UPLAND CITY COUNCIL

AGENDA
October 24, 2022
City Council Chamber

BILL VELTO, MAYOR
SHANNAN MAUST, MAYOR PRO TEM
JANICE ELLIOTT, COUNCILMEMBER
CARLOS A. GARCIA, COUNCILMEMBER
RUDY ZUNIGA, COUNCILMEMBER

MICHAEL BLAY, CITY MANAGER
STEPHEN P. DEITSCH, CITY ATTORNEY

DISRUPTION OF MEETINGS

Individuals who demonstrate disruptive conduct during City Council meetings that prevent the City Council from conducting its meeting in an orderly manner are guilty of a misdemeanor as stated in PC403, disrupting a public meeting, and are subject to removal from the chamber or arrest.

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6:00 PM - Closed Session

1. **CALL TO ORDER AND ROLL CALL**
2. **ADDITIONS-DELETIONS TO AGENDA**
3. **ORAL COMMUNICATIONS**

   This is a time for any citizen to comment on item listed on the closed session agenda only. Anyone wishing to address the legislative body is requested to submit a speaker card to the City Clerk at or prior to speaking. The speakers are requested to keep their comments to no more than three (3) minutes. The use of visual aids will be included in the time limit.

4. **CLOSED SESSION**

A. CLOSED SESSION CONFERENCE WITH REAL PROPERTY NEGOTIATORS

California Government Code Section 54956.8

Property: Approximately a 1,716 square foot area located within the northeast corner of Memorial Park in the City of Upland.

City Negotiators: City Manager Michael Blay, Development Services Director Robert Dalquest, and Economic Development Coordinator Melecio Picazo

Negotiating Party: AT&T Mobility, Inc.

Under Negotiation: Price and terms of payment of lease agreement

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7:00 PM

5. INVOCATION

Dr. Greg Brown, Pastor/Missionary

6. PLEDGE OF ALLEGIANCE

7. PRESENTATIONS

Proclamation Recognizing the Week of October 23, 2022 as National Lead Poisoning Prevention Week

Recognition of Officers Dylan Bartley and Sarah Nakamura by Police Chief Blanco

8. CITY ATTORNEY

9. ORAL COMMUNICATIONS

This is a time for any citizen to comment on any item listed or not listed on the agenda. Anyone wishing to address the legislative body is requested to submit a speaker card to the City Clerk at or prior to speaking. The speakers are requested to keep their comments to no more than three (3) minutes. Speakers will be given five (5) minutes during public hearings. The use of visual aids will be included in the time limit. Public comments and questions for the purpose of hearing current matters of concern in our community and to provide citizens a method for the public to hear those concerns in an open venue is encouraged. However, under the provisions of the Brown Act, the City Council is prohibited from discussion of items not listed on the agenda, and therefore, the City Council, City Manager, or City Attorney will take communications under advisement for consideration and appropriate response or discussion at a later time.

10. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine and will be enacted by one roll call vote. There will be no separate discussion of these items unless members of the legislative body request specific items be removed from the Consent Calendar for separate action.

A. APPROVAL OF MINUTES

Approve the Regular Meeting Minutes of October 10, 2022. (Staff Person:

Keri Johnson)

B. 2ND READING OF ORDINANCE 1969 ROSE GLEN SPECIFIC PLAN LOCATED AT 1400 E. ARROW HIGHWAY (APN: 1046-481-14)

Hold second reading by number and title only, waive further reading, and adopt Ordinance No.1969 adopting Zone Change No. ZC-21-0002 to amending the Zoning Designation of the project site from Light Industrial (LI) to Specific Plan (SP) and adopting Specific Plan No. SP-21-0002 for the Rose Glen Specific Plan for the project site. (Staff Person: Robert Dalquest)

C. 2ND READING OF ORDINANCE 1970 REGARDING SMOKE SHOPS, MASSAGE THERAPY, AND SMOKE LOUNGE/E-VAPE/HOOKAH LOUNGES

Hold second reading by number and title only, waive further reading, and adopt Ordinance No. 1970 amending Upland Municipal Code Table 17.04-1 (Permitted Land Uses in the Residential Zones), Table 17.05-1 (Permitted Land Uses in the Mixed-Use Zones), Table 17.06-1 (Permitted Land Uses in the Commercial Zones), Table 17.07-1 (Permitted Land Uses in the Industrial Zones), Table 17.08-1 (Permitted Land Uses in the Special Purpose Zones), Chapter 17.29 (Massage Therapy) and Chapter 17.51 (Definitions), and adding new Chapter 17.42.5 pertaining to smoke shops, and finding the Ordinance to be exempt from the California Environmental Quality. (Staff Person: Robert Dalquest)

D. CONSIDERATION OF A RESOLUTION PROMOTING COLLABORATION AND CITYWIDE CONSIDERATION ON THE CITY COUNCIL

Adopt a Resolution establishing a commitment to promoting collaboration and citywide consideration on the City Council. (Staff Person: Keri Johnson)

E. CONSIDERATION OF A RESOLUTION AMENDING THE COMPENSATION PLAN FOR PART-TIME EMPLOYEES

Adopt a Resolution amending the Compensation Plan for part-time employees to comply with California Minimum Wage law. (Staff Person: Stephen Parker)

F. REPORT OUT OF THE 2022 LEMON FESTIVAL FINANCIALS

Receive and file the Soundskilz Inc. Profit and Loss Statement relating to the 2022 Upland Lemon Festival. (Staff Person: Stephen Parker)

G. DISPOSAL OF SURPLUS EQUIPMENT

Declare items as surplus and authorize the City Manager to initiate disposal of the surplus equipment. (Staff Person: Stephen Parker)

H. AMENDMENTS TO TOW SERVICE AGREEMENTS

Approve the second amendments to the original agreements with Steve's Towing and Mr. T's Towing to provide tow services for the second additional year; and authorize the City Manager to execute the amendments. (Staff Person: Marcelo Blanco)

I. CONSIDER APPROVAL OF PROCUREMENT OF RESTROOM FIXTURES AT GREENBELT AND MAGNOLIA PARKS

Approve the procurement of replacement restroom partitions, toilets, urinals, faucets, sinks, and supporting hardware through Thompson Plumbing Supply Inc. not to exceed $60,000. (Staff Person: Stephen Parker)

J. MAINTENANCE SERVICES AGREEMENT FOR THE REHABILITATION OF CITY WELL 1A

Award a Maintenance Services Agreement to General Pump Company Inc. for the rehabilitation of City Well 1A in the amount of $125,105; approve a

contingency amount of $24,895 for a total amount of $150,000; authorize the City Manager to execute the agreement and all extensions: and approve a budget adjustment of $150,000 to cover the cost of this project. (Staff Person: Braden Yu)

K. FIRST AMENDMENT TO AGREEMENT WITH GENERAL PUMP COMPANY

Approve the first amendment to General Pump Company Inc.'s Maintenance Service Agreement for the rehabilitation of City Well 7A for an additional amount of $102,040 for a new total contract amount of $292,040; authorize the City Manager to execute the amendment; and approve a budget adjustment of $102,040 to cover the additional contract amount. (Staff Person: Braden Yu)

L. ENVIRONMENTAL SEWER TRUCK PURCHASE

Approve the purchase of one (1) new Vactor 2112 Sewer Cleaner (80519) in the amount of $568,301.51 with Haaker Equipment Company; and authorize the City Manager to execute all necessary documents. (Staff Person: Braden Yu)

M. TREASURER'S REPORTS AUGUST (AMENDED) AND SEPTEMBER 2022

Receive and file the amended August and September 2022 Treasurer's Reports. (Staff Person: Stephen Parker)

N. ANNUAL MEETING OF THE POMONA VALLEY PROTECTIVE ASSOCIATION (PVPA)

Appoint Braden Yu as proxy to vote all shares at the annual shareholder's meeting of the Pomona Valley Protective Association. (Staff Person: Braden Yu)

11. PUBLIC HEARINGS

A. CONSIDERATION OF SPECIFIC PLAN AMENDMENT NO. 22-0001, AMENDING THE HISTORIC DOWNTOWN UPLAND SPECIFIC PLAN

The City Council will conduct a public hearing to consider Specific Plan Amendment No. SP-22-0001, amending the Historic Downtown Upland Specific Plan. (Staff Person: Robert Dalquest)

Recommendation: 1) Staff Presentation
2) Hold Public Hearing
3) Close Public Hearing
4) Hold first reading by title only, waive further reading, and introduce an Ordinance adopting Specific Plan Amendment No. 21-0002, amending the Historic Downtown Upland Specific Plan to prohibit storage uses and internet-only businesses that are not open to the public and allow for and adopt regulations pertaining to outdoor display of merchandise for retail businesses.

B. CONSIDERATION OF A RESOLUTION TO ADOPT GENERAL PLAN AMENDMENT NO. 22-0001 FOR THE 2021-2029 HOUSING ELEMENT UPDATE TO THE UPLAND GENERAL PLAN PURSUANT TO ARTICLE 10.6 OF THE PLANNING AND ZONING LAWS

The City Council will conduct a public hearing to consider General Plan Amendment No. 22-0001 for the 2021-2029 Housing Element Update to the Upland General Plan. (Staff Person: Robert Dalquest)

Recommendation: 1) Staff Presentation
2) Hold Public Hearing

3) Close Public Hearing
4) Adopt a Resolution approving General Plan Amendment No. GPA-22-0001, approving the 2021-2029 Housing Element Update.
5) Find that GPA 22-0001 is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3), Section 15162(a) and Section 15283 of the California Environmental Quality Act (CEQA) Guidelines.

12. COUNCIL COMMITTEE REPORTS

A. PUBLIC WORKS COMMITTEE MEETING, OCTOBER 11, 2022

The Committee Chairperson will report on the meeting. This is an information item only.

13. BUSINESS ITEMS

14. COUNCIL COMMUNICATIONS

15. CITY MANAGER

16. ADJOURNMENT

The next regularly scheduled City Council meeting is Monday, November 14, 2022

NOTE: If you challenge the public hearing(s) or the related environmental determinations in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Upland, at, or prior to, the public hearing.

All Agenda items and back-up materials are available for public review at the Upland Public Library, downstairs reference desk at 450 North Euclid Avenue, the City Clerk's Office at 460 North Euclid Avenue and the City website at www.uplandca.gov.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office, 931-4120. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADA Title II]

POSTING STATEMENT: On October 19, 2022 a true and correct copy of this agenda was posted on the bulletin boards at 450 N. Euclid Avenue (Upland Public Library) and 460 N. Euclid Avenue (Upland City Hall) and the City website at www.uplandca.gov.

MINUTES OF THE REGULAR MEETING OF THE UPLAND CITY COUNCIL OCTOBER 10, 2022

OPENING The regular meeting of the Upland City Council was called to order by Mayor Bill Velto at 6:00 p.m. in the Council Chamber of the Upland City Hall.

1. ROLL CALL

Present: Mayor Bill Velto, Council Members Janice Elliott, Carlos A. Garcia, Shannan Maust, and Rudy Zuniga

Staff: City Manager Michael Blay, City Attorney Stephen P. Deitsch, and City Clerk Keri Johnson

2. ADDITIONS/DELETIONS TO AGENDA None

3. ORAL COMMUNICATIONS None

4. CLOSED SESSION

At 6:01 p.m. Mayor Velto announced the City Council would recess to Closed Session pursuant to Government Code Section

A. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Government Code Section 54956.9 (d) (1) (Worker's Compensation Claim)

Claimant: Theora Kazerooni
Agency: City of Upland

B. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Government Code Section 54956.9 (d) (1) (Worker's Compensation Claim)

Claimant: Harv Kawaguchi
Agency: City of Upland

The City Council reconvened in open session at 7:00 p.m.

5. INVOCATION Jim Thomas, Church of Jesus Christ of Latter-Day Saints

6. PLEDGE OF ALLEGIANCE Cub Scout Pack 601

7. PRESENTATIONS

Certificates were presented to Upland National Little League All Stars 2022.

San Bernardino County Fire Emergency Services Officer Klasha Ray gave a presentation on the Great ShakeOut and Earthquake Safety.

Certificates of Completion were presented to the Upland Community Emergency Response Team (CERT).

Certificates of service were presented to participants in the Back to School Kick Off Event.

8. CITY ATTORNEY

City Attorney Deitsch announced the City Council received reports and there was no reportable action during Closed Session.

9. ORAL COMMUNICATIONS

Kati Parker, Upland, introduced herself as a candidate for the Chino Basin Water Conservation District and provided information on her background and the District.

Joe Pattison, stated he would not be voting for Councilmember Elliott in the upcoming November election and provided reasons for his position.

Glenn Bozar, Upland, spoke in opposition of Measure L.

10. CONSENT CALENDAR

Councilmember Garcia removed Consent Calendar 10J and 10K for separate action. Motion by Councilmember Zuniga to approve the remainder of the Consent Calendar, seconded by Councilmember Garcia and carried unanimously.

A. APPROVAL OF MINUTES

Approved the Regular Meeting Minutes of September 26, 2022.

B. 2ND READING OF ORDINANCE 1968 AMENDING UPLAND MUNICIPAL CODE SECTION 17.15.130 (POLITICAL CAMPAIGN SIGNS - GENERAL)

Held second reading by number and title only, waived further reading, and adopted Ordinance No. 1968 amending Upland Municipal Code Section 17.15.130 (Political Campaign Signs - General), Zoning Code Text Amendment No. ZA-22-0002.

C. RESIGNATION OF CITY COUNCIL ADVISORY COMMITTEE MEMBER

Accepted the resignation from City Council Advisory Committee Member Sandra Flores.

D. APPROVAL OF SEPTEMBER WARRANT AND PAYROLL REGISTERS

Approved the September Warrant Registers (check numbers 40527-40857) and Direct Disbursements totaling $15,173,913.69 and Payroll Registers totaling $1,436,179.01 (check numbers 162730-162745 and Electronic Fund Transfers 36178-36665).

E. OFFICE OF TRAFFIC SAFETY TRIP GRANT TR23021

Accepted the Office of Traffic Safety (OTS) TRIP grant funds (Grant No. TR23021) and authorized the appropriation of $21,000.

F. OFFICE OF TRAFFIC SAFETY STEP GRANT PT23189

Accepted the Office of Traffic Safety STEP grant funds (Grant No. PT23189) and authorized the appropriation of $200,000.

G. OFFICE OF TRAFFIC SAFETY MOTORCYCLE SAFETY EDUCATION GRANT MC23008

Accepted the Office of Traffic Safety Ride to Live Motorcycle Education grant funds (Grant No. MC23008) and authorized the appropriation of $25,000 to the Office of Traffic Safety fund.

H. RESOLUTION OF INTENT TO SELL A 42,980 SQUARE FOOT (0.99 ACRE) CITY-OWNED PROPERTY LOCATED AT THE NORTHWEST CORNER OF FIRST AVENUE AND A STREET IN HISTORIC DOWNTOWN UPLAND, AND SETTING A HEARING DATE FOR CONSIDERATION OF PROTESTS

Adopted Resolution No. 6691 finding that the public interest and convenience require the sale of certain real property, declaring its intent to sell such property, setting a public hearing date for consideration of protests, and finding the same categorically exempt from California Environmental Quality Act Review.

I. APPROVE CINTAS UNIFORM SERVICES AGREEMENT

Approved a service agreement with Cintas Uniform Services to provide uniform services; and authorized the City Manager to execute all necessary documents on behalf of the City.

L. APPROVE AGREEMENTS RELATED TO THE LOCAL ROAD SAFETY PLAN GRANT PROJECT

Approved the Administering Agency-State Agreement No. 08-5147S21 and Program Supplemental Agreement No. 514700Z55 issued by the California Department of Transportation for the Local Road Safety Plan Grant; and adopted Resolution No. 6692 authorizing the City Manager to execute the agreements for the Local Road Safety Plan Program.

M. ACCEPTANCE OF PRIVATE IMPROVEMENTS AND REDUCTION OF BONDS FOR TR 20045

Accepted the private improvements constructed by KB Homes, generally located west of Parkview Promenade and north of Baseline Road; and approved the reduction of the Faithful Performance and Labor and Materials bonds to twenty five percent (25%).

ITEMS REMOVED FOR SEPARATE ACTION

Consent Calendar items 10J and 10K were discussed and voted on in one action.

J. POLICE PATROL DIVISION VEHICLE PURCHASE ORDER

K. POLICE ADMINISTRATION DIVISION VEHICLE PURCHASE ORDER

Public Works Director Yu answered questions from the Council regarding the funding for the purchase of the Police Vehicles.

Motion by Councilmember Garcia to:

Approve the purchase order with National Auto Fleet Group for the purchase of seven 2023 Police Dodge Chargers in the amount of $300,102.04; and authorize the City Manager to execute all necessary documents; and

Approve the purchase order with National Auto Fleet Group for the purchase of three 2023 Police Dodge Durangos in the amount of $143,345.63; and authorize the City Manager to execute all necessary documents on behalf of the City.

The motion was seconded by Councilmember Elliott, and carried unanimously.

11. PUBLIC HEARINGS

A. CONSIDERATION OF THE ROSE GLEN SPECIFIC PLAN AND RELATED PROJECT ENTITLEMENTS, LOCATED AT 1400 E. ARROW HIGHWAY (APN: 1046-481-14) WITHIN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT

Development Services Director Dalquest, introduced Senior Planner Winter, who presented the staff report, along with a PowerPoint presentation, which is on file in the City Clerk's office.

There was discussion regarding parking requirements, and access to Bodenhamer Park from the development.

Mayor Velto opened the public hearing.

Natasha Walton, questioned the calculations of park land in the City and requested the developer consider adding park space that is accessible for all residents to enjoy.

Mark Gutglueck, questioned the nearby industrial property in proximity to residences and whether Fire Department vehicles could negotiate the streets in the development.

There being no other speakers, Mayor Velto closed the public hearing.

At 8:21 p.m., Councilmember Garcia left the dais and returned at 8:22 p.m.

Brian Taylor, applicant, presented information on the project along with a PowerPoint presentation.

Assistant Fire Chief Birchfield confirmed that the Fire Department works with the Development Services Department and reviews plans to ensure they meet Fire Department requirements.

There was discussion regarding the park/open space calculations in the city, tree maintenance in the development, and the noise levels of surrounding businesses.

Motion by Councilmember Garcia to approve Resolution No. 6693 adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (EAR-21-0010) for the Rose Glen Specific, seconded by Councilmember Maust, and carried unanimously.

Motion by Councilmember Zuniga to adopt Resolution No. 6694 approving General Plan Amendment No. GPA-21-0002 to amend the Land Use Designation of the project site from Light Industrial/Business Park (LI-BP) to Specific Plan (SP), seconded by Councilmember Elliott, and carried unanimously.

Motion by Councilmember Zuniga to hold first reading by title only, waive further reading, and introduce Ordinance No. 1969 to adopt Zone Change No. ZC-21-0002 to amend the Zoning Designation of the project site from Light Industrial (LI) to Specific Plan (SP) and adopt Specific Plan No. SP-21-0002 for the Rose Glen Specific Plan for the project site, seconded by Councilmember Garcia, and carried unanimously.

Motion by Mayor Velto to adopt Resolution No. 6695 approving Tentative Tract No. TT-21-0002 (TT-20519) to subdivide 4.84 acres into 13 numbered lots and 16 lettered lots and Development Plan Review No. DPR-21-0009 for the development of 64 detached condominiums and related site improvements, seconded by Councilmember Garcia, and carried unanimously.

B. CONSIDERATION OF ZONING CODE AMENDMENT NO. ZA-22-0001 TO MAKE VARIOUS CHANGES TO THE UPLAND MUNICIPAL CODE REGARDING "SMOKE SHOPS", "MASSAGE THERAPY" AND "SMOKE LOUNGE/E-VAPE/HOOKAH LOUNGE"

Development Services Director Dalquest introduced Planning Manager Farris, who presented the staff report, along with a PowerPoint presentation, which is on file in the City Clerk's office.

Development Services Director Dalquest and Planning Manager Farris answered questions posed by the Council regarding nonconforming uses and the buffer between businesses.

Mayor Velto opened the public hearing and hearing no testimony, closed the public hearing.

Motion by Councilmember Zuniga to hold first reading by title only, waive further reading, and introduce Ordinance No. 1970 amending Upland Municipal Code Table 17.04-1 (Permitted Land Uses in the Residential Zones), Table 17.05-1 (Permitted Land Uses in the Mixed-Use Zones), Table 17.06-1 (Permitted Land Uses in the Commercial Zones), Table 17.07-1 (Permitted Land Uses in the Industrial Zones), Table 17.08-1 (Permitted Land Uses in the Special Purpose Zones), Chapter 17.29 (Massage Therapy) and Chapter 17.51 (Definitions), and adding new Chapter 17.42.5 pertaining to smoke shops, and finding the Ordinance to be exempt from the California Environmental Quality Act., seconded by Councilmember Maust, and carried unanimously.

12. COUNCIL COMMITTEE REPORTS

A. SPECIAL ECONOMIC DEVELOPMENT COMMITTEE MEETING, SEPTEMBER 29, 2022

Councilmember Zuniga provided a recap of the meeting. This was for information only and no action was required.

13. BUSINESS ITEMS

A. APPROVE A CONTRACT FOR CITYWIDE LANDSCAPE SERVICES

Public Works Director Yu presented the staff report, which is on file in the City Clerk's Office.

There was discussion regarding the maintenance of baseball fields, project management, and oversight of the landscape services contract.

Public Works Director Yu and Operations Manager Smiderle answered questions posed by the Council regarding restroom maintenance and the request for proposal process for that contract.

Motion by Councilmember Maust to award a Service Contract for Citywide Landscape Maintenance Services to Brightview Landscape Services, seconded by Councilmember Zuniga, and carried unanimously.

14. COUNCIL COMMUNICATIONS

Councilmembers announced various activities throughout the community.

