection fee must be paid prior to Certificate of Occupancy.
18. Applicant shall pay all applicable service fees pursuant to the City of Fontana Municipal Code.

**END OF CONDITIONS**