

RESOLUTION NO. PC 2022-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA RECOMMENDING APPROVAL OF MASTER CASE NO. 22-109 AND DESIGN REVIEW SIGN NO. 22-041 TO ESTABLISH A SIGN PROGRAM FOR THE NORTHGATE PLAZA, LOCATED ON THE WEST SIDE OF SIERRA AVENUE AND ON THE NORTH SIDE OF SAN BERNARDINO AVENUE, ON A 7.04 ACRE PROJECT SITE (0193-251-43).

WHEREAS, the City of Fontana received an application on June 13, 2022, for a Design Review Sign (DRS 22-041) application for a sign program to the Northgate Plaza on approximately 7.04 acres.

Project Applicant: Promotional Signs, Inc.
3301 S. Susan St.
Santa Ana, CA 92704

Project Location: 9630 Sierra Avenue & 16856 San Bernardino Avenue (APN: 0193-251-43 and -44)

Site Area: Approximately 7.04 acres

WHEREAS, the subject site was incorporated into the City of Fontana in 1952; and

WHEREAS, the City of Fontana received an application on June 13, 2022, for a Design Review Sign (DRS No. 22-041) application for a sign program to the Northgate Plaza.

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

WHEREAS, Conditions of Approval have been prepared and are attached hereto as **Exhibits “A”** for Design Review Sign No. 22-041; and

WHEREAS, the project is categorically exempt pursuant to Section No. 15301 (Class No. 1, Existing Facilities) of the California Environmental Quality Act (CEQA), and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA; 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; posted at City Hall and onsite at the project site; and

WHEREAS, on September 20, 2022, a duly noticed public hearing for Design Review Sign No. 22-041, was held by the Planning Commission (“Commission”) to consider testimony and evidence presented by the applicant, City staff, and other interested parties, at the Public Hearing held with respect hereto; and

WHEREAS, the Planning Commission carefully considered all information pertaining to the proposed project, including the staff report, findings, and all of the information, evidence, and testimony presented at its public hearing on September 20, 2022; and

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

NOW, THEREFORE, the Commission RESOLVES as follows:

Section 1. The City of Fontana Planning Commission hereby makes the following findings for Design Review Sign No. 22-041 in accordance with Section No. 30-120 “Findings for approval” of the Fontana Zoning and Development Code:

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

Finding of Fact: The project request is to establish a sign program for the Northgate Plaza site of approximately 7.04 acres. The site currently has a general plan land use designation of Walkable Mixed Use-1 (WMXU-1) and zoned within the Sierra Gateway District of the Form Base Code (FBC). Pylon, monument and wall signs are permitted with approval of a Design Review Sign application. Additionally, the code allows for commercial centers of six (6) acres or more fronting Sierra Avenue to establish a sign program. The project proposal complies with the applicable provisions of the Zoning Code, Municipal Code, and General 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.

Finding of Fact: The project request is to establish a sign program for the Northgate Plaza site of approximately 7.04 acres. The proposed sign program meets and exceeds the sign program requirements of Chapter 30 of the Zoning & Development Code. The proposed sign program will provide an appropriate and safe design that has been reviewed and approved by the Engineering Department for line of sight. The design is proposed to match the Northgate Plaza architectural features and will result in a desirable development. Additionally, the lights of the signs will not spillover to the adjacent residential buildings. Therefore, the project will result in an appropriate, safe and desirable development promoting the public health, 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.

Finding of Fact: The proposed sign program as described in Finding No. 1 is complimentary to and with the proposed commercial center. Materials and colors of the buildings will match the proposed signage thus creating a theme of architectural compatibility throughout the project site.

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

Finding of Fact: The proposed sign program as described in Finding No. 1, will be reviewed under a separate building permit with the Building & Safety Department to ensure that the structure and engineering of the signs meet design guidelines. If the sign program is approved, the applicant will also be required to submit for a Design Review Sign entitlement for legibility, sign copy, colors, materials, size and location. The sign will also be reviewed by the Building and Safety Department to ensure the future signage is structurally sound.

Section 2. Based on the foregoing, the City of Fontana Planning Commission determines that this project is Categorically Exempt pursuant to Section No. 15301, Class No. 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA.

Section 3. Based on the foregoing, the City of Fontana Planning Commission hereby approves Design Review Sign (DRS) 22-041 for a sign program at 9630 Sierra Avenue (APN: 0193-251-43 and -44) subject to the findings listed above and the conditions of approval referenced in Exhibit "A".

Section 4. 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 5. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

APPROVED, AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 20th day of September 2022.

City of Fontana

Cathline Fort, Chair

ATTEST:

I, Idilio Sanchez, 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 20th day of September 2022, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Idilio Sanchez, Secretary

EXHIBIT "A"



**CITY OF FONTANA
CONDITIONS OF APPROVAL**

PROJECT: Master Case No. 22-109
Design Review Sign No. 22-041

DATE: September 20, 2022

LOCATION: 9630 Sierra Avenue (APN: 0193-251-43 and -44).

PLANNING DEPARTMENT:

1. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions, signed by the property owner or legal representative, shall be placed on the first sheet of final buildings plans prior to issuance of any building permits.
2. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until both of the following have occurred.
 - a. This project will comply with all applicable provisions, regulations and development standards of the Fontana City Code.
 - b. All of the improvements, construction, alteration and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City's issuance of a Certificate of Occupancy or other document evidencing the City's final inspection and acceptance of the work; and,
 - c. All other Conditions of Approval imposed by this project have been fulfilled.
3. 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 Planning or his/her designee.
4. The project shall comply with all applicable provisions, regulations and development standards of the City of Fontana Municipal Code.
5. The applicant shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages

arising out of any challenge to the applicant's proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

In the event of any such third party action or proceeding, the City shall have the right to retain legal counsel. The applicant shall be responsible and reimburse the City for such legal fees and costs, in their entirety, including actual attorneys' fees, which may be incurred by the City in defense of such action or proceeding. This 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.

Except as required under applicable State and Federal law, 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.

6. 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 Manger's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections 30-30 and 30-31 of the Municipal Code.
7. Color combinations and color schemes for the pylon approved under a Variance 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 Planning. The Director of Planning 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.
8. After the fifteen (15) day appeal period, the applicant shall remove the notice of Filing sign from the project site. The applicant may request a refund of the \$300 sign deposit; the request shall be in writing accompanied with a W-9 tax form. The request shall be submitted to the Planning Department.
9. The digital sign shall only advertise for businesses onsite and City sponsored events. Offsite advertising is not permitted.

10. The proposed signs shall not impede the line of sights.
11. 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.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

12. Development fees and Planning Department final inspection fee must be paid prior to Certificate of Occupancy.
13. Prior to the issuance of a Certificate of Occupancy 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 Planning.

END OF CONDITIONS OF APPROVAL