15. CITY MANAGER

City Manager Blay announced upcoming Town Hall information meetings about Measure L.

16. ADJOURNMENT

Mayor Velto adjourned the meeting at 9:19 p.m. The next regularly scheduled City Council meeting is Monday, October 24, 2022.

SUBMITTED BY _____
Keri Johnson, City Clerk

APPROVED October 24, 2022

SECOND READING AND ADOPTION
Ord No. 1909 Date 10/24/22 Item No. 10B

STAFF REPORT

~~ITEM NO. 11.A.~~

DATE:	October 10, 2022
TO:	MAYOR AND CITY COUNCIL
FROM:	MICHAEL BLAY, CITY MANAGER
PREPARED BY:	ROBERT D, DALQUEST, DEVELOPMENT SERVICES DIRECTOR JOSHUA WINTER, SENIOR PLANNER
SUBJECT:	CONSIDERATION OF THE ROSE GLEN SPECIFIC PLAN AND RELATED PROJECT ENTITLEMENTS, LOCATED AT 1400 E. ARROW HIGHWAY (APN: 1046-481-14) WITHIN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT

RECOMMENDED ACTION

It is recommended that the City Council take the following actions:

1. Approve a Resolution adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (EAR-21-0010) for the Rose Glen Specific Plan, and associated entitlements. (Attachment A – MND Resolution)
2. Adopt a Resolution approving General Plan Amendment No. GPA-21-0002 to amend the Land Use Designation of the project site from Light Industrial/Business Park (LI-BP) to Specific Plan (SP). (Attachment B – GPA Resolution)
3. Hold first reading by title only, waive further reading, and introduce an Ordinance to adopt Zone Change No. ZC-21-0002 to amend the Zoning Designation of the project site from Light Industrial (LI) to Specific Plan (SP) and adopt Specific Plan No. SP-21-0002 for the Rose Glen Specific Plan for the project site. (Attachment C – ZC and SP Ordinance)
4. Adopt a Resolution approving Tentative Tract No. TT-21-0002 (TT-20519) to subdivide 4.84 acres into 13 numbered lots and 16 lettered lots and Development Plan Review No. DPR-21-0009 for the development of 64 detached condominiums and related site improvements. (Attachment D – TT and DPR Resolution)

GOAL STATEMENT

The proposed project supports the City's goal to encourage new, balanced growth with a range of housing choices. The project preserves and enhances connectivity and walk-ability in order to provide a high quality of life and distinct sense of place for its residents.

BACKGROUND

The project site was undeveloped until the mid-1950's, with building permits indicating construction of a lumber yard commencing in 1956, and the establishment of "Boyd Lumber Co." in 1957. The business operated on both the project site, and the neighboring parcel to the west. The business continued operation at the project site, improving the property over time. In 2000, Boyd Lumber sold off the western portion of the property to the owners of "Cherokee Wood Products", which is still in operation today. In 2010, Boyd Lumber ceased operation, and the project site was leased to "Arrow Truss", a truss manufacturing business. Arrow Truss is still in operation at this time but will move after approval of the project.

The Planning Commission held a public hearing concerning the project on August 24, 2022. During Public Hearing, the Planning Commission heard staff's presentation, received public comment, engaged in discussion regarding multiple aspects of the project, including parking, landscapi architectural design, among and other issues. Ultimately, the Planning Commission voted recommend that the City Council approve the project. For complete details regarding the Planr Commission Public Hearing, please see Attachment E – Planning Commission Minutes and Resolutic August 24, 2022.

ISSUES/ANALYSIS

Project Summary

The applicant, Century Communities (c/o Brian Taylor), submitted applications for the project in November of 2021, and has requested the approval of the "Rose Glen Specific Plan." The specific plan concerns the construction of a new gated planned residential development consisting of 64 two-story single family detached residential homes on 4.84 acres, for an overall density of 13.2 dwelling units/acre (du/ac). The homes will be designed in the Italianate, Spanish Colonial and Santa Barbara architectural styles, and will range in size from 1,441 to 1,725 square feet and extend to a maximum height of 27 feet. Additional project features include 8,904 square feet of common open space that would support project amenities. Parking would be accommodated through the provision of attached two-car garages and an additional 49 open guest spaces. Site access would be via a gated pass-through entry lane for residences with a separate lane for guests along Arrow Highway. A secondary gated emergency access only would be provided at the southerly part of the project adjacent to North 14th Avenue. The Project includes the following applications:

1. *General Plan Amendment No. GPA-21-0002* to amend the Land Use Designation of the pro site from Light Industrial/Business Park (LI-BP) to Specific Plan (SP).

2. *Zone Change No. ZC-21-0002* to amend the Zoning Designation of the project site from Li Industrial (LI) to Specific Plan (SP).

3. *Specific Plan No. SP-21-0002* to establish a planned residential development and site spe development standards and design guidelines for the Rose Glen Specific Plan.

4. *Tentative Tract No. TT-21-0002 (TT-20519)* to subdivide 4.84 acres into 13 numbered lots 16 lettered lots. The numbered lots will contain 64 condominium single-family residential units lettered lots consisting of private streets, open space and landscaping area.

5. *Development Plan Review No. DPR-21-0009* to establish the site layout consistent with development standards identified within the Specific Plan and to establish the architectural des of the proposed residential units, landscaping design, open space deigns and amenities.

6. *Environmental Assessment No. EAR-21-0010* to consider and adopt the Mitigated Nega Declaration and Mitigation Monitoring and Reporting Program for compliance with the Califo Environmental Quality Act (CEQA).

General Plan and Zoning

The project includes changing both the current General Plan Designation and Zoning Designation. The General Plan Land Use Designation of the project site from Light Industrial/Business Park (LI-BP) to Specific Plan (SP), and the Zoning Designation of the project site from Light Industrial (LI) to Specific Plan (SP).

The Rose Glen Specific Plan is consistent with the goals and policies in the General Plan, which include the following:

Housing Element

1. The project site is in the Housing Sites Inventory of the Draft 2021-2029 Draft Housing Element. The housing sites inventory is required to identify and analyze specific *sites* that are available and suitable for a jurisdiction to meet its Regional Housing Needs Allocation requirement.

Land Use Element

1. Policy LU-4.1: Infill Development. Encourage mixed-use, infill development on brownfields or underutilized parcels, particularly near public transit and within the historic downtown.

Fact: This Specific Plan and its implementing development are considered infill development on an underutilized industrial parcel, thus meeting this goal. Furthermore, the project is located near the Pacific Electric Trail, providing pedestrian connection to Downtown Upland, and points beyond.

2. Land Use Element Goal LU-6: A community that encourages complementary development and maintenance of existing development.

Fact: The location of this Specific Plan is adjacent to similar housing developments to the east and south and the project results in the elimination of a remnant industrial land use that is no longer compatible with the surrounding land uses.

Focus Areas Element

1. Focus Areas Element Goal FA-4: The Southeast Quadrant is a stable neighborhood with a balanced mix of jobs and housing.

Fact: This project will provide new housing options within the Southeast Quadrant.

2. Policy FA-4.6: Building Design. Ensure that building placement, frontage treatments and landscaping enhance the pedestrian experience and increase accessibility within the Southeast Quadrant.

Fact: The proposed residences will be setback from the from the street and sidewalk to maintain a human scale. Additionally, a dense landscape area between the project and the frontage along Arrow Highway will be provided an enhanced pedestrian experience.

3. Policy FA-4.10: Neighborhood Character. Ensure that new development is sensitive to the character of adjacent structures and the immediate neighborhood.

Fact: The project design is similar in character to surrounding land uses and development. The project circulation provides ingress/egress at Arrow Highway, protecting the established neighborhoods to the south.

4. Policy FA-4.12: Transformation of Industrial Sites. Encourage the transition of industrial sites to residential uses, as appropriate, on sites that are underutilized or incompatible with neighboring uses.

Fact: The existing industrial use is incompatible with the surrounding residential uses and zones. This project will transform the site into a residential project that enhances the character of the neighborhood.

5. Policy FA-4.14: Pedestrian and Street Connections. Require new development to incorporate pedestrian and street connections to adjacent uses, parks, and open space.

Fact: The Pacific Electric Trail is adjacent to the project to the northwest, and the project provides internal pedestrian access to the trial, as well as the surrounding neighborhood.

Community Character and Urban Design Element

1. Policy CC-2.6: Neighborhood Enhancement. Promote infill development, redevelopment, rehabilitation, and reuse efforts that contribute positively (e.g., site layout and architectural design) to existing neighborhoods and surrounding uses.

Fact: The project is an infill development that will provide redevelopment at the site to include new residences that compliment surrounding uses. The project architecture contributes positively to the surrounding neighborhood.

2. Policy CC-2.9: Infill Development. Require infill development to be compatible with surrounding uses and to equal or exceed the quality of adjacent development.

Fact: The project quality meets or exceeds the quality of the surrounding development in terms of architectural design, building materials, and site design.

3. Policy CC-5.2: Building Design Principles. Require new development projects to adhere to the basic principles of high-quality building design as set forth below, elsewhere in the General Plan, and in any additional design guidelines adopted by the City. Basic principles include:

e. Multi-Family and Mixed-Use Residential Compatibility. Require multi-family housing and mixed-use development to be in scale with or transition in scale from adjoining or adjacent single-family areas through the use of similar setbacks, complementary building arrangements and architecture, gradual changes to building heights, buffer yards and the avoidance of overwhelming building scale and visual obstructions.

i. Variety of Size and Scale. Encourage new developments to contain a variety of lot and dwelling sizes and scales. Some lots may be designed to accommodate one-story houses, which generally require greater lot width to avoid front elevations of houses that are dominated by garages.

Fact: The project includes high-quality building design, and is consistent with the scale of the surrounding neighborhoods and will be in scale with future multi-family development to the north. The project includes a variety of floor plans and architectural designs to meet the needs of future residents and ensure the project is compatible with existing a future uses.

Circulation Element

1. Circulation Element Goal CIR-1: A transportation network that provides mobility and access for all modes of travel including automobiles, transit, bicyclists, pedestrians, and freight vehicle.

Fact: This Specific Plan is a redevelopment of an existing industrial site that will connect to the local roads. Additionally, the Pacific Electric Trail lies adjacent to the Specific Plan to the northwest which encourages various forms of travel.

Open Space and Conservation Element

1. Policy OSC-4.11: New Development. Review proposed development projects as required by CEQA to ensure projects incorporate feasible measures that reduce construction and operational emissions for reactive organic gases, nitrogen oxides, and particulate matter (PM10 and PM2.5) through project design.

Fact: An Air Quality study has been conducted for the Specific Plan, which has concluded that no significant impact will occur to air quality from the project's short-tern and long-term pollutants.

2. Policy OSC-5.4: CEQA Review. Evaluate greenhouse gas emissions impacts from proposed development projects as required by the California Environmental Quality Act.

Fact: A Greenhouse Gas Emissions study has been conducted for the Specific Plan, which concluded that no significant impact will occur from greenhouse gas emissions.

3. Policy OSC-5.11: Minimum Green Building Standards. Require new development to comply with the California Green Building Code (CalGreen) adopted by the California Building Standards Commission at the time of building permit application.

Fact: The project is required to comply with the California Green Building Code.

4. Policy OSC-6.2: New Development. Encourage solar-oriented design and passive solar heating and cooling in all new residential, commercial, and civic development.

Fact: The California Building Code requires all new residences to include solar panels and includes Title 24 requirements for energy conservation.

Healthy Communities Element

1. Policy HC-1.2: Complete Neighborhoods. Encourage new development to create complete neighborhoods and districts where residents can live within an easy and safe walking distance to daily services, recreational opportunities, and other community amenities that are part of a healthy lifestyle.

Fact: Pedestrian access lies adjacent to the Specific Plan to the northwest. Additionally, other services such as medical services, recreation areas, quick service restaurants and convenience markets lie within ½ mile of the Specific Plan site.

2. Policy HC-1.4: Life-Stage Housing. Provide a diversity of housing types by location, tenure, type of unit, and price level throughout the City; support housing accommodations or living arrangements that can accommodate people and households of all ages and abilities.

Fact: This Specific Plan provides new housing that provides additional variety in housing type within the city that accommodates people in various life stages.

Safety Element

1. Policy SAF-1.1: Exterior Noise Standards. Require noise mitigation for all development where the projected exterior noise levels exceed those shown in Table SAF-1 in the General Plan, to the extent feasible.

Fact: Noise mitigation is required for the project to ensure the interior noise levels of the new homes does not exceed 45 dBa.

2. Policy SAF-1.6: Acoustical Study. Require an acoustical study for all new residential developments that may exceed 65 Ldn as part of the design review process.

Fact: An acoustical study was conducted for this Specific Plan, which concluded that an acceptable noise level for residential land uses will be observed on-site, provided certain

mitigation measures are implemented. Additionally, the Specific Plan will incorporate noise mitigation measures during construction. Other noise mitigation measures as required in the City's Municipal Code will also be complied with during project construction.

3. Policy SAF-2.7: New Development. Regulate evaluation of potential flood hazards prior to approval of development projects.

Fact: A drainage study and water quality management plan (WQMP) have been conducted for this Specific Plan, which has identified measures to minimize impacts from flood hazards.

4. Policy SAF-4.4: Development Review. Include the Fire Department in the review of development proposals to ensure projects adequately address safe design and on-site fire protection and comply with applicable fire and building codes.

Fact: This Specific Plan has been reviewed by the San Bernardino County Fire District, which has provided requirements and conditions of development.

5. Policy SAF-5.2: Investigate Sites for Contamination. Ensure buildings and sites are investigated for the presence of hazardous materials and/or waste contamination before development and periodically during operation for which City discretionary approval is required. The City shall ensure appropriate measures are taken to protect the health and safety of all possible users and adjacent properties.

Fact: A Phase I and a Phase II Environmental Site Assessment have been conducted for the Specific Plan and its implementing Project. It has been determined that no subsurface hazardous materials have been identified at the Project Site.

6. Policy SAF-5.5: Green Building. Encourage the use of green building practices to reduce the use of potentially hazardous materials in construction.

Fact: Development of the Project will comply with current green building practices, and thus meet with this policy.

7. Policy SAF-6.2: Development Restrictions. Require all development in Upland to be consistent with the required setbacks and height restrictions for Cable Airport and the Ontario International Airport as determined by the Federal Aviation Administration and the respective Airport Land Use Plans.

Fact: The Specific Plan lies within the Airport Influence Area of the LA/Ontario International Airport. However, it is outside both the safety zone and noise contours as established by the LA/Ontario Airport Land Use Compatibility Plan (ALUCP). In addition, the project site is located outside of the Cable Airport Land Use Compatibility Zones, therefore the project has no compatibility issues related to Cable Airport.

The project site is within an urban area developed with primarily residential uses surrounding the project site and one remaining industrial parcel to the west, which currently contains Cherokee Wood Products. Over time, development in the area has primarily been residential land uses and included rezoning of the land to the north of the project site, which currently contains a commercial fueling station, to the Multi-Family Residential (RM-20) zoning district in 2015. The project further complements the pattern of residential land uses and zoning in the neighborhood in terms of density. The proposed project density is 13.2 du/ac, with surrounding densities ranging from 4 du/ac to 20 du/ac.

The project's density is generally consistent with the surrounding residential neighborhoods. Finally, all necessary infrastructure (e.g sewer, water, electric, public streets, etc.) is available to serve the project site and no new major supporting infrastructure facilities would need to be constructed or extended to the project site that could result in a physical disruption to an established land use or the local pattern of development.

For the reasons above, the General Plan Land Use Designation of the project site from Light Industrial (LI) to Specific Plan (SP), and the Zoning Designation of the project site from Light Industrial (LI) to Specific Plan (SP) is consistent with the surrounding land uses and zoning in the area and is consistent with the policies and goals in the General Plan.

Specific Plan

State of California Government Code, Title 7, Division 1, Chapter 3, Article 8, Section 65450-57, grants authority to cities to adopt specific plans for purposes of implementing the goals and policies of their general plans. The Government Code specifies that specific plans may be adopted either by resolution or by ordinance and that the specific plan must be consistent with the General Plan. The Government Code sets forth the minimum requirements and review procedures for specific plans including provision of a land use plan, an infrastructure and public services plan, criteria and standards for development, and implementation measures.

The Specific Plan serves as the legal document to implement the General Plan land use designation for the Project Site and provides the zoning for development of the Rose Glen Specific Plan as a residential community with a density of 13.2 dwelling units per acre. The Specific Plan establishes land use and development regulations designed to govern development of the Project Site. In instances where the Specific Plan is silent, regarding a specific development standard or procedure for implementing the Specific Plan, the Upland Municipal Code Zoning Code Title 17, (Planning and Zoning) shall prevail.

The Specific Plan provides a "blueprint" for development of the Project establishing permitted uses, a land use plan, the development requirements, and design criteria for land development and is organized into 4 chapters. Chapter 1 provides project overview and summary, the guiding principles, purpose and objectives of the specific plan and as previously mentioned, analysis of compliance with the General Plan. Chapter 2 provides the Development Plan information, with exhibits and discussion related to the land use, circulation, as well as infrastructure for the project. Chapter 3 provides the Design Guidelines for the project, including setbacks, permitted uses and structures, open space standards as well as landscaping, fencing and wall standards. Chapter 4 provides the information for how the project is implemented, for example and it outlines the development process and amendment process.

The Specific Plan is attached as Exhibit B to Attachment C for the City Council review.

Tentative Tract Map

The project proposes a Tentative Tract Map for Condominium Purposes to subdivide the existing 4.84-acre parcel. The Tentative Tract Map includes 13 numbered lots and 16 lettered lots (see Attachment F – Tentative Tract Map). The numbered lots will contain 64 detached condominium residential units and lettered lots consist of private streets, open space, and common landscaping areas. All lots will be maintained by a Home Owners Association (HOA) as outlined within the required Declaration of Covenants, Conditions, and Restrictions, also called "CC&Rs."

The Tentative Tract Map also provides several easements, including public utility easements and emergency/public ingress/egress. These easements will allow access to the site for utility companies and emergency services, necessary for the future residents of the community.

One lot of note is common "Lot K", located at the northwest corner of the project site. Currently, the adjacent property, utilized by Cherokee Wood Products, has a primary driveway entrance that encroaches into the boundaries of the project site. Therefore, the applicant has proposed the creation of "Lot K", which will contain the area of the existing driveway for the exclusive use of Cherokee Wood Products, allowing it to remain and continued to be used for ingress and egress to the adjacent property.

Site Plan

Site Layout

The project is sited as a gated community, with rear yards facing out around the perimiter of the project, including onto the primary street to the north, Arrow Highway. The project provides for 2 home types, the "Gardenia" and the "Magnolia". The Gardenia product is placed around the perimeter at the north, south and west. The Magnolia product is placed in the center, and along the east project boundary. The site plan accommodates adequate space for all proposed units as well as amenities, including open space, pedestrian connectivity, and necessary infrastructure.

Development Standards

The Specific Plan provides required development standards, for which the project complies. The development standards include requirements for setbacks, structural separations, building height, parking, open space, etc. Please see Attachment G – Site Plan.

Parking and Circulation

Ingress/Egress

The ingress/egress points for the project include the primary entrance located off Arrow Highway, and an Emergency Vehicle Access (EVA) only driveway placed at the south side of the project site at 14th Avenue. The primary access is gated and includes a decorative stamped concrete finish. The entrance provides approximately 50-feet of stacking space between the gate and the public right-of-way (ROW), adequate for any potential vehicle stacking that may occur. In addition, the project would be designed in accordance with General Plan Policy CIR-1.7 which requires that driveway access points onto arterial roadways be minimized and located to ensure the smooth and safe flow of vehicles and bicycles, because the project only proposes one egress point onto Arrow Highway. The project drive is designed to accommodate both the project residents and guests as the gate will be accessible for residents via key fob, with a turn-around and call box included for guests.

The EVA access point is only accessible to emergency vehicles via a Knox box. Staff required this egress point be EVA only to prevent an increase in traffic through this established residential neighborhood. The access point will also be use as part of the water quality management system with the inclusion of turf block, a permeable paving surface that allows for water infiltration. This area will also include benches and a dog station to allow residents to use the area as a quasi-open space area.

Private Streets

The project relies on private streets throughout the development, to provide vehicular access to homes. Upon entering the project site, the street layout provides for a main north/south street connecting the entrance to the south end of the site. To east, the project includes motor court clusters, each contain 6 homes. To the west of the main street, the project includes a looped road that loops west from the main street, south, and east reconnecting to the primary street, beyond which the streets head south to the EVA. Private streets are 26-feet wide and include rolled curbs where necessary to meet fire access requirements. The motor courts are 24 feet wide, allowing for adequate access to garages.

Pedestrian Circulation

Pedestrian access is provided via a curb adjacent sidewalk network throughout the site, primarily located along the east side of the main street and looped street, which connects the units to the on-site common open space and to the Public ROW on Arrow Highway. In addition, along private street frontages that do not contain a sidewalk, the project provides a 3-foot enhanced paved area to delineate pedestrian space. The enhanced paving will be placed at the bottom of the curb, and is still available to motorists, but will highlight to motorists that pedestrian circulation will occur in those areas. In addition, a condition of approval has been added requiring a pedestrian gate be provided at the south side of the project site. The gate will be only accessible to residents.

Parking

The project exceeds the parking requirement identified in the specific plan. The total required in the specific plan is 160 spaces, and the project includes 177 parking spaces, inclusive of 128 garage parking spaces and 49 guest spaces. In reviewing the parking provided for the project, staff compared the parking required within the Zoning Code (Section 17.11) for a multi-family residential project, as the condominium-style design of the project is anticipated to have a similar parking demand. The results of this analysis found that a 64-unit project regulated under the zoning code would require a total of 173 parking spaces, therefore the project is anticipated to provide adequate parking.

Grading and Drainage

The Site generally slopes down from north to south, with an elevation change of approximately 10-feet. To grade the site, a total of 5,000 sf of structures would be demolished along with 213,444 sf of asphalt that would be hauled from the site. In addition, 2,727 cubic yards of imported soil would be hauled to the site to level out the site. The on-site storm system would convey runoff through the street curbs and two catch basins to a 7,453-sf underground vault system located underneath the southernmost open space area, as well as the permeable EVA. These areas would allow for the storm water to infiltrate on site.

Retaining Walls

To accomplish the necessary site grading, the project will include perimeter retaining walls along the south and west sides of the project boundaries. These retaining walls will retain approximately 1-foot to 4-feet of earth and will include garden and/or sound walls on top, which range from 6-feet to 12 feet. The retaining walls are necessary in order to achieve adequate on-site drainage and connection to the sewer. Fence and wall heights are further analyzed below.

For grading details please refer to Attachment F, of which *Sheet TTM-2* contains the preliminary grading plan.

Architecture

Floor Plans

The homes will include two (2) product types, the Magnolia and Gardena, and 4 floor plan options. The units range from 1441 square feet to 1725 square feet. A majority of units are three (3) bedrooms and two and a half (2.5) bathrooms, with the largest units being four (4) bedrooms and two and a half (2.5) bathrooms.

Architecture

The project includes three (3) architectural styles, Italianate, Spanish Colonial and Santa Barbara. The architectural designs include a variety of materials and colors, with each style having two (2) color pallets. In addition, along the Arrow Highway frontage, and all areas in public view, additional enhancements are included. Complete elevations and materials are provided in Attachment H.

1. Italianate. The Italianate style provides the following architectural details:

    - Low-pitched hip roof with "S" tile roof.
    - Bay windows and "Juliet" balconies.
    - Decorative iron work.
    - Smooth stucco finish and stone veneer.
    - Decorative entries.
    - Shaped windowsills and decorative trim.

2. Spanish Colonial. This style includes the following architectural details:

- Decorative entries.
- Shutters and brick trim.
- Decorative tile.
- "S" tile roof, gable rooflines and rafter tails.
- Sand stucco finish.
- Wood corbels.

3. Santa Barbara. This style includes the following architectural details:

- Faux chimney and trellis features.
- Decorative entries.
- Iron flower boxes.
- "S" tile roof and gable rooflines.
- Shaped stucco sills.
- Shaped stucco corbels.

Landscaping

The Specific Plan, Chapter 3, provides for both a plant palette and general landscaping design requirements, as well as exhibits detailing the landscape design. The landscape design requirements include "hardscape" elements such as entry monuments, signage, walls, fences, gates, paving, recreation and picnic equipment, as well as "softscape" elements such as trees, shrubs, vines and ground cover. Landscape design requirements include California native/drought tolerant trees, plants and ground covers.

As a part of the project, the applicant has submitted a Conceptual Landscape and Open Space plan (Attachment I) for Council consideration. The conceptual plans provide a general plant layout for the open space areas, as well as the primary entrance, EVA and site wide tree layout. Along the primary street frontage, Arrow Highway, the plan provides for a densely landscaped 13-foot-wide landscaped planter including evergreen trees placed every 40-feet, new trees within the parkway, as well as a variety of shrubs and ground cover. The same variety of plants and trees are carried through the plan, creating a cohesive landscape design.

Prior to the issuance of construction permits, the applicant is required to submit, for review and approval, landscape plans for the project. Landscape plans will include all open space areas, common landscaped area, right-of-way landscaping and typical front yard landscaping. The builder will install groundcover and appropriate shrubs and trees in the front yards of homes within residential areas, with the rear yards being homeowner installed. Installation of automatic irrigation within the front yards of all residential areas, common open space areas and perimeter will also be provided by the home builder. After project build-out, the HOA will maintain all on-site landscaping, landscaping within open space areas and perimeter landscaping, including parkway landscaping.

Walls and Fences

The project includes fences and walls around the perimeter of the project site, and around private yards. All walls in public view will be of a split face design, and along Arrow Highway, columns will be included at the corners of private yards for aesthetic relief. The height of the walls will primarily be 6-feet-tall, both at the north and south sides of the project site.

An acoustical analysis was prepared for the project, which found the need noise attenuating building materials along the western boundary of the site to protect the site from noise generated by the industrial use to the west. Therefore, the project includes mitigation requiring these items to ensure no significant impacts will occur. In addition, the applicant has elected to further protect the future residents from the industrial use and has proposed a wall ranging from 8-12 feet in height to further reduce noise levels, and to limit views onto the neighboring use. The final height of the wall will be determined in final engineering. Areas of the wall in public view will be split face design and a decorative cap.

The existing wall along the eastern boundary will remain in place. Conditions of approval are included requiring the wall, in areas of public view, be refinished with stucco or other masonry materials, to the satisfaction of the Development Services Director. Fences between private yards will be constructed of vinyl materials. Fences will be 6-feet-tall and in a tan color.

Open Space

The applicant is providing 8,904 square feet of common open space, and 16,224 square feet of private open space (approximately 250 square feet per unit) for a total of 25,128 square feet of open space (not including the emergency vehicle access quasi-open space area). In reviewing the project open space, staff again referred to the Upland Municipal Code requirements for open space. UMC 17.04.040 *Landscaping and Outdoor Living Space* requires 22,400 square feet of open space for a multi-family residential project, which includes 6,400 square feet of private open space and 16,000 of common open space. While the ratio of private/common open space is different, staff has found the provided open space appropriate for the development, in that: (1), the development is multi-family in nature from a density perspective but provides a single-family residential character with an emphasis on private yards, and is designed as a single-family condominium development which includes larger private open space areas, and; (2), UMC 17.04.040 (C)(3)(b) allows "the review authority may permit the common open space to be decreased or eliminated as long as there is an equal increase in private open space or open space on site for public use that results in the same total open space square footage as otherwise required." Since the development exceeds the total amount of required open space, staff has found the total open space provided to be adequate. The open space areas are connected to all the units within the development via a series of sidewalks and pedestrian connections. The open space areas are activated with multiple passive and active facilities, including a tot lot, barbecue area, benches, tables, trellis structures and exercise equipment and open yard areas.

ENVIRONMENTAL ASSESSMENT

An Initial Study and Mitigated Negative Declaration (IS/MND) was prepared pursuant to Sections 15063(c) and 15070 of the California Environmental Quality Act Guidelines to evaluate the potential environmental effects of the proposed project. The IS/MND analyzed environmental impacts that would be potentially affected by the proposed project and determined that potentially significant impacts to Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Noise, and Tribal Cultural Resources, can be reduced to a "less than significant" level with the incorporation of mitigation measures. (See Attachment J - Initial Study/Mitigated Negative Declaration). All comments received on the IS/MND were formally responded to in August of 2022.

Errata

The Draft Initial Study/Mitigated Negative Declaration (IS/MND) was previously circulated for public review from July 5, 2022 to August 4, 2022. All interested persons and organizations had an opportunity during this time to submit their written comments on the Draft IS/MND to the City. Subsequently, the City prepared a Final IS/MND, that includes the Mitigation Monitoring and Reporting Program, and Response to Comments received on the Draft IS/MND, which was presented to the City Planning Commission on August 24, 2022. Since the preparation of the Final IS/MND and the Planning Commission hearing, portions of the Final IS/MND have been revised (Attachment K - Errata) to provide supplemental environmental analysis pertaining to park land and to clarify Mitigation Measure LU-1. A summary of these changes is as follows:

1. Mitigation Measure LU-1. This measure includes construction techniques that are intended to mitigate potential noise intrusion from the neighboring "Cherokee Wood Products" and from Arrow Highway. The modifications clarify that the developer can use alternative construction methods, acceptable to the Development Services Director, so long as noise levels are met.

2. Park Land Analysis. The original language in the IS/MND indicated that the City

requires approximately 236 acres devoted to park and recreational facilities to meet the City's Park Standard, and that the City was deficient in parkland by 118.5 acres. The Errata clarifies that the City is not deficient in parkland. Based on the City's General Plan Figure OSC-1 which lists the designated parks, trails, and recreational facilities in the City, there are currently 286.1 acres devoted to public park and recreational facilities in the City, exceeding the requirements of 236 acres. To clarify, this does not change the findings of the IS/MND and the developer is still required to pay all Quimby fees.

Water Service: The City is required to prepare an Urban Water Management Plan every 5-years, which accounts for the City's water supply and growth including during water shortages/drought conditions. The Cities 2020 UWMP shows the City has adequate water supplies for future development till buildout and can withstand severe water shortages coupled with conservation measures, which the City has already adopted.

FISCAL IMPACTS

Approval of the project will ultimately result in an increase in revenue in the form of property taxes and development impacts fees. No budget adjustments are necessary at this time.

ALTERNATIVES

Provide alternative direction to staff.

ATTACHMENTS:

ORDINANCE NO. 1969

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UPLAND, CALIFORNIA APPROVING ZONE CHANGE NO. ZC-21-0002 TO AMEND THE ZONING DESIGNATION OF THE PROJECT SITE, LOCATED AT 1400 E. ARROW HIGHWAY (APN: 1046-481-14), FROM LIGHT INDUSTRIAL (LI) TO SPECIFIC PLAN (SP) AND TO ADOPT SPECIFIC PLAN NO. SP-21-0002 TO ESTABLISH THE ROSE GLEN SPECIFIC PLAN ON THE PROJECT SITE.

WHEREAS, Century Communities c/o Brian Taylor. (Applicant) has filed applications requesting approval of the Rose Glen Specific Plan; and

WHEREAS, the State of California Government Code Section 65300 requires the City to adopt and maintain a General Plan that contains certain elements, describes its long-term goals, and develop policies and programs to achieve those goals; and

WHEREAS, the State of California Government Code Section Government Code 65450-57 grants authority to cities to adopt specific plans for purposes of implementing the goals and policies of their general plans; and

WHEREAS, Upland Municipal Code Section 17.48 requires that the Planning Commission shall make a recommendation, and that the City Council shall take action on Zone Changes; and

WHEREAS, the Zone Change and Specific Plan are considered a project as defined by the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq.; and

WHEREAS, the City of Upland Planning Commission conducted a duly noticed public hearing on August 24, 2022, at which time it received public testimony concerning the Project, and considered the CEQA for the proposed project, and recommended that the City Council of the City of Upland adopt a Resolution approving the General Plan Amendment; and

WHEREAS, in accordance with CEQA Guidelines Section 15073, a Notice of Intent and Notice of Availability was issued for the Draft Initial Study (IS) and Mitigated Negative Declaration (MND) for a 30-day public review and comment period beginning on July 5, 2022 through August 4, 2022; and

WHEREAS, the City of Upland on September 29, 2022 posted two (2) true and correct copies of the legal notice at the Upland City Hall Bulletin Board and at the Upland Public Library in accordance with the Upland Municipal Code Section 17.46.020; and

WHEREAS, the City of Upland on September 29, 2022, mailed the public hearing notice to each property owner within a 500-foot radius of the project site indicating the date and time of the public hearing in compliance with state law concerning the Project; and

WHEREAS, the City of Upland on August 12, 2022, published a legal notice in the Inland Valley Daily Bulletin, a local paper of general circulation, indicating the date and time of the public hearing in compliance with state law concerning the Project; and

WHEREAS, the City of Upland City Council conducted a duly noticed public hearing on October 10, 2022, at which time it received public testimony concerning the Project, and considered the CEQA for the proposed project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UPLAND DOES ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated herein by this reference.

Section 2. Ordinance: Amending the Municipal Code.

1. Approve Zone Change No. ZC-21-0002 to amend the Zoning Designation of the project site, located at 1400 E. Arrow Highway (APN: 1046-481-14), from Light Industrial (LI) To Specific Plan (SP) as shown in Exhibit A, attached hereto and incorporated herein by reference.

2. Adopt Specific Plan No. SP-21-0002 to establish the Rose Glen Specific Plan on the project site as shown in Exhibit B, attached hereto and incorporated herein by reference.

Section 3. Findings.

A. Upland Municipal Code Section 17.48.060 provides that the City Council, before it may approve a Zoning Map Amendment, shall make a determination to allow the activity based upon the following findings:

1. Finding: The proposed amendment is consistent with the General Plan and any applicable community or specific plan as provided by Government Code Section 65860.

   Evidence: This Zoning Amendment is to amend the Zoning Designation of the project site from Light Industrial (LI) to Specific Plan (SP). Government Code Section 65860 requires a city's zoning ordinance to be consistent with the general plan, therefore the project is consistent with Government Code Section 65860.

2. Finding: The proposed amendment will not be detrimental to the public interest, health, safety, or welfare of the City.

   Evidence: The proposed Zoning Amendment will not be detrimental to the public interest, health, safety, or welfare because the amendment will result in residentially zoned land via the Specific Plan, consistent with the surrounding residential land uses. The project will result in

additional property tax generation. All impacts potentially caused by the project have been determined to be less then significant, with potentially significant impacts being required to be mitigated to ensure impacts are less then significant. The project has been reviewed and appropriately conditioned by Building and Safety, Public Works and Police and Fire Services to further ensure public interest, health, safety, or welfare of the City.

3. Finding: The affected site is physically suitable in terms of design, location, shape, size, and other characteristics to ensure that the proposed uses and development will not endanger, jeopardize, or otherwise constitute a hazard to the property, surrounding properties, and the community at large.

   Evidence: Plans were submitted with the application that show the zoning amendment that show the site is physically suitable in terms of design, location, shape, and size. The plans show adequate space for the implementation of the specific plan, including the development of the 64 residential units, private and common open space as well as necessary infrastructure improvements to serve the development. The plans show the proposed architectural and landscape design makes use of appropriate materials, texture, and color, and will remain aesthetically appealing and appropriately maintained. The project has been appropriately conditioned by Police and Fire Services, and mitigation measures have been incorporated into the project to ensure the new development endanger, jeopardize, or otherwise constitute a hazard to the property, surrounding properties, and the community at large.

Section 4. Compliance with California Environmental Quality Act. Pursuant to the California Environmental Quality Act (CEQA) Guidelines and the City's local Guidelines, an Initial Study and Mitigated Negative Declaration (IS/MND) was prepared pursuant to Sections 15063(c) and 15070 of the California Environmental Quality Act Guidelines and the City of Upland CEQA Guidelines to address the potential environmental effects of the proposed project. Initial Study (IS) was prepared to determine the environmental effects created by the project. Based on the findings contained in the Initial Study, it was determined that Mitigation Measures related to Cultural Resources, Land Use Planning, Noise and Vibration and Tribal Cultural Resources. Based on that determination, a Mitigated Negative Declaration (MND) was prepared. A Mitigation Monitoring and Reporting Program has also been prepared to ensure implementation of, and compliance with, the mitigation measures for the Project.

Section 5. Severability. If any section, subsection, subdivision, sentence, or clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have

adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

Section 6. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption.

Section 7. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published in a newspaper of general circulation printed and published within the City of Upland, pursuant to all legal requirements.

PASSED, APPROVED, AND ADOPTED this 24th day of October, 2022.

_____
Bill Velto, Mayor

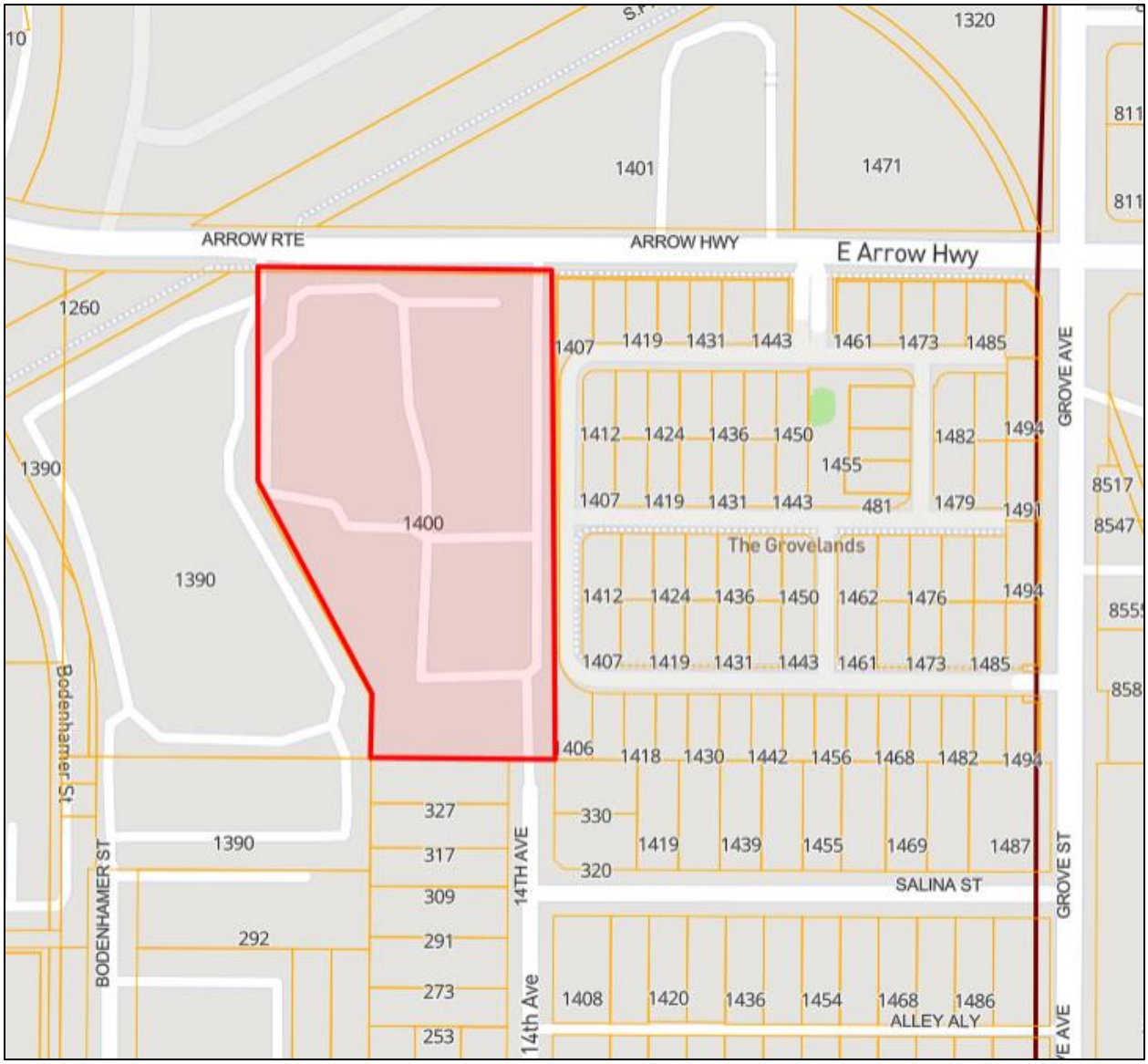
I, Keri Johnson, City Clerk of the City of Upland, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Upland held on the 10th day of October, 2022, and was adopted at a regular meeting of the City Council of the City of Upland on the 24th day of October, 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

ATTEST: _____
Keri Johnson, City Clerk

Exhibit A

The Zoning Designation of the project site, highlighted below, located at 1400 E. Arrow Highway (APN: 1046-481-14), from Light Industrial (LI) to Specific Plan (SP).



SECOND READING AND ADOPTION
Ord No. 1075 Date 10/24/22 Item No. 10C

STAFF REPORT

~~ITEM NO. 11.B.~~

DATE:	October 10, 2022
TO:	MAYOR AND CITY COUNCIL
FROM:	MICHAEL BLAY, CITY MANAGER
PREPARED BY:	ROBERT D. DALQUEST, DEVELOPMENT SERVICES DIRECTOR LORALEE FARRIS, PLANNING MANAGER
SUBJECT:	CONSIDERATION OF ZONING CODE AMENDMENT NO. ZA-22-0001 TO MAKE VARIOUS CHANGES TO THE UPLAND MUNICIPAL CODE REGARDING "SMOKE SHOPS", "MASSAGE THERAPY" AND "SMOKE LOUNGE/E-VAPE/HOOKAH LOUNGE"

RECOMMENDED ACTION

It is recommended that the City Council hold first reading by title only, waive further reading, and introduce an Ordinance amending Upland Municipal Code Table 17.04-1 (Permitted Land Uses in the Residential Zones), Table 17.05-1 (Permitted Land Uses in the Mixed-Use Zones), Table 17.06-1 (Permitted Land Uses in the Commercial Zones), Table 17.07-1 (Permitted Land Uses in the Industrial Zones), Table 17.08-1 (Permitted Land Uses in the Special Purpose Zones), Chapter 17.29 (Massage Therapy) and Chapter 17.51 (Definitions), and adding new Chapter 17.42.5 pertaining to smoke shops (See Attachment 1), and finding the Ordinance to be exempt from the California Environmental Quality Act.

GOAL STATEMENT

The proposed action supports the City's goals of maintaining the Zoning Code to ensure the compatibility of land uses that have the potential for impacts on surrounding development through effective design principles, adequate buffering, and evaluating operational characteristics; considering the concentration of such uses in land use decisions, as it relates to smoke shops and massage therapy establishments; and maintaining a sustainable business environment that supports local growth, investment, and revitalization.

BACKGROUND

On September 12, 2022, the City Council held a Public Hearing (See Attachment 2) to review Zoning Code Amendment No. 22-0001 to amend Table 17.04-1, Table 17.05-1, Table 17.06-1, Table 17.07-1, Table 17.08-1, Chapter 17.51, Chapter 17.29 and add new Chapter 17.42.5

pertaining to smoke shops and massage establishments. The City Council made two recommendations to further amend the proposed Ordinance and requested that the matter return for further discussion at a future Public Hearing. These recommendations included:

1. Modify proposed Section 17.42.4.040(3) (Factors Considered in Granting Conditional Use Permits) by increasing the distance separation from another smoke shop in the evaluation of a new smoke shop from 1,000 feet to 2,000 feet.

2. Work with the City Attorney to explore an amendment to existing Chapter 17.29 (Massage Therapy) to allow for a similar consideration of the presence of one or more existing massage establishments within a 2,000 foot radius as measured from a proposed massage establishment, as it relates to potential public health and safety impacts, when considering a conditional use permit.

ISSUES/ANALYSIS

Smoke Shops

To implement the City Council's recommendations, staff amended the proposed Section 17.42.5.040 (Factors Considered In Granting Conditional Use Permits) to update the radius to consider concentration of existing uses from 1,000 feet to 2,000 feet. This proposed section would now read:

17.42.5.040 Factors Considered In Granting Conditional Use Permits

In addition to the findings required In Section 17.44.040 of this title, the Planning Commission may consider the following factors in determining whether to issue a conditional use permit, or in applying conditions of approval.

1. *Proximity of the use to residential structures and residential district boundaries, and sensitive uses, including parks, playgrounds, schools, day care centers or preschools, and libraries.*

2. *Nature of uses on the same, adjacent, and nearby properties.*

3. *The presence of one or more smoke shops within 2,000 feet of the proposed use.*

4. *The compatibility of the use's operational characteristics with those of surrounding commercial uses.The design of proposed improvements (if any) related to the use, with particular reference to design characteristics that have the effect of reducing or eliminating impacts to surrounding uses.*

An updated exhibit reflecting a 2,000 foot buffer around each of the City's existing smoke shops has been provided as Attachment 3 to illustrate the effect of establishing a wider separation criteria in evaluating a conditional use permit for a new smoke shop.

Massage Establishments

The City Council indicated a concern with the potential impacts to the health and safety of the community related to larger concentrations of massage establishments in specific areas of the City and directed staff to explore separation requirements. Separation requirements would utilize zoning and locational criteria to space out the location of massage establishments throughout the City, in efforts of preventing their accumulation at a single node, intersection, or shopping center within the City. Concentration of land uses is often driven by zoning regulations and market lease rates/property values; the latter potentially leading to higher concentrations of smoke shops and massage establishments in socio-economically disadvantaged areas of the City where lease rates and property values may be lower. An

overconcentration of smoke shops and massage establishments may cause or contribute to one or more of the following adverse effects to the surrounding areas:

1. Increase in crime, by clustering similar massage establishments in areas near existing massage establishments with established records of violations;

2. Depreciation of property values;

3. Increase in urban blight, marked by illegal signage, lack of property and landscaping maintenance, loitering, littering, etc.

Staff met with City Attorney staff to discuss proposed changes to the massage ordinance. Section 460 of the California Business and Professions Code (CBPC) restricts a city or county from prohibiting a person or group of persons certified by the California Massage Therapy Council (CAMTC) from engaging in their business, occupation, or profession. The statute doesn't prevent a city or county from adopting or enforcing any ordinance regulating zoning, business licensing or reasonable healthy and safety requirement concerning massage therapy. However, the city may not outright prohibit the use or create regulations for its establishment that would indirectly prevent the ability to approve a new massage establishment.

In implementing the Council's direction, staff evaluated the importance of establishing an appropriate finding for a massage establishment's conditional use permit while also ensuring the requirements would not make it impossible to create a new massage establishment within the city. An illustrative exhibit (Attachment 4) was generated that maps the location of all massage establishments in the city with active business licenses, each surrounded with a 2,000 foot (0.38 mile) radius. As indicated on this map, with this radius incorporated, the concentration covers the majority of the City's major corridors and commercial areas, making the ability to site a location outside of an existing 2,000 foot buffer difficult. As such, utilizing a 2,000 foot separation (or greater) as a strict separation requirement could potentially conflict with Section 460 of the CBPC. However, as business license data indicates uses are highly concentrated within specific areas of the City, utilizing this buffer as a means to evaluating cumulative and individual impacts on a case-by-case basis may provide analytical background in assessing the addition of another massage establishment. As a comparison, a second map (Attachment 5) was created to demonstrate a 1,000 foot (0.19 mile) radius of each of the existing facilities. At this radius, there are still areas within the City that massage establishments may locate, without being overly restrictive that no other locations exist where this use could locate. A Zoning Map for the City of Upland has also been included for reference, which details the layout of zoning districts within the City (Attachment 6).

Proposed Massage Therapy Regulations

To incorporate the City Council's direction of establishing a radius to evaluate concentration of existing facilities under a conditional use permit, staff drafted a finding within Chapter 17.29 (Massage Therapy) that the approving body would have to affirm in order to approve a new massage establishment. The amendments to this Chapter are detailed below:

17.29.150 Conditional Use Permit Required

It is unlawful for any person to engage in, conduct or carry on, or to permit the engagement in, conduct of or carrying on the business or operation of a massage establishment within the City without first obtaining a conditional use permit pursuant to the provisions of this chapter and Section 17.44.040 (Conditional Use Permits).

17.29.160 Conditional Use Permit Findings

A. The decision making authority shall make a determination to allow a new

massage establishment based upon the following findings, in addition to the findings required for Conditional Use Permits contained within Section 17.44.040(F):

1. *No massage establishment may be located within 1,000 feet of another massage establishment in the City. New massage establishments that are located more than 1,000 feet of another massage establishment may be considered if deemed not to be detrimental to health and safety concerns, including but not limited to: a) the proximity of the establishment to sensitive uses; b) the concentration of one or more existing massage establishments within a 2,000 foot buffer; c) and the proximity of the massage establishment to an existing massage therapy establishment(s) with a history of violations with Code Enforcement or the Police Department.*

B. For the purposes of this section, all distances shall be measured by drawing a circle around the center point of the unit or building containing the massage establishment.

C. For the purposes of this section, sensitive uses shall include parks, playgrounds, schools, day care centers or preschools, and libraries.

These regulations would outline the conditional use permit requirement for new massage establishments and establish an additional finding that would have to be affirmed by the Planning Commission in order to approve the conditional use permit. This finding would be analyzed in addition to the three existing conditional use permit findings that must be affirmed, contained under Section 17.44.040(F) of the Upland Municipal Code. These include:

1. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.

2. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.

3. The proposed use will not be detrimental to the public health, safety, and welfare of the persons residing or working in the neighborhood of the proposed use.

The new finding will set a minimum separation requirement of 1,000 feet between massage establishments. As illustrated in Attachment 5 (Massage Establishment map with 1,000 foot radius), this separation requirement would still reasonably allow for the creation of new massage therapy establishments with a conditional use permit, while still regulating their concentration by spacing out the facilities across the mixed-use and commercial districts. All new massage establishments would be required to comply with this separation requirement in order to receive approval of a Conditional Use Permit. Existing massage establishments that do not meet this separation requirement would be considered legally non-conforming in this respect but would be allowed to continue operation pursuant to the provisions of Chapter 17.31 (Non-Conforming Uses and Structures). Existing non-conforming businesses that change location or cease operation for a continuous period of 6 months would be required to comply with the provisions of the current Municipal Code.

The finding, as written, would allow for new massage establishments located more than 1,000 feet from another massage establishment with a conditional use permit if deemed not to be detrimental to public healthy and safety. The finding would allow for the Planning Commission's consideration of facility's location and operational characteristics as it relates to the proximity of sensitive uses (such as parks, school, day cares and preschools, and libraries), the concentration of one or more existing massage establishments within a 2,000

foot radius, and the proximity of the massage establishment to an existing massage therapy establishment(s) with a history of violations with Code Enforcement or the Police Department.

The amendments to the ordinance would allow for zoning consideration for massage establishments. The existing ordinance (Attachment 7), provides for existing operational regulations that massage establishments must follow to minimize their potential impact on surrounding uses.

Environmental Review

The action is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000, et seq.), pursuant to State CEQA Regulation §15061(b)(3) (14 Cal. Code Regs. § 15061(b)(3)), the "common sense" exemption covering activities with no possibility of having a significant effect on the environment because the Ordinance merely updates regulatory guidelines for smoke shops and massage therapy establishments.

FISCAL IMPACTS

There is no fiscal impact associated with approving the proposed Ordinance. New smoke shops and massage therapy establishments will be required to pay the processing fee for a Conditional Use Permit for staff's cost in processing the application.

ALTERNATIVES

The City Council may provide staff with alternative direction.

ATTACHMENTS:

Attachment 1: Smoke Shop and Massage Therapy Ordinance

ORDINANCE NO. 1970

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UPLAND, CALIFORNIA, AMENDING UPLAND MUNICIPAL CODE TABLE 17.04.01 (PERMITTED LAND USES IN THE RESIDENTIAL ZONES), TABLE 17.05-1 (PERMITTED LAND USES IN THE MIXED-USE ZONES), TABLE 17.06-1 (PERMITTED LAND USES IN THE COMMERCIAL ZONES), TABLE 17.07-1 (PERMITTED LAND USES IN THE INDUSTRIAL ZONES), TABLE 17.08-1 (PERMITTED LAND USES IN THE SPECIAL PURPOSE ZONES), CHAPTER 17.29 (MASSAGE THERAPY), AND CHAPTER 17.51 (DEFINITIONS), AND ADDING CHAPTER 17.42.5 (SMOKE SHOPS), ZONING CODE TEXT AMENDMENT NO. ZA-22-0001

WHEREAS, the City's Development Services Department has been directed to evaluate and make recommendations to the Planning Commission and the City Council regarding the necessity and form of regulation of massage establishments and smoke shops; and

WHEREAS, the City of Upland ("City") has a substantial interest in discouraging the illegal purchase of tobacco products by minors, as well as promoting compliance with all federal, state and local laws pertaining to tobacco sales and use; and

WHEREAS, the City is authorized, by virtue of the State Constitution and California Government Code §51030 to regulate massage establishments by imposing reasonable conditions on the operation thereof; and

WHEREAS, the City desires to amend its local regulations for smoke shops and massage establishments to promote the health, safety and welfare of the public, alleviate over-saturation of these uses within the City, and allow the uses to operate within the City in a manner and at such locations to maintain compatibility between surrounding land uses; and

WHEREAS, an over-concentration of massage establishments and smoke shop uses have contributed to one or more of the following adverse effects to the surrounding area: (1) increased crime; (2) depreciation of property values; (3) increase in urban blight, marked by illegal signage, lack of property and landscaping maintenance, loitering, and littering; and

WHEREAS, the City's Municipal Code does not presently contain any individual regulations for smoke shops, other than those for a retail use; and

WHEREAS, on July 27, 2022 at 6:30 p.m. the Planning Commission conducted a duly noticed public hearing for the project, as prescribed by law, and heard and considered both oral and written evidence and adopted Resolution No. 4968 recommending that the City Council adopt an Ordinance amending the Zoning

Ordinance Table 17.04-1 (Permitted Land Uses in the Residential Zones), Table 17.05-1 (Permitted Land Uses in the Mixed-Use Zones), Table 17.06-1 (Permitted Land Uses in the Commercial Zones), Table 17-07-1 (Permitted Land Uses in the Industrial Zones), Table 17.08-1 (Permitted Land Uses in the Special Purpose Zones), Chapter 17.29 (Massage Therapy), and Chapter 17.51 (Definitions), and adding Chapter 17.42.5 (Smoke Shops), in order to add a definition and regulations for smoke shops and amend regulations for massage therapy establishments to require a conditional use permit; and

WHEREAS, a notice of a public hearing on said application has been given in the manner and for the time required by law; and

WHEREAS, on September 12, 2022 and October 10, 2022 at 7:00 p.m. the City Council conducted duly noticed public hearings for the project, as prescribed by law, heard and considered both oral and written evidence, and considered the entire record of information received at the public hearings before the Planning Commission and City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UPLAND DOES ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated herein by this reference.

Section 2. Findings. In approving the proposed Municipal Code amendment, the City Council hereby makes the following findings that the Ordinance is consistent with the General Plan as follows:

1. Finding: The proposed amendment is consistent with the General Plan and any applicable community or specific plan as provided by Government Code Section 65860.

   Evidence: The proposed Smoke Shop and Massage Therapy Ordinance does not conflict with any community or specific plan and is consistent with the following General Plan policies and goals:

A. Land Use Policy LU-6.2: Control the location, concentration and operations of land uses that have potential impacts on surrounding development through effective design principles, adequate buffering, and enforcement of regulatory documents.

   Fact: The ordinance will be consistent with this policy, as it will address a concern regarding the compatibility of smoke shop and massage establishment uses with surrounding land use uses and allow for the ability to add conditions of approval to ensure such uses will not have a negative impact through their design and operational characteristics.

B. Healthy Community Policy HC-5.3: Consider the concentration of alcohol and/or tobacco retail outlets in land use decisions; consider regulating the permitting of additional alcohol and/or tobacco retail outlets where an undue concentration exists

   Fact: The proposed ordinance will be consistent with this policy as it will allow the Planning Commission the ability to consider the concentration of tobacco retail outlets in land use decisions and will add additional criteria for the Commission to use as basis of evaluating undue concentration while considering a conditional use permit.

C. Healthy Community Goal HC-5: A community free of alcohol dependency, tobacco use, and drug abuse by creating an environment that supports healthy choices, provides access to prevention and treatment services, and enforces laws that protect residents and the community.

   Fact: The proposed ordinance will be consistent with this goal in the City's General Plan, by setting responsible and appropriate regulations for smoke shops to ensure both a successful business environment but also allow for additional consideration in appropriate land uses through regulation of smoke shops through a conditional use permit process.

2. Finding: The proposed amendment will not be detrimental to the public interest, health, safety, or welfare of the City.

   Evidence: The proposed Zoning Amendment is in the interest of public interest, health, safety, and welfare of the City for several reasons, and will not be detrimental. The City has an interest, as emphasized in the General Plan, in ensuring compatibility between uses, ensuring that land uses are established in such a manner and location where they will not have potential impacts on surrounding development, in discouraging the illegal purchase of tobacco products by minors, and in promoting compliance with all federal, state and local laws.

3. Finding: The proposed amendment is internally consistent with other applicable provisions of the Zoning Ordinance.

   Evidence: The proposed amendment does not conflict with any other sections of the Zoning Ordinance.

Section 3. Table 17.04-1 (Permitted Land Uses in the Residential Zones) of Section 17.04.020 (Land Uses of Regulations for Residential Zones) of the Upland Municipal Code is hereby amended to add a line item for smoke shops, add dashes to the RS-20, RS-15, RS-10,, RS-7.5, RS-4, RS-MH, RM-10, RM-20, and RM-30 to indicate smoke shops are a use not allowed, add a reference to "Ch. 17.42.5" for

Smoke Shops under Applicable Regulations, change "Smoke Lounge/Tobacco Shop/E-vape/Hookah" to "Smoke Lounge/E-vape/Hookah Lounge", as shown below, with all other portions of Table 17.04-1 to remain the same:

TABLE 17.04-1 PERMITTED LAND USES IN THE RESIDENTIAL ZONES

Key **P** Permitted Use **CUP** Conditional Use Permit Req. **AUP** Admin. Use Permit Req. **—** Use Not Allowed	**Residential Zones**									**Applicable Regulations**
	RS-20	**RS-15**	**RS-10**	**RS-7.5**	**RS-4**	**RS-MH**	**RM-10**	**RM-20**	**RM-30**	
Commercial Land Uses										
Smoke Shops	—	—	—	—	—	—	—	—	—	Ch 17.42.5
Smoke Lounge/~~Tobacco Shop~~/E-vape/Hookah Lounge	—	—	—	—	—	—	—	—	—	

Section 4. Table 17.05-1 (Permitted Land Uses in the Mixed-Use Zones) of Section 17.05.020 (Land Uses of Regulations for Mixed-Use Zones) of the Upland Municipal Code is hereby amended to add a line item for smoke shops, amend sub-note 6 to refer to Chapter 17.42.5, renumbered the former sub-notes 6 through 9 to 7 through 10, add "CUP" for each listed zone to designate that smoke shops require a Conditional Use Permit, add a reference to "Ch. 17.42.5" for Smoke Shops under Applicable Regulations, change "Smoke Lounge/Tobacco Shop/E-vape/Hookah" to "Smoke Lounge/E-vape/Hookah Lounge", as shown below, with all other portions of Table 17.05-1 to remain the same:

TABLE 17.05-1 PERMITTED LAND USES IN THE MIXED-USE ZONES

Key **P** Permitted Use **CUP** Conditional Use Permit Req. **AUP** Admin. Use Permit Req. **—** Use Not Allowed	**Mixed-Use Zones**				**Applicable Regulations**
	C/R-MU	**B/R-MU**	**C/O-MU**	**C/I-MU**	
Commercial Land Uses					
Smoke Shops [6]	CUP	CUP	CUP	CUP	Ch 17.42.5
Smoke Lounge/~~Tobacco Shop~~/E-vape/Hookah Lounge [7]	CUP	CUP	CUP	CUP	
Temporary, Seasonal,	P	P	P	P	Ch. 17.41

Key **P** Permitted Use **CUP** Conditional Use Permit Req. **AUP** Admin. Use Permit Req. **—** Use Not Allowed	**Mixed-Use Zones**				**Applicable Regulations**
	C/R-MU	**B/R-MU**	**C/O-MU**	**C/I-MU**	
and Special Events [~~7~~ 8]					

Notes:

[1] Metal shipping containers designed to carry freight are prohibited.

[2] Guest houses shall only be permitted when a single-family dwelling is the primary use on the lot.

[3] Used vehicle sales are permitted on up to 20 percent of the sales space of a vehicle sales and leasing business.

[4] Markets may not be located less than 1,000 feet from another market.

[5] See Chapter 17.16 (Property Maintenance and Use) for applicable screening and location standards for outdoor storage.

[6] See Chapter 17.42.5 (Smoke Shops).

[~~6~~ 7] Not permitted as part of a food establishment, unless conducted outside.

[~~7~~ 8] Only temporary off-site construction yards, mobile home residences, and work trailers are permitted pursuant to Chapter 17.41 (Temporary Use Permits and Film Permits).

[~~8~~ 9] Administrative telecommunication facilities are prohibited on sites occupied by a residential use.

[~~9~~ 10] Residential uses shall only be permitted within mixed-use and live/work developments, where each building on site meets the minimum floor area ratio requirement as specified in Section 17.05.030."

Section 5. Table 17.06-1 (Permitted Land Uses in the Commercial Zones) of Section 17.06.020 (Land Uses of Regulations for Commercial Zones) of the Upland Municipal Code is hereby amended to add a line item for smoke shops, amend sub-note 4 to refer to Chapter 17.42.5, for smoke shops, renumber the former sub-notes 4 and 5 to 5 and 6, add "CUP" to the Neighborhood Commercial (NC), Highway Commercial (HC), Regional Commercial (RC) columns to designate that smoke shops require a Conditional Use Permit in these zones, add a dash in the Office Professional (OP) zone to designative that smoke shops are a use not allowed in this zone, for "Smoke Lounge/Tobacco Shop/E-vape/Hookah" remove the CUP for Office Professional and replace with a dash, to indicate it is a use not allowed, add a reference to "Ch. 17.42.5" for Smoke Shops under Applicable Regulations, change "Smoke Lounge/Tobacco Shop/E-vape/Hookah" to "Smoke Lounge/E-vape/Hookah Lounge", as shown below, with all other portions of Table 17.06-1 to remain the same:

TABLE 17.06-1 PERMITTED LAND USES IN THE COMMERCIAL ZONES

Key **P** Permitted Use **CUP** Conditional Use Permit Req. **AUP** Admin. Use Permit Req. **—** Use Not Allowed	**Commercial Zones**				**Applicable Regulations**
	Neighborhood Commercial (NC)	**Highway Commercial (HC)**	**Regional Commercial (RC)**	**Office Professional (OP)**	
Commercial Land Uses					
Smoke Shops [4]	CUP	CUP	CUP	—	Ch 17.42.5
Smoke Lounge/~~Tobacco Shop~~/E-vape/Hookah Lounge [~~4~~ 5]	CUP	CUP	CUP	~~CUP~~ —	
Swap Meets and Flea Markets [~~5~~ 6]	—	—	—	—	

Notes:

[1] Metal storage containers are prohibited. Accessory structures shall only be permitted where there is a residential component in a residential or non-residential zone.

[2] Used vehicle sales are permitted on up to 20 percent of the sales space of a vehicle sales and leasing business.

[3] Markets may not be located less than 1,000 feet from another market.

[4] See Chapter 17.42.5 (Smoke Shops).

[~~4~~ 5] Not permitted as part of a food establishment, unless conducted outside.

[~~5~~ 6] Swap meets and flea markets shall only be permitted as a temporary use per Chapter 17.41 (Temporary Use Permits and Film Permits)."

Section 6. Table 17.07-1 (Permitted Land Uses in the Industrial Zones) of Section 17.07.020 (Land Uses of Regulations for Industrial Zones) of the Upland Municipal Code is hereby amended to add a line item for smoke shops, add a dash in the Light Industrial (LI) and General Industrial (GI) zones to designative that smoke shops are a use not allowed in these zones, add a reference to "Ch. 17.42.5" for Smoke Shops under Applicable Regulations, change "Smoke Lounge/Tobacco Shop/E-vape/Hookah" to "Smoke Lounge/E-vape/Hookah Lounge", as shown below, with all other portions of Table 17.07-1 to remain the same:

TABLE 17.07-1 PERMITTED LAND USES IN THE INDUSTRIAL ZONES

Key **P** Permitted Use **CUP** Conditional Use Permit Req. **AUP** Admin. Use Permit Req. **—** Use Not Allowed	**Industrial Zones**		
	Light Industrial (LI)	**General Industrial (GI)**	**Applicable Regulations**
Commercial Land Uses			
Smoke Shops	—	—	Ch 17.42.5
Smoke Lounge/~~Tobacco Shop~~/E-vape/Hookah Lounge	—	—	

Section 7. Table 17.08-1 (Permitted Land Uses in the Special Purpose Zones) of Section 17.08.020 (Land Uses of Regulations for Special Purpose Zones) of the Upland Municipal Code is hereby amended to add a line item for smoke shops, add a dash in the Cable Airport (CA), Public/Institutional (PB/I), Open Space (OS), and Mining (M) zones to designative that smoke shops are a use not allowed in these zones, add a reference to "Ch. 17.42.5" for Smoke Shops under Applicable Regulations, change "Smoke Lounge/Tobacco Shop/E-vape/Hookah" to "Smoke Lounge/E-vape/Hookah Lounge", as shown below, with all other portions of Table 17.08-1 to remain the same:

TABLE 17.07-1 PERMITTED LAND USES IN THE SPECIAL PURPOSE ZONES

Key **P** Permitted Use **CUP** Conditional Use Permit Req. **AUP** Admin. Use Permit Req. **—** Use Not Allowed	**Special Purpose Zones**				
	Cable Airport (CA)	**Public/ Institutional (PB/I)**	**Open Space (OS)**	**Mining (M)**	**Applicable Regulations**
Commercial Land Uses					
Smoke Shops	—	—	—	—	Ch. 17.42.5
Smoke Lounge/~~Tobacco Shop~~/E-vape/Hookah Lounge	—	—	—	—	

Section 8. Section 17.29.150 of the Upland Municipal Code is hereby added in its entirety to read as follows:

"17.29.150 Conditional Use Permit Required

It is unlawful for any person to engage in, conduct or carry on, or to permit the engagement in, conduct of or carrying on the business or operation of a massage establishment within the City without first obtaining a conditional use permit pursuant to the provisions of this chapter and Section 17.44.040 (Conditional Use Permits)."

Section 9. Section 17.29.160 of the Upland Municipal Code is hereby added in its entirety to read as follows:

"17.29.160 Conditional Use Permit Finding

A. The decision making authority shall make a determination to allow a new massage establishment based upon the following finding, in addition to the findings required for Conditional Use Permits contained within Section 17.44.040(F):

1. No massage establishment may be located within 1,000 feet of another massage establishment in the City. New massage establishments that are located more than 1,000 feet of another massage establishment may be considered if deemed not to be detrimental to health and safety concerns, including but not limited to: a) the proximity of the establishment to sensitive uses; b) the concentration of one or more existing massage establishments within a 2,000 foot buffer; c) and the proximity of the massage establishment to an existing massage therapy establishment(s) with a history of violations with Code Enforcement or the Police Department.

B. For the purposes of this section, all distances shall be measured by drawing a circle around the center point of the unit or building containing the massage establishment.

C. For the purposes of this section, sensitive uses shall include parks, playgrounds, schools, day care centers or preschools, and libraries."

Section 10. Chapter 17.42.5 of the Upland Municipal Code is hereby added in its entirety to read as follows:

"Chapter 17.42.5 SMOKE SHOPS

17.42.5.010 Purpose

The purpose of this chapter is to establish standards and review criteria for smoke shops in the interests of public health, safety and general welfare.

17.42.5.020 Applicability

This chapter applies to all smoke shops as defined in Section 17.51.010 of Chapter 17.51 of the Upland Municipal Code.

17.42.5.030 Authority

Smoke shops require a Conditional Use Permit in the C/R-MU, B/R-MU, C/O-MU, CI/MU, NC, HC, and RC zones, which is a discretionary action approved by the Planning Commission. Refer to Part 5 (Land Use and Development Approval Procedures) of the Zoning Ordinance for permit application procedures.

17.42.5.040 Factors Considered In Granting Conditional Use Permits

In addition to the findings required In Section 17.44.040 of this title, the Planning Commission may consider the following factors in determining whether to issue a conditional use permit, or in applying conditions of approval.

1. Proximity of the use to residential structures and residential district boundaries, and sensitive uses, including parks, playgrounds, schools, day care centers or preschools, and libraries.

2. Nature of uses on the same, adjacent, and nearby properties.

3. The presence of one or more smoke shops within 2,000 feet of the proposed use.

4. The compatibility of the use's operational characteristics with those of surrounding commercial uses.

5. The design of proposed improvements (if any) related to the use, with particular reference to design characteristics that have the effect of reducing or eliminating impacts to surrounding uses.

17.42.5.050 Operational Requirements

1. The business shall comply with all of the conditions of the conditional use permit that authorizes its operation.

2. Each smoke shop shall hold a valid California Cigarette and Tobacco Products Retailer's License issued by the State Board of Equalization, in accordance with State law, and shall be prominently displayed in a publicly visible location at the establishment.

3. There shall be no self-service display or sales, including vending machines, of tobacco or tobacco paraphernalia.

4. No on-premises use of tobacco products shall be permitted at any time.

5. No person who is younger than the minimum age of eighteen (18) years or as established by State law shall be permitted to sell, display, market, barter, trade or exchange any combination of tobacco, tobacco products, or smoking or exchange of tobacco paraphernalia, including electronic smoking devices and accessories."

Section 11. Section 17.51.010 Definitions of the Upland Municipal Code is hereby amended to amend the definition of "Smoke Lounge/Tobacco Shop/E-vape/Hookah" to reflect the updated definition term of "Smoke Lounge/E-vape/Hookah Lounge", strike "Tobacco Shop" from the text of the definition, update the term for "Hookah" as "Hookah Lounge" in the text of the definition, and add a definition for "Smoke Shop", as shown below, with all other portions of Section 17.51.010 to remain the same:

Term	Definition
Smoke Lounge/~~Tobacco Shop~~/E-vape/Hookah Lounge	"Smoking Lounge/~~Tobacco Shop~~/E-vape/Hookah Lounge" refers to an establishment that is dedicated, in whole or part, to providing tobacco or other substances for smoking by patrons on the premises for a fee, including but not limited to establishments known as cigar lounges, hookah lounges, tobacco clubs, tobacco bars, e-vape or similar use (i.e., e-cigarette, e-hookah, vape pen, etc.). Does not include a "retail or wholesale tobacco shop," which sells tobacco products and smoking accessories, but does not provide for on-premises use of tobacco products.
Smoke Shop	A retail establishment that either exclusively sells or has more than five percent (5%) of their floor area dedicated to the sale, display, distribution, delivery, or marketing of tobacco, tobacco products and smoking paraphernalia but does not provide for on-premises use of tobacco products. Tobacco shall mean any preparation of the nicotine-rich leaves of the tobacco plant for smoking, vaping, healing, inhaling, chewing, absorbing, dissolving, or ingesting by any other means. Tobacco products may include, but are not limited to: cigarettes, cigars, e-cigarettes, vaporizers or similar electronic devices that deliver nicotine to the person inhaling from the device, hookahs, pipes, bongs, and related devices for holding burning material.

Section 12. Compliance with California Environmental Quality Act. This Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000, et seq.), pursuant to

State CEQA Regulation §15061(b)(3) (14 Cal. Code Regs. § 15061(b)(3), the common sense exemption covering activities with no possibility of having a significant effect on the environment because the Resolution does not result in any actual development, and only updates regulatory guidelines for smoke shops and massage therapy establishments.

Section 13. Severability. If any section, subsection, subdivision, sentence, or clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

Section 14. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption.

Section 15. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published in a newspaper of general circulation printed pursuant to all legal requirements.

PASSED, APPROVED, AND ADOPTED this 24th day of October, 2022.

_____
Bill Velto, Mayor

I, Keri Johnson, City Clerk of the City of Upland, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Upland held on the 10th day of October, 2022, and was adopted at a regular meeting of the City Council of the City of Upland on the 24th day of October, 2022, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

ATTEST: _____
Keri Johnson, City Clerk

STAFF REPORT

ITEM NO. 10.D.

DATE:	October 24, 2022
TO:	MAYOR AND CITY COUNCIL
FROM:	MICHAEL BLAY, CITY MANAGER
PREPARED BY:	KERI JOHNSON, CITY CLERK ALISON WALKER, DEPUTY CITY CLERK
SUBJECT:	CONSIDERATION OF A RESOLUTION PROMOTING COLLABORATION AND CITYWIDE CONSIDERATION ON THE CITY COUNCIL

RECOMMENDED ACTION

It is recommended that the City Council adopt a Resolution establishing a commitment to promoting collaboration and citywide consideration on the City Council.

GOAL STATEMENT

The proposed action supports the City Council's commitment to working mutually and collaboratively under the Council-Manager form of government. Governing as a body that represents the interests of the City as a whole by being inclusive and taking into consideration feedback from all communities of interest.

BACKGROUND

The City Council has a desire to govern in a manner that considers the needs and interests of the entire community. At the request of Mayor Velto and Councilmember Maust, this item has been added to the City Council agenda for consideration.

On August 8, 2016, the City Council adopted Ordinance No. 1909 transitioning the City from at-large elections to by-district elections. Every ten years, local governments use new census data to redraw their district lines to reflect how local populations have changed. Districts must be redrawn so that each district is substantially equal in population. In 2022, based on new census data, the Council adopted Ordinance No. 1958 redrawing the Council District boundaries.

The first by-district election occurred on November 6, 2018 for Councilmembers for Districts 2, 3, and 4. The second by-district election occurred on November 3, 2020 for District 1 Councilmember. The City transitioned to a full by-district Council in December 2020.

ISSUES/ANALYSIS

Staff has prepared a Resolution that reflects the Council's commitment to serving the population as a whole regardless of how Council Members are elected. Maintaining an at-large governance philosophy allows for the continuance of accessible customer services, effective use of resources, and consistency in City services.

FISCAL IMPACTS

There is no fiscal impact associated with this action.

ALTERNATIVES

Provide alternative direction to staff.

ATTACHMENTS:

Resolution Promoting Collaboration and Citywide Consideration on the City Council

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UPLAND APPROVING AND ESTABLISHING A COMMITMENT TO PROMOTING COLLABORATION AND CITYWIDE CONSIDERATION ON THE CITY COUNCIL

WHEREAS, the Upland City Council adopted Ordinance No. 1909 on August 8, 2016, establishing four districts in the City of Upland, and establishing that future City Council elections will be held by district for City Councilmembers; and

WHEREAS, every ten years, based on census data, districts must be redrawn so that each district is substantially equal in population, this process is called redistricting. On February 28, 2022, Ordinance No. 1958 was adopted, adjusting the boundaries of City Council election districts; and

WHEREAS, on November 6, 2018 the first by-district election occurred for Councilmembers for Districts 2, 3, and 4. The second by-district election occurred on November 3, 2020 for Mayor, City Treasurer, Councilmember for District 1, and a short term for District 3 Councilmember. The City transitioned to a full by-district Council in December 2020; and

WHEREAS, the City of Upland has always focused on the greater community needs with consideration given to all areas of the community and that focus should remain, regardless of how a Councilmember is elected; and

WHEREAS, the City of Upland has been successful because it operates as a single entity serving the population as a whole; and

WHEREAS, all members of the Upland City Council will continue to collaborate and approve items by majority vote.

NOW, THEREFORE, the City Council of the City of Upland hereby finds, determines and resolves as follows:

Section 1. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. The City Council will govern considering the needs and interests of the entire community. The City Council wishes to remain united in its service to the community.

Section 3. The City Council commits to continue to fully engage regarding every issue before the City Council, regardless of which district(s) may be most directly impacted by the issue. The Mayor and Councilmembers are committed to making decisions that are in the interests of the entire community, hearing from residents with diverse viewpoints across the City, and giving equal consideration to issues and people inside and outside councilmember election districts. Every member of the City Council will help anyone in the community who calls or contacts them.

Section 4. The City Council affirms that the City Council is committed to working mutually and collaboratively under the Council-Manager form of government and governing as a body that represents the interests of the City as a whole by being inclusive and taking into consideration feedback from all communities of interest.

Section 5. The City Council understands that democracy means that members of the City Council may not always agree on issues, but are committed to respecting one another, respecting members of the community, and engaging in a healthy debate.

Section 6. The City Council agrees that decisions regarding resources of the City government, both financial and personnel, will continue to be based on the needs of all residents in the City of Upland, and not simply divided by districts.

Section 7. The City Council affirms that information necessary for the City Council to govern on a citywide basis will be shared with all City Councilmembers.

Section 8. The City Council agrees that City Council represents all neighborhoods in Upland, and continues to work mutually together, to represent the greater good.

Section 9. The City Council agrees that current practices regarding invitations to members of the City Council to events and activities will remain in effect.

Section 10. The City Council finds that this Resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Further, if the activity is deemed a project this City Council finds that this Resolution is exempt pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

Section 11. Certification. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Section 12. Severability. If any section, subsection, subdivision, sentence, or clause or phrase in this Resolution or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Resolution or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one

or more subsections, subdivisions, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

Section 13. Effective Date. This Resolution shall become effective upon adoption.

PASSED, APPROVED and ADOPTED this 24th day of October, 2022.

Bill Velto, Mayor

I, Keri Johnson, City Clerk of the City of Upland, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 24th day of October, 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

ATTEST:

Keri Johnson, City Clerk

STAFF REPORT

ITEM NO. 10.E.

DATE:	October 24, 2022
TO:	MAYOR AND CITY COUNCIL
FROM:	MICHAEL BLAY, CITY MANAGER
PREPARED BY:	STEPHEN PARKER,CPA, ASSISTANT CITY MANAGER TERRY DOYLE, HUMAN RESOURCES/RISK MANAGER
SUBJECT:	CONSIDERATION OF A RESOLUTION AMENDING THE COMPENSATION PLAN FOR PART-TIME EMPLOYEES

RECOMMENDED ACTION

It is recommended that the City Council adopt a Resolution amending the Compensation Plan for part-time employees to comply with California Minimum Wage law.

GOAL STATEMENT

The proposed action supports the City's goal to provide Upland employees with fair compensation, which complies with the state's minimum wage law.

BACKGROUND

On December 12, 2016, the Council adopted a resolution amending the part-time compensation plan effective January 1, 2017. This resolution amended the compensation plan up until January 1, 2022. Effective January 1, 2023, the new minimum wage for California is increasing from $15.00 per hour to $15.50 per hour.

ISSUES/ANALYSIS

In reviewing the current salary schedule for part-time employees the new minimum wage affects six (6) classifications: Clerk I, Intern I/II, Office Assistant, Police Cadet and Recreation Leader.

Presently all employees in the above listed classifications are being paid more than $15.50 per hour, except one (1). Effective January 1, 2023, the City will adjust this employees' salary to the step on the current salary schedule that is above $15.50 to maintain compliance with the

California Minimum Wage law. This update is to ensure accurate posting of employee salary schedules.

FISCAL IMPACTS

The increased budget appropriation with this action will be absorbed in the existing fiscal year's part-time budget.

ALTERNATIVES

Provide alternative direction to staff.

ATTACHMENTS:

Resolution Part-Time Salary
Part-Time Salary Schedule

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UPLAND, CALIFORNIA ADOPTING AN AMENDMENT TO THE SALARY SCHEDULE FOR PART-TIME EMPLOYEES

WHEREAS, it is the policy of the City of Upland to compensate its employees in a fair and equitable manner for their efficient and faithful service; and

WHEREAS, the City would like to amend the part-time salary schedule to be consistent with the California Minimum Wage changes effective January 1, 2023 to $15.50 per hour.

NOW, THEREFORE, the City Council of the City of Upland hereby finds, determines, and resolves as follows:

Section 1. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. The City Council hereby approves the amendment to the part-time salary schedule, attached hereto, and authorizes the Human Resources/Risk Manager to implement the salary schedule.

Section 3. The City Council finds that this Resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Further, if the activity is deemed a project this City Council finds that this Resolution is exempt pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

Section 4. Certification. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

Section 5. Effective Date. This Resolution shall become effective January 1, 2023.

PASSED, APPROVED and ADOPTED this 24th day of October, 2022.

Bill Velto, Mayor

I, Keri Johnson, City Clerk of the City of Upland, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 24th day of October, 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

ATTEST: _____
Keri Johnson, City Clerk

City of Upland
Part -Time
Salary Schedule Effective 06/26/2022

The following part-time hourly positions are associated with the full-time salary schedule.

Job Description	Grade		STEP 1	2	3	4	5	6	7	8	9	10	11	12	13
ACCOUNTANT	42	Hourly	28.01	28.71	29.43	30.16	30.92	31.69	32.48	33.29	34.12	34.98	35.85	36.75	37.67
ADMINISTRATIVE ASSISTANT	26	Hourly	18.87	19.34	19.82	20.32	20.83	21.35	21.88	22.43	22.99	23.56	24.15	24.75	25.37
COMMUNICATIONS INFORMATION SPECIALIST	45	Hourly	30.16	30.91	31.69	32.48	33.29	34.12	34.98	35.85	36.75	37.67	38.61	39.57	40.56
CUSTODIAN	22	Hourly	17.09	17.52	17.96	18.41	18.87	19.34	19.82	20.32	20.83	21.35	21.88	22.43	22.99
CUSTOMER SERVICE SPECIALIST I	25	Hourly	18.41	18.87	19.34	19.82	20.32	20.83	21.35	21.88	22.43	22.99	23.56	24.15	24.75
CUSTOMER SERVICE SPECIALIST II	29	Hourly	20.32	20.83	21.35	21.88	22.43	22.99	23.56	24.15	24.75	25.37	26.01	26.66	27.32
ENGINEERING TECHNICIAN	30	Hourly	20.83	21.35	21.88	22.43	22.99	23.56	24.15	24.75	25.37	26.01	26.66	27.32	28.01
FORENSIC SPECIALIST	38	Hourly	25.37	26.01	26.66	27.32	28.01	28.71	29.43	30.16	30.91	31.69	32.48	33.29	34.12
MAINTENANCE WORKER HRLY	28	Hourly	19.82	20.32	20.83	21.35	21.88	22.43	22.99	23.56	24.15	24.75	25.37	26.01	26.66
PAYROLL TECHNICIAN	39	Hourly	26.01	26.66	27.32	28.01	28.71	29.43	30.16	30.91	31.69	32.48	33.29	34.12	34.98
POLICE DISPATCHER I	31	Hourly	21.35	21.88	22.43	22.99	23.56	24.15	24.75	25.37	26.01	26.66	27.32	28.01	28.71
POLICE DISPATCHER II	35	Hourly	23.56	24.15	24.75	25.37	26.01	26.66	27.32	28.01	28.71	29.43	30.16	30.91	31.69
POLICE RECORDS SPECIALIST I	21	Hourly	16.68	17.09	17.52	17.96	18.41	18.87	19.34	19.82	20.32	20.83	21.35	21.88	22.43
POLICE RECORDS SPECIALISTII	25	Hourly	18.41	18.87	19.34	19.82	20.32	20.83	21.35	21.88	22.43	22.99	23.56	24.15	24.75
POLICE SERVICE TECHNICIAN	27	Hourly	19.34	19.82	20.32	20.83	21.35	21.88	22.43	22.99	23.56	24.15	24.75	25.37	26.01
UTILITY SYSTEM WORKER	34	Hourly	22.99	23.56	24.15	24.75	25.37	26.01	26.66	27.32	28.01	28.71	29.43	30.16	30.91
WATER TREATMENT OPERATOR	37	Hourly	24.75	25.37	26.01	26.66	27.32	28.01	28.71	29.43	30.16	30.91	31.69	32.48	33.29

The following part-time hourly positions are temporary or seasonal.

Job Description	Grade		STEP 1	2	3	4	5
Aquatics Manager	63PT	Hourly	18.04	18.95	19.89	20.88	21.93
Aquatics Assistant Manager	56PT	Hourly	16.82	17.68	18.56	19.49	20.45
Aquatics Instructor/Guard	44PT	Hourly	15.10	15.75	16.55	17.37	18.25
Clerk I	37PT	Hourly	14.00	14.71	15.45	16.21	17.02
Household Hazardous Waste (HHW) W	56PT	Hourly	16.82	17.68	18.56	19.49	20.45
Intern I	37PT	Hourly	14.00	14.71	15.45	16.21	17.02
Intern II	44PT	Hourly	15.10	15.75	16.55	17.37	18.25
Lifeguard/Aide	37PT	Hourly	14.00	14.71	15.45	16.21	17.02
Office Assistant	44PT	Hourly	15.01	15.75	16.55	17.37	18.25
Park Ranger	79PT	Hourly	21.15	22.21	23.32	24.49	25.71
Police Cadet	42PT	Hourly	14.72	15.45	16.23	17.04	17.89
Police Officer Trainee	85PT	Hourly	22.46	23.57	24.76	26.00	27.30
Recreation Leader	44PT	Hourly	15.01	15.75	16.55	17.37	18.25
Recreation Specialist	63PT	Hourly	18.04	18.95	19.89	20.88	21.93
Weed Abatement Inspector	102PT	Hourly	26.60	27.92	29.32	30.78	32.33

STAFF REPORT

ITEM NO. 10.F.

DATE:	October 24, 2022
TO:	MAYOR AND CITY COUNCIL
FROM:	MICHAEL BLAY, CITY MANAGER
PREPARED BY:	STEPHEN PARKER, ASSISTANT CITY MANAGER
SUBJECT:	REPORT OUT OF THE 2022 LEMON FESTIVAL FINANCIALS

RECOMMENDED ACTION

It is recommended that the City Council receive and file the Soundskilz Inc. Profit and Loss Statement relating to the 2022 Upland Lemon Festival.

GOAL STATEMENT

The proposed action supports the City's goal of transparency.

BACKGROUND

The Lemon Festival has been hosted in Historic Downtown Upland since 2009. It has been produced and managed by various parties including the former Main Street Inc, the Learning Center at Fairplex, and two different City departments. The 2020 Lemon Festival was cancelled by the COVID-19 pandemic, and in 2021, Fairplex notified the City that they were not interested in managing the event. The City's goal in using an outside operator is to release all liability and responsibility of the event.

On March 15, 2022, City Council approved a professional services agreement with Soundskilz, Inc. to run the Lemon Festival in the City for a 5-year term. The agreement calls for the first $50,000 in net profits generated by the Lemon Festival to go to Soundskilz, with remaining profits split between Soundskilz and the City on a 75/25 basis.

ISSUES/ANALYSIS

Soundskilz, Inc. have provided the City with a Profit and Loss Statement relating to the 2022 Upland Lemon Festival held June 10-12, 2022. The event generated revenues of $447,415 and costs of goods sold (such as equipment rental, security, labor and supplies) of $301,894. The gross profit of $145,521 was then reduced by $101,765 in expenses (such as advertising

and promotion, travel and accommodation, and sanitation) resulting in a net income of $43,756.

As the 2022 Lemon Festival net income was less than $50,000, the City will not receive a share of the revenue. However, the City did receive a safe, family event which brought visitors and an economic boost to the downtown area at no out of pocket cost other than staff time. After a 2-year absence, the Upland Lemon Festival was successfully brought back, bringing greater expectations for future Lemon Festivals.

FISCAL IMPACTS

This agenda item is a financial report and has no fiscal impact on the City.

ALTERNATIVES

Provide alternative direction to staff.

ATTACHMENTS:

Soundskilz Inc. P&L
Soundskilz Agreement

Soundskilz, Inc
UPLAND LEMON FESTIVAL 2022
All Dates

	Total
Income	
Total Income	$ 447,415.21
Total Cost of Goods Sold	$ 301,894.17
Gross Profit	$ 145,521.04
Total Expenses	$ 101,765.26
Net Operating Income	$ 43,755.78
Net Income	$ 43,755.78

CITY OF UPLAND
PROFESSIONAL SERVICES AGREEMENT

This Agreement is made and entered into as of March 14, 2020 by and between the City of Upland, a public agency organized and operating under the laws of the State of California with its principal place of business at 460 N. Euclid Avenue, Upland, CA 91786 ("City"), and Soundskilz Inc., a corporation with its principal place of business at 39444 Calle Portillo, Temecula, CA 92592 (hereinafter referred to as "Consultant"). City and Consultant are sometimes individually referred to as "Party" and collectively as "Parties" in this Agreement.

RECITALS

A. City is a public agency of the State of California and is in need of professional services for the following project:

The 2022 Upland Lemon Festival (hereinafter referred to as "the Project").

B. Consultant is duly licensed and has the necessary qualifications to provide such services.

C. The Parties desire by this Agreement to establish the terms for City to retain Consultant to provide the services described herein.

AGREEMENT

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Services.

a. Consultant shall provide the City with the services described in the Scope of Services attached hereto as Exhibit "A."

b. The City may also utilize Consultant to provide services for other City events in addition to the Project during the term of this Agreement. The scope of services and compensation for other City Events shall be mutually agreed upon between the City and Consultant. Consultant's services for other City Events shall subject to the remaining terms of this Agreement.

2. Compensation.

a. In no event shall the City pay for services rendered by Consultant under this Agreement. As payment for the services for the Project, Consultant shall retain the first Fifty Thousand Dollars ($50,000) in Net Profits that are generated through the Project. Net Profits generated above this Fifty Thousand Dollar threshold shall be divided between Soundskilz and City as follows: Seventy-Five Percent (75%) to Consultant and Twenty-Five Percent (25%) to City. For the purposes of this Agreement, Net Profits shall mean the amount of revenue remaining after operating costs have been subtracted from the total revenue generated by the Project.

3. Additional Work.

If changes in the work seem merited by Consultant or the City, and informal consultations with the other party indicate that a change is warranted, it shall be processed in the following

manner: a letter outlining the changes shall be forwarded to the City by Consultant with a statement of estimated changes in fee or time schedule. An amendment to this Agreement shall be prepared by the City and executed by both Parties before performance of such services, or the City will not be required to pay for the changes in the scope of work. Such amendment shall not render ineffective or invalidate unaffected portions of this Agreement.

4. Maintenance of Records.

Books, documents, papers, accounting records, and other evidence pertaining to costs incurred shall be maintained by Consultant and made available at all reasonable times during the contract period and for four (4) years from the date of final payment under the contract for inspection by City. All such records and evidence shall be considered proprietary and confidential, and City agrees not to disclose any information contained therein to any third party without the express written consent of Consultant throughout the term and for a period of two (2) years from the expiration or termination of the Agreement. Notwithstanding the foregoing, Consultant understands and agrees that records may be subject to state and federal laws relating to the release of public records, including, but not limited to the California Public Records Act. In the event that the City receives a Public Records Act request for records deemed proprietary and confidential, City shall provide notice to Consultant of such request and work with Consultant to determine which records are subject to public disclosure.

5. Term

Consultant shall perform its services in a prompt and timely manner and shall commence performance upon receipt of fully executed agreement. The entire term of this Agreement will be for a term of five (5 years) starting on the date of approval and ending on March 14, 2027, unless terminated by either Party.

6. Delays in Performance.

a. Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; pandemics; war; riots and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage or judicial restraint.

b. Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

7. Compliance with Law.

a. Consultant shall comply with all applicable laws, ordinances, codes, and regulations of the federal, state, and local government, including Cal/OSHA requirements.

b. If required, Consultant shall assist the City, as requested, in obtaining and maintaining all permits required of Consultant by federal, state, and local regulatory agencies.

c. If applicable, Consultant is responsible for all costs of clean up and/ or removal of hazardous and toxic substances spilled as a result of his or her services or operations performed under this Agreement.

8. Standard of Care

Consultant's services will be performed in accordance with generally accepted professional practices and principles and in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions.

9. Assignment and Subconsultant

Consultant shall not assign, sublet, or transfer this Agreement or any rights under or interest in this Agreement without the written consent of the City, which may be withheld for any reason. Any attempt to so assign or so transfer without such consent shall be void and without legal effect and shall constitute grounds for termination. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement. Nothing contained herein shall prevent Consultant from employing independent associates, and subconsultants as Consultant may deem appropriate to assist in the performance of services hereunder.

10. Independent Contractor

Consultant is retained as an independent contractor and is not an employee of City. No employee or agent of Consultant shall become an employee of City. The work to be performed shall be in accordance with the work described in this Agreement, subject to such directions and amendments from City as herein provided.

a. PERS Eligibility Indemnification

In the event that Consultant or any employee, agent, or subcontractor of Consultant providing services under this Agreement claims or is determined by a court of competent jurisdiction or the California Public Employees Retirement System ("PERS") to be eligible for enrollment in PERS as an employee of the City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

Notwithstanding any other agency, state or federal policy, rule, regulation, law or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing service under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in PERS as an employee of City and entitlement to any contribution to be paid by City for employer contribution and/or employee contributions for PERS benefits.

11. Insurance. Consultant shall not commence work for the City until it has provided evidence satisfactory to the City it has secured all insurance required under this section. In addition, Consultant shall not allow any subcontractor to commence work on any subcontract until it has secured all insurance required under this section.

a. Commercial General Liability

(i) The Consultant shall take out and maintain, during the performance of all work under this Agreement, in amounts not less than specified herein, Commercial General Liability Insurance, in a form and with insurance companies acceptable to the City.

(ii) Coverage for Commercial General Liability insurance shall be at least as broad as the following:

(1) Insurance Services Office Commercial General Liability coverage (Occurrence Form CG 00 01) or exact equivalent.

(iii) Commercial General Liability Insurance must include coverage for the following:

(1) Bodily Injury and Property Damage
(2) Personal Injury/Advertising Injury
(3) Premises/Operations Liability
(4) Products/Completed Operations Liability
(5) Aggregate Limits that Apply per Project
(6) Explosion, Collapse and Underground (UCX) exclusion deleted
(7) Contractual Liability with respect to this Agreement
(8) Property Damage
(9) Independent Contractors Coverage

(iv) The policy shall contain no endorsements or provisions limiting coverage for (1) contractual liability; (2) cross liability exclusion for claims or suits by one insured against another; (3) products/completed operations liability; or (4) contain any other exclusion contrary to the Agreement.

(v) The policy shall give City, its officials, officers, employees, agents, and City designated volunteers additional insured status using ISO endorsement forms CG 20 10 10 01 and 20 37 10 01, or endorsements providing the exact same coverage.

(vi) The general liability program may utilize either deductibles or provide coverage excess of a self-insured retention, subject to written approval by the City, and provided that such deductibles shall not apply to the City as an additional insured.

b. Automobile Liability

(i) At all times during the performance of the work under this Agreement, the Consultant shall maintain Automobile Liability Insurance for bodily injury and property damage including coverage for owned, non-owned and hired vehicles, in a form and with insurance companies acceptable to the City.

(ii) Coverage for automobile liability insurance shall be at least as broad as Insurance Services Office Form Number CA 00 01 covering automobile liability (Coverage Symbol 1, any auto).

(iii) The policy shall give City, its officials, officers, employees, agents, and City designated volunteers additional insured status.

(iv) Subject to written approval by the City, the automobile liability program may utilize deductibles, provided that such deductibles shall not apply to the City as an additional insured, but not a self-insured retention.

c. Workers' Compensation/Employer's Liability

(i) Consultant certifies that he/she is aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and he/she will comply with such provisions before commencing work under this Agreement.

(ii) To the extent Consultant has employees at any time during the term of this Agreement, at all times during the performance of the work under this Agreement, the Consultant shall maintain full compensation insurance for all persons employed directly by him/her to carry out the work contemplated under this Agreement, all in accordance with the "Workers' Compensation and Insurance Act," Division IV of the Labor Code of the State of California and any acts amendatory thereof, and Employer's Liability Coverage in amounts indicated herein. Consultant shall require all subconsultants to obtain and maintain, for the period required by this Agreement, workers' compensation coverage of the same type and limits as specified in this section.

d. Professional Liability (Errors and Omissions)

At all times during the performance of the work under this Agreement the Consultant shall maintain professional liability or Errors and Omissions insurance appropriate to its profession, in a form and with insurance companies acceptable to the City and in an amount indicated herein. This insurance shall be endorsed to include contractual liability applicable to this Agreement and shall be written on a policy form specifically designed to protect against acts, errors, or omissions of the Consultant. "Covered Professional Services" as designated in the policy must specifically include work performed under this Agreement. The policy must "pay on behalf of" the insured and must include a provision establishing the insurer's duty to defend.

e. Minimum Policy Limits Required

(i) The following insurance limits are required for the Agreement:

	Combined Single Limit
Commercial General Liability	$1,000,000 per occurrence/ $2,000,000 aggregate for bodily injury, personal injury, and property damage
Automobile Liability	$1,000,000 combined single limit
Employer's Liability	$1,000,000 per accident or disease
Professional Liability	$1,000,000 per claim and aggregate (errors and omissions)

(ii) Defense costs shall be payable in addition to the limits.

(iii) Requirements of specific coverage or limits contained in this section are not intended as a limitation on coverage, limits, or other requirement, or a waiver of any coverage normally provided by any insurance. Any available coverage shall be provided to the parties required to be named as Additional Insured pursuant to this Agreement.

f. Evidence Required

Prior to execution of the Agreement, the Consultant shall file with the City evidence of insurance from an insurer or insurers certifying to the coverage of all insurance required herein. Such evidence shall include original copies of the ISO CG 00 01 (or insurer's equivalent) signed by the insurer's representative and Certificate of Insurance (Acord Form 25-S or equivalent), together with required endorsements. All evidence of insurance shall be signed by a properly authorized officer, agent, or qualified representative of the insurer and shall certify the names of the insured, any additional insureds, where appropriate, the type and amount of the insurance, the location, and operations to which the insurance applies, and the expiration date of such insurance.

g. Policy Provisions Required

(i) Consultant shall provide the City at least thirty (30) days prior written notice of cancellation of any policy required by this Agreement, except that the Consultant shall provide at least ten (10) days prior written notice of cancellation of any such policy due to non-payment of premium. If any of the required coverage is cancelled or expires during the term of this Agreement, the Consultant shall deliver renewal certificate(s) including the General Liability Additional Insured Endorsement to the City at least ten (10) days prior to the effective date of cancellation or expiration.

(ii) The Commercial General Liability Policy and Automobile Policy shall each contain a provision stating that Consultant's policy is primary insurance and that any insurance, self-insurance or other coverage maintained by the City or any named insureds shall not be called upon to contribute to any loss.

(iii) The retroactive date (if any) of each policy is to be no later than the effective date of this Agreement. Consultant shall maintain such coverage continuously for a period of at least three years after the completion of the work under this Agreement. Consultant shall purchase a one (1) year extended reporting period A) if the retroactive date is advanced past the effective date of this Agreement; B) if the policy is cancelled or not renewed; or C) if the policy is replaced by another claims-made policy with a retroactive date subsequent to the effective date of this Agreement.

(iv) All required insurance coverages, except for the professional liability coverage, shall contain or be endorsed to provide a waiver of subrogation in favor of the City, its officials, officers, employees, agents, and volunteers or shall specifically allow Consultant or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. Consultant hereby waives its own right of recovery against City, and shall require similar written express waivers and insurance clauses from each of its subconsultants.

(v) The limits set forth herein shall apply separately to each insured against whom claims are made or suits are brought, except with respect to the limits of liability. Further the limits set forth herein shall not be construed to relieve the Consultant from liability in excess of such coverage, nor shall it limit the Consultant's indemnification obligations to the City

and shall not preclude the City from taking such other actions available to the City under other provisions of the Agreement or law.

h. Qualifying Insurers

(i) All policies required shall be issued by acceptable insurance companies, as determined by the City, which satisfy the following minimum requirements:

(1) Each such policy shall be from a company or companies with a current A.M. Best's rating of no less than A:VII and admitted to transact in the business of insurance in the State of California, or otherwise allowed to place insurance through surplus line brokers under applicable provisions of the California Insurance Code or any federal law.

i. Additional Insurance Provisions

(i) The foregoing requirements as to the types and limits of insurance coverage to be maintained by Consultant, and any approval of said insurance by the City, is not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Consultant pursuant to this Agreement, including but not limited to, the provisions concerning indemnification.

(ii) If at any time during the life of the Agreement, any policy of insurance required under this Agreement does not comply with these specifications or is canceled and not replaced, City has the right but not the duty to obtain the insurance it deems necessary and any premium paid by City will be promptly reimbursed by Consultant or City will withhold amounts sufficient to pay premium from Consultant payments. In the alternative, City may cancel this Agreement.

(iii) The City may require the Consultant to provide complete copies of all insurance policies in effect for the duration of the Project.

(iv) Neither the City nor any of its officials, officers, employees, agents, or volunteers shall be personally responsible for any liability arising under or by virtue of this Agreement.

j. Subconsultant Insurance Requirements. Consultant shall not allow any subcontractors or subconsultants to commence work on any subcontract until they have provided evidence satisfactory to the City that they have secured all insurance required under this section. Policies of commercial general liability insurance provided by such subcontractors or subconsultants shall be endorsed to name the City as an additional insured using ISO form CG 20 38 04 13 or an endorsement providing the exact same coverage. If requested by Consultant, City may approve different scopes or minimum limits of insurance for particular subcontractors or subconsultants.

12. Indemnification.

a. To the fullest extent permitted by law, Consultant shall defend (with counsel of City's choosing), indemnify and hold the City, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or

omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's services, the Project or this Agreement, including without limitation the payment of all damages, expert witness fees and attorney's fees and other related costs and expenses. Consultant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Consultant, the City, its officials, officers, employees, agents, or volunteers. This indemnification clause excludes claims arising from the sole negligence or willful misconduct of the City.

b. If Consultant's obligation to defend, indemnify, and/or hold harmless arises out of Consultant's performance of "design professional" services (as that term is defined under Civil Code section 2782.8), then, and only to the extent required by Civil Code section 2782.8, which is fully incorporated herein, Consultant's indemnification obligation shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, and, upon Consultant obtaining a final adjudication by a court of competent jurisdiction, Consultant's liability for such claim, including the cost to defend, shall not exceed the Consultant's proportionate percentage of fault.

13. California Labor Code Requirements.

a. Consultant is aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq., which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects ("Prevailing Wage Laws"). If the services are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is $1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. Consultant shall defend, indemnify, and hold the City, its officials, officers, employees, and agents free and harmless from any claims, liabilities, costs, penalties, or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. It shall be mandatory upon the Consultant and all subconsultants to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Section 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Section 1771.4.

b. If the services are being performed as part of an applicable "public works" or "maintenance" project, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Consultant and all subconsultants performing such services must be registered with the Department of Industrial Relations. Consultant shall maintain registration for the duration of the Project and require the same of any subconsultants, as applicable. Notwithstanding the foregoing, the contractor registration requirements mandated by Labor Code Sections 1725.5 and 1771.1 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1725.5 and 1771.1.

c. This Agreement may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Consultant's sole responsibility to comply with all applicable registration and labor compliance requirements. Any stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor that affect Consultant's performance of services, including any delay, shall be Consultant's sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered

Consultant caused delay and shall not be compensable by the City. Consultant shall defend, indemnify, and hold the City, its officials, officers, employees, and agents free and harmless from any claim or liability arising out of stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor.

14. Verification of Employment Eligibility.

By executing this Agreement, Consultant verifies that it fully complies with all requirements and restrictions of state and federal law respecting the employment of undocumented aliens, including, but not limited to, the Immigration Reform and Control Act of 1986, as may be amended from time to time, and shall require all subconsultants and sub-subconsultants to comply with the same.

15. Reserved

16. Laws and Venue.

This Agreement shall be interpreted in accordance with the laws of the State of California.

17. Dispute Resolution. In the event of any controversy or claim arising out of or relating to this Agreement, or a breach thereof which is not cured during the term using commercially reasonable efforts with 14 days' notice of the alleged breach, the Parties hereto shall first attempt to settle the dispute by mediation, administered by the American Arbitration Association under its Mediation Rules. If settlement is not reached within 30 days after service of a written demand for mediation, any unresolved controversy or claim shall be settled by binding arbitration administered by the American Arbitration Association under its Commercial Arbitration Rules. The number of arbitrators shall be one, and the place of arbitration shall be San Bernardino County, CA. California law shall apply, and judgment on any award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

18. Termination or Abandonment

a. City may terminate this Agreement for cause by submitting to Consultant, a written notice of termination specifying the reason for termination. Consultant shall have thirty (30) days following receipt of the notice of termination to cure the default. In the event that the default is not cured within that thirty (30) day period, the Agreement shall be terminated. The Parties may, by mutual agreement, amend the timelines set forth herein. In the event of termination, City shall be immediately given joint title and possession to all original field notes, drawings and specifications, written reports and other documents produced or developed for that portion of the work completed and/or being abandoned. Consultant shall not be entitled to payment for unperformed services and shall not be entitled to damages or compensation for termination of work.

b. Consultant may terminate its obligation to provide further services under this Agreement upon thirty (30) calendar days' written notice to City only in the event of failure by City to perform in accordance with the terms of this Agreement through no fault of Consultant.

19. Documents. Except as otherwise provided in "Termination or Abandonment," above, Consultant shall provide copies to City of all field notes, written reports, Drawings and Specifications and other documents, produced or developed for the Project shall, upon payment in full for the services described in this Agreement. Such field notes written reports, Drawings

and Specifications and other documents produced, or developed for the Project shall be the joint property of the City and Consultant.

20. Organization

Consultant shall assign Steve Clayton as Project Manager. The Project Manager shall not be removed from the Project or reassigned without the prior written consent of the City.

21. Limitation of Agreement.

This Agreement is limited to and includes only the work included in the Project described above.

22. Notice

Any notice or instrument required to be given or delivered by this Agreement may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed to:

CITY:	CONSULTANT:
City of Upland	Steve Clayton
460 N. Euclid Avenue	39444 Calle Portillo
Upland, CA 91786	Temecula, CA 92595
Attn: City Manager's Office	

and shall be effective upon receipt thereof.

23. Third Party Rights

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the City and the Consultant.

24. Equal Opportunity Employment.

Consultant represents that it is an equal opportunity employer and that it shall not discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, sex, age, or other interests protected by the State or Federal Constitutions. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, or termination.

25. Entire Agreement

This Agreement, with its exhibits, represents the entire understanding of City and Consultant as to those matters contained herein, and supersedes and cancels any prior or contemporaneous oral or written understanding, promises or representations with respect to those matters covered hereunder. Each Party acknowledges that no representations,

inducements, promises or agreements have been made by any person which are not incorporated herein, and that any other agreements shall be void. This Agreement may not be modified or altered except in writing signed by both Parties hereto. This is an integrated Agreement.

26. Severability

The unenforceability, invalidity, or illegality of any provision(s) of this Agreement shall not render the remaining provisions unenforceable, invalid, or illegal.

27. Successors and Assigns

This Agreement shall be binding upon and shall inure to the benefit of the successors in interest, executors, administrators and assigns of each Party to this Agreement. However, Consultant shall not assign or transfer by operation of law or otherwise any or all of its rights, burdens, duties or obligations without the prior written consent of City. Any attempted assignment without such consent shall be invalid and void.

28. Non-Waiver

None of the provisions of this Agreement shall be considered waived by either Party unless such waiver is specifically specified in writing.

29. Time of Essence

Time is of the essence for each and every provision of this Agreement.

30. City's Right to Employ Other Consultants

City reserves its right to employ other consultants, including engineers, in connection with this Project or other projects, provided such consultants are not providing any services competitive in nature to that of Consultant under this Agreement.

31. Prohibited Interests

Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid, nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift, or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no director, official, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

[SIGNATURES ON FOLLOWING PAGE]

SIGNATURE PAGE FOR PROFESSIONAL SERVICES AGREEMENT BETWEEN CITY OF UPLAND AND SOUNDSKILZ INC

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

CITY OF UPLAND

By: _____
MICHAEL BLAY
CITY MANAGER

SOUNDSKILZ INC

By: _____

Its: President

Printed Name: Stephen Clayton

(Two Signatures of Corporate Officers Required For Corporations)

By: _____

Its: Secretary

Printed Name: Stephen Clayton

APPROVED AS TO FORM

By: _____
STEPHEN P. DEITSCH
CITY ATTORNEY

ATTEST:

By: _____
KERI JOHNSON
CITY CLERK

SIGNATURE PAGE FOR PROFESSIONAL SERVICES AGREEMENT BETWEEN CITY OF UPLAND AND SOUNDSKILZ INC

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

CITY OF UPLAND

By: _____
MICHAEL BLAY
CITY MANAGER

SOUNDSKILZ INC

By: _____

Its: _____

Printed Name: _____

(Two Signatures of Corporate Officers Required For Corporations)

By: _____

Its: _____

Printed Name: _____

APPROVED AS TO FORM

By: _____
STEPHEN P. DEITSCH
CITY ATTORNEY

ATTEST:

By: _____
KERI JOHNSON
CITY CLERK

EXHIBIT A

Scope of Services

In general, CONTRACTOR will provide or sub-contract the following services. These services are general in nature and are not all-inclusive of the duties and responsibilities of the CONTRACTOR.

- Research & Monthly Planning
  - Legacy review of prior Project years to ascertain and evaluate best practices, budget history and preferred vendor relationships.
  - Conduct surveys of previous Project partners to solicit feedback and identify key success elements.
  - Attend and contribute to monthly Project meetings and/or as reasonably requested by City.
- Marketing & Sponsorship
  - Develop and manage Project omni-channel online/social, OOH and print marketing campaign concepts and fulfillment.
  - Review overall Project sponsorship program and recommend strategies and activations to maximize revenue potential.
  - Solicit, negotiate, and implement/manage all sponsorship contracts.
- Financial Planning
  - Develop a comprehensive Project budget.
  - Manage all Budget and Scope changes as required to deliver the Project.
  - Manage, collect, and securely hold all sponsorship, booth sales, donations, food/beverage/merchandise cash receipts collected during the Project, and other forms of revenue.
  - Settlement of all Project subcontractor expenses and invoices.
  - Reconciliation of Project budget(s) and weekly/monthly financial reporting to City as requested.
  - Produce a final audit and settlement of all revenues and expenses after the completion of the Project.

STAFF REPORT

ITEM NO. 10.G.

DATE:	October 24, 2022
TO:	MAYOR AND CITY COUNCIL
FROM:	MICHAEL BLAY, CITY MANAGER
PREPARED BY:	STEPHEN PARKER, ASSISTANT CITY MANAGER
SUBJECT:	DISPOSAL OF SURPLUS EQUIPMENT

RECOMMENDED ACTION

It is recommended that the City Council declare items as surplus and authorize the City Manager to initiate disposal of the surplus equipment.

GOAL STATEMENT

The proposed action supports the City's goal to eliminate surplus equipment that is no longer needed for department operations.

BACKGROUND

Upland Municipal Code Section 2.48.150 states that all departments shall submit reports showing all supplies and equipment which are no longer used or which have become obsolete or worn out. It further states that the items declared surplus may be sold on a competitive bid basis, scrapped, or donated based on highest rate of return.

In 2010, the City opened the current animal shelter at 1275 San Bernardino Road with installed cat kennels made of pressboard.

On March 14, 2022, City Council approved a transfer out to the General Capital Projects Fund with $60,000 set aside for the purchase of stainless steel cat kennels at the animal shelter that are easier to disinfect and better at preventing the spread of diseases in the shelter.

ISSUES/ANALYSIS

The stainless steel cat kennels have been acquired, rendering the animal shelter's original deteriorating cat kennels superfluous.

The City disposes of surplus items through a public surplus auction website or directly to vendors if a higher price can be obtained. This is consistent with City Policy and the Upland Municipal Code. The items listed on the attachment do not appear to have residual or scrap value and will be disposed.

FISCAL IMPACTS

There is no fiscal impact associated with this action.

ALTERNATIVES

Provide alternative direction to staff.

ATTACHMENTS:

Surplus Items

EQUIPMENT TO BE DECLARED SURPLUS

Item	Quantity (of Kennels)	Estimated Value	Location
1 Bank of Kennels (3 Kennels Wide by 3 Kennels Tall)	9	$0	Main Cat Closet
1 Bank of Kennels (3 Kennels Wide by 3 Kennels Tall)	9	$0	Main Cat East Wall
1 Bank of Kennels (4 Kennels Wide by 3 Kennels Tall)	12	$0	Main Cat Center Wall
1 Bank of Kennels (4 Kennels Wide by 3 Kennels Tall)	12	$0	Main Cat Center Wall
1 Bank of Kennels (6 Kennels Wide by 3 Kennels Tall)	18	$0	Main Cat Window Wall

STAFF REPORT

ITEM NO. 10.H.

DATE:	October 24, 2022
TO:	MAYOR AND CITY COUNCIL
FROM:	MICHAEL BLAY, CITY MANAGER
PREPARED BY:	MARCELO BLANCO, CHIEF OF POLICE MARCI WILLIAMS, POLICE SERGEANT
SUBJECT:	AMENDMENTS TO TOW SERVICE AGREEMENTS

RECOMMENDED ACTION

It is recommended that the City Council approve the second amendments to the original agreements with Steve's Towing and Mr. T's Towing to provide tow services for the second additional year; and authorize the City Manager to execute the amendments.

GOAL STATEMENT

The proposed action supports the City's goal of the Police Department providing efficient and effective traffic control for the City.

BACKGROUND

The City of Upland has utilized local towing companies for removal of vehicles from the roadways. Vehicles are impounded as a result of traffic collisions, expired or suspended licenses, expired registration, evidence or for being stored on the roadway. Vehicles are either towed to the Police Department impound lot or to the authorized tow company's lot.

In August of 2018, Staff called ten (10) tow companies doing business within the immediate area to notify them of the Request for Proposal (RFP) and posted the RFP on the City's website. The RFP included the requirement that the tow service provider be located within a 5-mile radius of the Police Department. Nine (9) proposals were received by the published September 13, 2018 deadline.

Police Department staff reviewed the proposals, conducted site visits to the nine tow companies, and recommended Steve's Towing in Rancho Cucamonga and Mr. T's Towing in Upland. Both companies met the requirements of the RFP and had provided towing services previously. The RFP requested a bid amount for the towing of vehicles to the Police

Department impound lot. Both companies provided a bid of $150.00 for this service, which is the amount the City has been charged for vehicle tows for the last five years.

ISSUES/ANALYSIS

The term of the agreement is for three years with the option to extend the agreement twice for one additional year. This will be the second one-year extension. Both Mr. T's and Steve's Towing have met the requirements of the RFP and provided the City with satisfactory tow services.

FISCAL IMPACTS

No additional appropriations are required at this time as these services are ongoing, were already included in the Fiscal Year 2022/23 operating budget, and there was no change in the tow rates.

ALTERNATIVES

Provide alternative direction to staff.

ATTACHMENTS:

STEVE'S TOWING AMENDMENT
MR TS TOWING AMENDMENT
STEVE'S TOWING AGREEMENT
MR T'S TOWING AGREEMENT

AMENDMENT #2 TO AGREEMENT FOR TOWING SERVICES

This is the Second Amendment to the original Agreement. The original Agreement was made and entered into on the 1st day of November 2018 ("Agreement Date"). The original Agreement was for towing services that will, from time-to-time, be requested by the Upland Police Department. The Agreement is between the City of Upland, CA, a municipal corporation, hereinafter referred to as "City", and Steve's Towing, a California company, hereinafter referred to as "Contractor".

WHEREAS Contractor and City entered into that certain Original Agreement for towing services that will, from time-to-time, be requested by the Upland Police Department dated November 1, 2018 ("Original Agreement"), whereby Contractor agreed to provide for towing services (as Identified in Exhibit A of the Original Agreement) through October 31, 2021 with the option to extend the contract for two one (1) year additional terms, subject to the written consent of both parties; and

WHEREAS, Contractor and City agree to amend the Agreement to extend the term for the second one year term, from November 1, 2022 through October 31, 2023 and provide for the compensation of the continuing services on the terms and conditions set forth in the Original Agreement;

THEREFORE, it is agreed by City and Contractor as follows:

1.TERM OF AGREEMENT

The term of this Amendment shall commence on November 1, 2022 and shall continue until October 31, 2023.

2. FULL FORCE AND EFFECT

Except as modified pursuant to this amendment, all other terms and conditions of the Original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement Amendment #2 to be executed on the date first above written by their respective officers duly authorized in that behalf.

CITY OF UPLAND, CA
460 N. Euclid Ave
Upland CA 91786

By:_____
Michael Blay
City Manager

Contractor
9529 8th Street
Rancho Cucamonga, CA 91730

By:_____
Steve's Towing
President

ATTEST:

_____
City Clerk

AMENDMENT #2 TO AGREEMENT FOR TOWING SERVICES

This is the Second Amendment to the original Agreement. The original Agreement was made and entered into on the 1st day of November 2018 ("Agreement Date"). The original Agreement was for towing services that will, from time-to-time, be requested by the Upland Police Department. The Agreement is between the City of Upland, CA, a municipal corporation, hereinafter referred to as "City", and Mr. T's Towing, a California company, hereinafter referred to as "Contractor".

WHEREAS Contractor and City entered into that certain Original Agreement for towing services that will, from time-to-time, be requested by the Upland Police Department dated November 1, 2018 ("Original Agreement"), whereby Contractor agreed to provide for towing services (as Identified in Exhibit A of the Original Agreement) through October 31, 2021 with the option to extend the contract for two one (1) year additional terms, subject to the written consent of both parties; and

WHEREAS, Contractor and City agree to amend the Agreement to extend the term for the second one year term, from November 1, 2022 through October 31, 2023 and provide for the compensation of the continuing services on the terms and conditions set forth in the Original Agreement;

THEREFORE, it is agreed by City and Contractor as follows:

1.TERM OF AGREEMENT

The term of this Amendment shall commence on November 1, 2022 and shall continue until October 31, 2023.

2. FULL FORCE AND EFFECT

Except as modified pursuant to this amendment, all other terms and conditions of the Original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement Amendment #2 to be executed on the date first above written by their respective officers duly authorized in that behalf.

CITY OF UPLAND, CA
460 N. Euclid Ave
Upland CA 91786

By:_____
Michael Blay
City Manager

Contractor
997 E. 8th Street
Upland, CA 91786

By:_____
Mr. T's Towing
President

ATTEST:

_____
City Clerk

TOW SERVICES AGREEMENT

THIS AGREEMENT is made and entered into this 1st day of November 2018 by and between the CITY OF UPLAND, a municipal corporation, hereinafter referred to as "CITY," and STEVE's Towing, hereinafter referred to as "CONTRACTOR."

WITNESSETH:

WHEREAS, it is the desire of the CITY and the CONTRACTOR to enter into a non-exclusive Agreement for towing services that will, from time-to-time, be requested by the Upland Police Department, pursuant to the terms and conditions set forth herein and in the Towing Policy and Procedures, attached as Exhibit A hereto;

AGREEMENT:

NOW, THEREFORE, the parties hereto agree as follows:

1. CONTRACTOR shall perform tow services on a non exclusive basis as an Official Tow Provider and furnish all labor and equipment necessary to implement towing, storing and impounding of motor vehicles in the City of Upland as directed by, and subject to the satisfaction of, the Upland Police Department. All towing services shall be performed in accordance with all applicable provisions of law, and the provisions of this agreement and Exhibit A attached as hereto and incorporated by reference herein.

2. Term. The provisions of this agreement shall be effective as of, November 1, 2018 and continue through October 31, 2021, unless sooner terminated as provided herein. There shall be two (2) one year renewal options extending the term of this agreement, subject to the written consent of both parties.

3. Insurance. The CONTRACTOR shall not commence work under this agreement until it has obtained all insurance required hereunder in a company or companies acceptable to CITY nor shall the CONTRACTOR allow any subcontractor to commence work on its subcontract until all insurance required of the subcontractor has been obtained. The CONTRACTOR shall take out and maintain at all times during the life of this agreement the following policies of insurance:

   (a) Compensation insurance: Before beginning work, the CONTRACTOR shall furnish to the CITY a certificate of insurance as proof that it has taken out full compensation insurance for all persons whom the CONTRACTOR may employ directly or through subcontractors in carrying out the work specified herein, in accordance with the laws of the State of California. Such insurance shall be maintained in full force and effect during the period covered by this contract. Further, such policy of insurance shall provide that the insurer waives all rights of subrogation against CITY and its elected officials, officers, employees and agents.

   In accordance with the provisions of Section 3700 of the California Labor Code, every contractor shall secure the payment of compensation to his employees. CONTRACTOR, prior to commencing work, shall sign and file with the CITY a certificate as follows:

"I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for worker's compensation or to undertake self insurance in accordance with the provisions of the Code, and I will comply with such provisions before commencing the performance of work of this contract."

(b) For all operations of the CONTRACTOR or any subcontractor authorized to perform the work herein, insurance with the following minimum limits and coverage:

(1) Commercial General Liability (occurrence) – for bodily injury, death and property damage for products/completed operations and any and all others activities undertaken by the CONTRACTOR in the performance of this agreement;

(2) Comprehensive Automobile Liability (occurrence) – for bodily injury, death and property damage insuring against all liability arising out of the use of any vehicle;

(3) Garage-keepers Legal Liability (occurrence)- insuring against all liability for claims alleging damage of any nature to any vehicle towed, impounded or otherwise stored by CONTRACTOR, while in possession of CONTRACTOR, or otherwise under CONTRACTOR'S custody and/or control, in an amount not less than Seventy –Five Thousand Dollars ($75,000.00);

(4) On-hook Liability (occurrence) based upon the unladen weight of each tow truck-insuring against all liability for damage to any vehicle towed by CONTRACTOR, or otherwise physically connected to CONTRACTOR'S tow truck. For a tow truck of less than 20,000 pounds unladen, such insurance limits shall be no less than Fifty Thousand Dollars ($50.000.00), and Seventy-Five Thousand Dollars ($75,000.00), for tow trucks having and unladen weight of 20,000 pounds or more;

(5) Other required insurance, endorsements or exclusions as required by the CITY;

(6) The policies of insurance required in subsections 1 and 2 of this Section (b) shall have no less than the following limits of coverage:

(i) $1,000,000 (One Million Dollars) for bodily injury or death;
(ii) $1,000,000 (One Million Dollars) for property damage;
(iii) Not less than Two Million Dollars ($2,000,000) combined Single Limit for Injuries, including Accidental Death and Property Damage Insurance.

(c) Each such policy of insurance required in Section (b) shall:

(1) Be subject to no deductible amount unless otherwise approved in writing by CITY;

(2) Be issued by an insurance company approved in writing by CITY, which is admitted and licensed to do business in the State of California and which is rated AVIII or better according to the most recent A.M. Best Co. Rating Guide;

(3) Name as additional insured the CITY, its elected officials, officers, agents, and employees;

(4) Specify that it acts as primary insurance and that no insurance held or owned by the designated additional insured shall be called upon to cover a loss under said policy;

(5) Specify that it applies separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability;

(6) All insurance coverage shall contain a clause substantially in the following words; "It is hereby understood and agreed that this policy shall not be canceled nor coverage reduced except upon thirty (30) days' prior to written notice to the City of Upland of such cancellation or reduction in coverage as evidenced by a return receipt for a registered letter." CONTRACTOR agrees to require its insurer to modify the certificates of Insurance to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions;

(7) Specify that any failure to comply with reporting or other provisions of the required policy, including breaches of warranty, shall not affect the coverage required to be provided;

(8) Specify that the insurer waives all rights of subrogation against any of the named additional insured's; and

(9) Specify that any and all costs of adjusting and/or defending any claim against any insured, including court costs and attorney's fees, shall be paid in addition to and shall not deplete any policy limits.

(10) Otherwise be in form satisfactory to CITY.

(d) Prior to commencing performance under this agreement, the CONTRACTOR shall furnish the CITY with certificates and original endorsements, or copies of each required policy, effecting and evidencing the insurance coverage required by this agreement. The endorsements shall be signed by a person authorized by the insurer(s) to bind coverage on its behalf. All certificates with endorsements or policies shall be received and approved by the CITY before CONTRACTOR commences performance. If performance of this agreement shall extend beyond one (1) year, CONTRACTOR shall provide CITY with the required policies or endorsements evidencing renewal of the required policies of insurance prior to the expiration of any required policies of insurance.

(1) Indemnity. The CONTRACTOR shall indemnify, defend and hold the CITY, its elected officials, officers, agents, and/or employees free and harmless from all claims, liabilities, costs, and demands of any description arising out of CONTRACTOR'S performance of this agreement or any supplemental agreement, to the extent such claims or demands are alleged to be the result of an act or o mission of CONTRACTOR, or any of CONTRACTOR'S employees, officers, agents or anyone acting on behalf of CONTRACTOR.

CONTRACTOR'S duty to indemnity shall include payment of all actual attorney's fees, experts' costs, court costs and all other costs of litigation incurred by CITY.

Claims hereby covered shall include, but are not limited to, any loss, theft, damage, or break-ins as to automobiles under CONTRACTOR'S custody or control. Claims hereby covered shall also include claims alleging that the procedures utilized in the care, custody, control, and/or selling of vehicles do not comply with statutory or constitutional requirements.

CONTRACTOR shall provide proof to the CITY of having obtained insurance coverage guaranteeing CONTRACTOR'S obligations under this Section. This insurance shall guarantee that CONTRACTOR shall defend and hold free and harmless the CITY, and shall pay any judgments, claims or settlements arising from any of the aforementioned described acts or omissions, including claims alleging that the procedures utilized in towing, storing, and/or selling vehicles failed to comply with statutory requirements.

(2) It is expressly understood and agreed that in the furnishing of all labor and equipment and in the performance of all work under this agreement, the CONTRACTOR is acting as an independent contractor and not as an agent, servant, or employee of the City of Upland.

(3) Except as otherwise provided by law, all towing and storage charges shall be paid by the owner or lawful possessor of the towed, stored or impounded vehicle.

(4) Except as otherwise provided by law, CONTRACTOR shall provide tow services in accordance with the following Fee Schedule for those services requested by the City of Upland Police Department:

TOW, STORAGE AND DEFINITION OF SERVICE

TOWS	FEES
City-owned Vehicles: City owned vehicles that weigh less than 3 tons and are within 50 miles of the City Yards located at 1370 N. Benson Avenue, Upland will not be charged for towing. Those over the weight limit or outside the mileage will be billed at the tow company's normal rate. This is inclusive of 30 day storage lien sale vehicles into and out of the CITY's storage facility.	No Charge
30-Day Impounded Vehicles: Vehicles that are impounded for 30-days and will be stored at the Upland Police impound lot located at 1370 N. Benson Avenue, Upland (Tow company will bill every thirty days for above described vehicles and the City of Upland will pay 30 days net upon receipt and verification of invoice.)	$ 150.00

SERVICES Change of flat tire of City of Upland Police owned vehicles. (When the City Yard is closed and a police vehicle within the above described mileage limits needs a tire changed. Outside of the mileage limits would incur the tow company's normal charge for a flat tire change.)	No Charge

Storage fees are to be in compliance with California Vehicle Code section 22658.

Automobile (Storage)	$ 49.00 Per Day
Motorcycles (Storage)	$ 49.00 Per Day
Trucks, Trailers, Boats or Others (Storage): 20' to 40' in Length	$ 49.00 Per Day
50' and Over	$ 49.00 Per Day

(5) The Upland Police Department shall, insofar as possible, attempt to limit impound calls for 72 hour violation vehicles to the period between the hours of 7:00 a.m. and 9:00 p.m., Sunday through Saturday. However, towing services shall be available 24 hours per day for emergencies, and the maximum permitted response time shall not exceed 25 minutes. "Response time" shall mean that period of time commencing upon receipt of request for service from the Upland Police Department, and ending upon the actual time of arrival of CONTRACTOR'S tow vehicle at the scene. At no time prior to receiving written notice shall any of CONTRACTOR'S employees, officers, agents or anyone else acting on CONTRACTOR'S behalf, have any physical contact with any impounded vehicle or any of the contents therein, except as specifically required in order to perform services required by this agreement, or where otherwise directed by a representative of the Upland Police Department.

(6) CITY shall not be responsible for the CONTRACTOR'S fees that are the result of calls made to CONTRACTOR by the Upland Police Department on behalf of third parties where such third parties have already removed their vehicles at the time the CONTRACTOR'S arrival at the towing scene or when third parties otherwise decline to use the CONTRACTOR'S services. In such situations, the CONTRACTOR will look to the third parties for payment of its fees. CITY shall not be responsible for fees when calls for service are cancelled by the Upland Police Department when the call was initiated for service by the CITY employee during a work related function. No billing to the CITY shall occur for any other tows except 30 day impounds without prior approval from an Upland Police Department supervisor. The tow company will allow two non-billable tows a month (non-cumulative) to the CITY; this is only to be utilized due to CITY employee towing errors, occurring from work related activity. These non-billing requests will be at the direction of the Patrol Division Commander or his/her designee.

(7) If a CONTRACTOR'S response is greater than the allotted time stipulated within this contract, the original tow may be cancelled and the tow for the following week called to respond. The City shall not be billed for the cancelled tow. This shall only occur at the discretion of a supervisor.

(8) CONTRACTOR'S fees shall be subject to adjustment once each year to reflect changes in labor, equipment, repair, and fuel costs. Proposed adjustments may be approved by the Chief of Police based upon documented increases in the cost-of-living index as established by the United States Department of Labor.

(9) No vehicle stored or impounded at the direction of the Upland Police Department shall be released without written approval of the Upland Police Department.

(10) A representative of the Upland Police Department who is not assigned to patrol or traffic duties shall mediate any dispute between the CONTRACTOR and the CITY regarding the administration of this Agreement and the decision shall be binding on the CONTRACTOR. Notwithstanding the foregoing, disputes concerning a suspension of CONTRACTOR as an Official Tow Provider shall be governed by the provisions of Section 13 of this agreement.

(11) This agreement and Exhibit A constitute the entire contract between the CITY and CONTRACTOR. No representation, agreement or promise, whether express or implied, shall be binding upon either party hereto unless expressly set forth herein. Any changes or modifications of any of the terms and conditions herein shall be in writing and executed by the parties hereto, provided, however, that CONTRACTOR understands and agrees that it will, if required by the CITY, execute such further agreements as the CITY requires to provide additional insurance protection for the CITY against third party claims arising from CONTRACTOR'S operations pursuant to this agreement.

(12) Either the CITY and/or the CONTRACTOR may terminate this agreement upon giving to the other thirty (30) days' prior written notice of said termination. Termination may be with or without cause and, upon termination, neither party shall have any further liability hereunder provided, however, that CONTRACTOR'S obligations pursuant to Section 4 shall continue for the maximum period permitted by law.

As an alternative to termination, and at CITY'S option, whenever CONTRACTOR is determined to have materially violated any provision of this Agreement, including any of the provisions set forth in Exhibit A hereto, CITY may temporarily suspend CONTRACTOR'S status as an Official Tow Provider. In such event, CONTRACTOR shall be provided written notice of the suspension and the grounds therefore. Such suspension may continue until CONTRACTOR provides evidence satisfactory to the Chief of Police that it has corrected the violation and, where applicable, has taken appropriate steps to insure that a similar violation will not again occur. The period of suspension shall not exceed ninety (90) days, unless otherwise agreed upon in writing by the parties.

CONTRACTOR may appeal such suspension, including the grounds or duration thereof, by filing a written appeal and request for hearing with the Chief of Police within five (5) business days of the date of the notice of suspension. The Chief of Police shall schedule and conduct a hearing within ten (10) business days, and shall affirm, reverse or reverse with conditions that the appealed decision. The decision of the Chief of Police shall be final unless, within five (5) business days of the date of such decision, CONTRACTOR files a written appeal and request for hearing with the City Manager. In such event, the City Manager shall schedule and conduct a hearing within ten (10) business days and the City Manager's decision shall be final.

(13) Assignment. This agreement may not be assigned in whole or in part, nor shall CONTRACTOR subcontract any portion of the work required to be performed herein or utilize equipment or storage yard not owned or leased by CONTRACTOR, without the prior written consent of the CITY, and any attempted assignment thereof without such consent shall be null and void.

(14) Attorney's Fees. Should it be necessary for any party to commence any legal action or proceeding for breach or to enforce the terms or conditions hereof, the prevailing party in such action shall be entitled to recover from the unsuccessful party all reasonable attorney's fees, experts' costs, and all other costs of suit.

(15) Severability. Should any provision, section, word or sentence of this agreement or Exhibit A hereto be declared invalid or preempted by a court of competent jurisdiction, such invalidity or preemption shall not affect any remaining provision, section, word or sentence of this agreement.

Executed the day and the year first above written.

[Signatures on following page]

CONTRACTOR: STEVE's Towing

By: _____
MIGUEL LEYVA, President

CITY OF UPLAND

By: _____
~~Bill R. Manis, City Manager~~
Jeannette Vagnozzi, Acting City Manager

Attest:

_____
~~Jeannette Vagnozzi, City Clerk~~
Lori Johnson, Deputy City Clerk

Approved As to Form:

_____
James L. Markman, City Attorney

EXHIBIT A

CITY OF UPLAND
POLICE DEPARTMENT

1. UNDER NO CIRCUMSTANCES SHALL AN OFFICIAL TOW PROVIDER RESPOND TO ANY ACCIDENT SCENE OR SCENE OF POLICE ACTIVITY UNLESS SPECIFICALLY REQUESTED TO DO SO BY THE UPLAND POLICE DEPARTMENT.
2. All tow vehicles shall be equipped and each towing business shall be licensed as required by law. All tow vehicles shall be inspected to insure compliance with all provisions of Sections 24605, 25253, 27700 and 27907 of the California Vehicle Code, and any and all other applicable statutes, rules and regulations. Inspections may be conducted by a captain of the Upland Police Department or his designee as deemed necessary, or by any other entity designated by the Upland Police Department. The name of the business shall be conspicuously displayed on each side of each tow vehicle.
3. Each Official Tow Provider shall at all times maintain in force and full effect one of the forms of financial responsibility as specified in Section 16021 and 16055 of the California Vehicle Code. Each Official Tow Provider is required to file with the Police Department proof that such financial responsibility is in fact in effect and in full force (insurance binder from company or agent shall be sufficient proof).
4. All required tow, storage and impound services shall be available on a 24-hour, 7 day-a-week basis during the company's weekly rotation turn. Tow companies will be rotated on a weekly basis defined as Sunday 12:00 am to the following Saturday 11:59 pm.
5. All Official Tow Provider storage and office facilities (capable of completing vehicle releases) must be within a five mile radius from the Upland Police Department, 1499 W. 13th Street. Upland.
6. Adequate security for vehicles and property at the required storage facility must be provided. Minimum standards shall consist of:
    a. A wall or fence at least six feet in height surrounding the police storage and impound lot. The minimum capacity of such shall be fifty (50) vehicles, and the lot shall conform to land use regulations of the City or County jurisdiction in which it is located.
    b. At least one gate or door that will allow adequate vehicular access to the lot and an adequate locking device on such gate or door.
    c. Such additional security devices and lighting as deemed necessary by the Police Department.
7. Tow truck drivers shall possess sufficient skills and ability to ensure a safe and proper execution of their service responsibilities. All drivers shall possess a proper class and valid driver's license according to Section 12804 of the California Vehicle Code. No tow truck owner, operator, or driver shall be allowed to provide tow services if he or she has been convicted of driving under the influence within the past seven (7) years, or convicted for any felony or theft related crime within the last ten (10) years. Further, no tow company employee, agent, owner may operate a tow vehicle in the performance of official police tow services if he or she has been convicted of three (3) or more moving violations in the previous three (3) years. Prior to commencing service as an Official Tow Provider or driver thereof, and each two (2) years thereafter, each tow truck operator and driver thereof shall be fingerprinted by the Upland Police Department, at the tow truck operator's expense, for purposes of verifying compliance with this section. Each Official Tow Provider shall immediately advise the Chief of Police of the Upland Police Department of any facts which would cause such Provider, or any tow truck owner, operator, or driver thereof, to be disqualified from providing services due to any criminal conviction or conviction of traffic violations. Each Official Tow Provider shall comply with

all California Vehicle Code reporting requirements, including the requirements set forth in Section 10650 and 10652. The Police Department shall be furnished a copy of the report which the tow operator is required to furnish the Department of Justice by receipted mail. The copy of said notice to the Police Department may be forwarded by regular mail to the attention of the Patrol Division Commander.

8. Each Official Tow Provider shall maintain records of tow services furnished pursuant to this agreement which include a description of each vehicle towed, the nature of service, time and location of call, and the response time from receipt of call to arrival of the tow truck at the scene. Such records shall be maintained for no less than one (1) year and shall be subject to inspection by Upland Police Department.
9. Upon request, adequate impound space is to be provided to accommodate vehicles held for the purpose of processing for physical evidence. Such impound space shall be within or contiguous to the required tow yard and shall be protected by an enclosure consisting of a separate fenced yard or area and gate with a locking device for protection from contamination. Protection shall also be provided to preclude evidence contamination by employees and other individuals during normal business hours if requested to hold for prints.
10. Each Official Tow Provider shall clean up and remove all debris from the accident scene as required by Vehicle Code Section 27700 and Police Department personnel.
11. Each Official Tow Provider shall have available for its immediate use, at least four tow trucks, one of which shall be twin-boomed and one of which shall be of flat bed design. All tow trucks shall be at least one ton and dual-wheeled. During checkpoints assigned companies are required to have a minimum of three tows and drivers at the scene. Only the on-scene supervisor may make exceptions to this.
12. Checkpoint tow rotations will be rotated after each individual checkpoint. Night time (starting after 6:00 pm) checkpoints and daytime (starting before 6:00 pm) will be rotated in the same manner however tracked separately as there are typically more night time checkpoints than day time.
13. All tow trucks shall be equipped with a vehicle dolly and a fully functioning commercial VHF or UHF two-way radio, cellular or other wireless telephone and a GPS or similar device.
14. Tow and storage rates shall be conspicuously posted in the office of the towing service, and shall, at all times, be available for review by any member of the public. Each Official Tow Provider shall accept major credit cards for the payment of towing, storage and/or impound fees.
15. Each Official Tow Provider shall maintain a business office for release of vehicles and the required storage and impound lot available for use twenty-four (24) hours per day, seven (7) days per week.
16. All employees shall be provided with a distinctive highly reflective uniform shirt. A highly reflective vest may be worn in lieu of the reflective type uniform, these must be ANSI class II or class III in order to meet Federal Highway Administration rules. Each uniform shall state the tow company name, as well as the employee's name, in a conspicuous place. Each employee shall have sufficient uniforms so as to maintain a neat and clean appearance at all times. The reflective uniform and/or vest must be worn when the driver is within the roadway or performing a tow service for department personnel.
17. Each owner and employee shall, at all times, treat members of the public courteously and fairly and shall take all reasonable steps to avoid disputes. In furtherance thereof, each Official Tow Provider shall establish a written procedure for accepting written complaints from members of the public. Written complaints received shall be maintained for no less than one (1) year and shall be available for inspection upon request by a member of the Upland Police Department. These customer service standards shall be in addition to any and all customer service standards as may be adopted by the Upland

Police Department and provided to the Official Tow Provider. Each employee shall be provided a copy of this Tow Policy and Procedures.

18. Complaint files containing officer complaints regarding individual tow companies will be maintained by the Traffic Division. By appointment, these files are subject to viewing by the tow company's owners or his/her designee, only the respective files may be viewed.
19. In addition to towing and storage rates required to be posted, each Official Tow Provider shall also conspicuously post in its business office area open to the public, a copy of this Tow Policy and Procedures and written notice of the procedure to file a written complaint.
20. Response time is defined as "less than twenty five minutes".

TOW SERVICES AGREEMENT

THIS AGREEMENT is made and entered into this 1st day of November 2018 by and between the CITY OF UPLAND, a municipal corporation, hereinafter referred to as "CITY," and MR T's Towing, hereinafter referred to as "CONTRACTOR."

WITNESSETH:

WHEREAS, It is the desire of the CITY and the CONTRACTOR to enter into a non-exclusive Agreement for towing services that will, from time-to-time, be requested by the Upland Police Department, pursuant to the terms and conditions set forth herein and in the Towing Policy and Procedures, attached as Exhibit A hereto;

AGREEMENT:

NOW, THEREFORE, the parties hereto agree as follows:

1. CONTRACTOR shall perform tow services on a non exclusive basis as an Official Tow Provider and furnish all labor and equipment necessary to implement towing, storing and Impounding of motor vehicles in the City of Upland as directed by, and subject to the satisfaction of, the Upland Police Department. All towing services shall be performed in accordance with all applicable provisions of law, and the provisions of this agreement and Exhibit A attached as hereto and incorporated by reference herein.

2. Term. The provisions of this agreement shall be effective as of, November 1, 2018 and continue through October 31, 2021, unless sooner terminated as provided herein. There shall be two (2) one year renewal options extending the term of this agreement, subject to the written consent of both parties.

3. Insurance. The CONTRACTOR shall not commence work under this agreement until it has obtained all insurance required hereunder in a company or companies acceptable to CITY nor shall the CONTRACTOR allow any subcontractor to commence work on its subcontract until all insurance required of the subcontractor has been obtained. The CONTRACTOR shall take out and maintain at all times during the life of this agreement the following policies of insurance:

   (a) Compensation insurance: Before beginning work, the CONTRACTOR shall furnish to the CITY a certificate of insurance as proof that it has taken out full compensation insurance for all persons whom the CONTRACTOR may employ directly or through subcontractors in carrying out the work specified herein, in accordance with the laws of the State of California. Such insurance shall be maintained in full force and effect during the period covered by this contract. Further, such policy of insurance shall provide that the insurer waives all rights of subrogation against CITY and its elected officials, officers, employees and agents.

   In accordance with the provisions of Section 3700 of the California Labor Code, every contractor shall secure the payment of compensation to his employees. CONTRACTOR, prior to commencing work, shall sign and file with the CITY a certificate as follows:

"I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for worker's compensation or to undertake self insurance in accordance with the provisions of the Code, and I will comply with such provisions before commencing the performance of work of this contract."

(b) For all operations of the CONTRACTOR or any subcontractor authorized to perform the work herein, insurance with the following minimum limits and coverage:

(1) Commercial General Liability (occurrence) – for bodily injury, death and property damage for products/completed operations and any and all others activities undertaken by the CONTRACTOR in the performance of this agreement;

(2) Comprehensive Automobile Liability (occurrence) – for bodily injury, death and property damage insuring against all liability arising out of the use of any vehicle;

(3) Garage-keepers Legal Liability (occurrence)- insuring against all liability for claims alleging damage of any nature to any vehicle towed, impounded or otherwise stored by CONTRACTOR, while in possession of CONTRACTOR, or otherwise under CONTRACTOR'S custody and/or control, in an amount not less than Seventy –Five Thousand Dollars ($75,000.00);

(4) On-hook Liability (occurrence) based upon the unladen weight of each tow truck-insuring against all liability for damage to any vehicle towed by CONTRACTOR, or otherwise physically connected to CONTRACTOR'S tow truck. For a tow truck of less than 20,000 pounds unladen, such insurance limits shall be no less than Fifty Thousand Dollars ($50.000.00), and Seventy-Five Thousand Dollars ($75,000.00), for tow trucks having and unladen weight of 20,000 pounds or more;

(5) Other required insurance, endorsements or exclusions as required by the CITY;

(6) The policies of insurance required in subsections 1 and 2 of this Section (b) shall have no less than the following limits of coverage:

(i) $1,000,000 (One Million Dollars) for bodily injury or death;
(ii) $1,000,000 (One Million Dollars) for property damage;
(iii) Not less than Two Million Dollars ($2,000,000) combined Single Limit for Injuries, including Accidental Death and Property Damage Insurance.

(c) Each such policy of insurance required in Section (b) shall:

(1) Be subject to no deductible amount unless otherwise approved in writing by CITY;

(2) Be issued by an insurance company approved in writing by CITY, which is admitted and licensed to do business in the State of California and which is rated AVIII or better according to the most recent A.M. Best Co. Rating Guide;

(3) Name as additional insured the CITY, its elected officials, officers, agents, and employees;

(4) Specify that it acts as primary insurance and that no insurance held or owned by the designated additional insured shall be called upon to cover a loss under said policy;

(5) Specify that it applies separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability;

(6) All insurance coverage shall contain a clause substantially in the following words; "It is hereby understood and agreed that this policy shall not be canceled nor coverage reduced except upon thirty (30) days' prior to written notice to the City of Upland of such cancellation or reduction in coverage as evidenced by a return receipt for a registered letter." CONTRACTOR agrees to require its insurer to modify the certificates of insurance to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions;

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(d) Prior to commencing performance under this agreement, the CONTRACTOR shall furnish the CITY with certificates and original endorsements, or copies of each required policy, effecting and evidencing the insurance coverage required by this agreement. The endorsements shall be signed by a person authorized by the insurer(s) to bind coverage on its behalf. All certificates with endorsements or policies shall be received and approved by the CITY before CONTRACTOR commences performance. If performance of this agreement shall extend beyond one (1) year, CONTRACTOR shall provide CITY with the required policies or endorsements evidencing renewal of the required policies of insurance prior to the expiration of any required policies of insurance.

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CONTRACTOR'S duty to indemnity shall include payment of all actual attorney's fees, experts' costs, court costs and all other costs of litigation incurred by CITY.

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CONTRACTOR shall provide proof to the CITY of having obtained insurance coverage guaranteeing CONTRACTOR'S obligations under this Section. This insurance shall guarantee that CONTRACTOR shall defend and hold free and harmless the CITY, and shall pay any judgments, claims or settlements arising from any of the aforementioned described acts or omissions, including claims alleging that the procedures utilized in towing, storing, and/or selling vehicles failed to comply with statutory requirements.

(2) It is expressly understood and agreed that in the furnishing of all labor and equipment and in the performance of all work under this agreement, the CONTRACTOR is acting as an independent contractor and not as an agent, servant, or employee of the City of Upland.

(3) Except as otherwise provided by law, all towing and storage charges shall be paid by the owner or lawful possessor of the towed, stored or impounded vehicle.

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SERVICES Change of flat tire of City of Upland Police owned vehicles. (When the City Yard is closed and a police vehicle within the above described mileage limits needs a tire changed. Outside of the mileage limits would incur the tow company's normal charge for a flat tire change.)	No Charge

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50' and Over	$ 65.00 Per Day

(5) The Upland Police Department shall, insofar as possible, attempt to limit impound calls for 72 hour violation vehicles to the period between the hours of 7:00 a.m. and 9:00 p.m., Sunday through Saturday. However, towing services shall be available 24 hours per day for emergencies, and the maximum permitted response time shall not exceed 25 minutes. "Response time" shall mean that period of time commencing upon receipt of request for service from the Upland Police Department, and ending upon the actual time of arrival of CONTRACTOR'S tow vehicle at the scene. At no time prior to receiving written notice shall any of CONTRACTOR'S employees, officers, agents or anyone else acting on CONTRACTOR'S behalf, have any physical contact with any impounded vehicle or any of the contents therein, except as specifically required in order to perform services required by this agreement, or where otherwise directed by a representative of the Upland Police Department.

(6) CITY shall not be responsible for the CONTRACTOR'S fees that are the result of calls made to CONTRACTOR by the Upland Police Department on behalf of third parties where such third parties have already removed their vehicles at the time the CONTRACTOR'S arrival at the towing scene or when third parties otherwise decline to use the CONTRACTOR'S services. In such situations, the CONTRACTOR will look to the third parties for payment of its fees. CITY shall not be responsible for fees when calls for service are cancelled by the Upland Police Department when the call was initiated for service by the CITY employee during a work related function. No billing to the CITY shall occur for any other tows except 30 day impounds without prior approval from an Upland Police Department supervisor. The tow company will allow two non-billable tows a month (non-cumulative) to the CITY; this is only to be utilized due to CITY employee towing errors, occurring from work related activity. These non-billing requests will be at the direction of the Patrol Division Commander or his/her designee.

(7) If a CONTRACTOR'S response is greater than the allotted time stipulated within this contract, the original tow may be cancelled and the tow for the following week called to respond. The City shall not be billed for the cancelled tow. This shall only occur at the discretion of a supervisor.

(8) CONTRACTOR'S fees shall be subject to adjustment once each year to reflect changes in labor, equipment, repair, and fuel costs. Proposed adjustments may be approved by the Chief of Police based upon documented increases in the cost-of-living index as established by the United States Department of Labor.

(9) No vehicle stored or impounded at the direction of the Upland Police Department shall be released without written approval of the Upland Police Department.

(10) A representative of the Upland Police Department who is not assigned to patrol or traffic duties shall mediate any dispute between the CONTRACTOR and the CITY regarding the administration of this Agreement and the decision shall be binding on the CONTRACTOR. Notwithstanding the foregoing, disputes concerning a suspension of CONTRACTOR as an Official Tow Provider shall be governed by the provisions of Section 13 of this agreement.

(11) This agreement and Exhibit A constitute the entire contract between the CITY and CONTRACTOR. No representation, agreement or promise, whether express or implied, shall be binding upon either party hereto unless expressly set forth herein. Any changes or modifications of any of the terms and conditions herein shall be in writing and executed by the parties hereto, provided, however, that CONTRACTOR understands and agrees that it will, if required by the CITY, execute such further agreements as the CITY requires to provide additional insurance protection for the CITY against third party claims arising from CONTRACTOR'S operations pursuant to this agreement.

(12) Either the CITY and/or the CONTRACTOR may terminate this agreement upon giving to the other thirty (30) days' prior written notice of said termination. Termination may be with or without cause and, upon termination, neither party shall have any further liability hereunder provided, however, that CONTRACTOR'S obligations pursuant to Section 4 shall continue for the maximum period permitted by law.

As an alternative to termination, and at CITY'S option, whenever CONTRACTOR is determined to have materially violated any provision of this Agreement, including any of the provisions set forth in Exhibit A hereto, CITY may temporarily suspend CONTRACTOR'S status as an Official Tow Provider. In such event, CONTRACTOR shall be provided written notice of the suspension and the grounds therefore. Such suspension may continue until CONTRACTOR provides evidence satisfactory to the Chief of Police that it has corrected the violation and, where applicable, has taken appropriate steps to insure that a similar violation will not again occur. The period of

suspension shall not exceed ninety (90) days, unless otherwise agreed upon in writing by the parties.

CONTRACTOR may appeal such suspension, including the grounds or duration thereof, by filing a written appeal and request for hearing with the Chief of Police within five (5) business days of the date of the notice of suspension. The Chief of Police shall schedule and conduct a hearing within ten (10) business days, and shall affirm, reverse or reverse with conditions that the appealed decision. The decision of the Chief of Police shall be final unless, within five (5) business days of the date of such decision, CONTRACTOR files a written appeal and request for hearing with the City Manager. In such event, the City Manager shall schedule and conduct a hearing within ten (10) business days and the City Manager's decision shall be final.

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(15) Severability. Should any provision, section, word or sentence of this agreement or Exhibit A hereto be declared invalid or preempted by a court of competent jurisdiction, such invalidity or preemption shall not affect any remaining provision, section, word or sentence of this agreement.

Executed the day and the year first above written.

[Signatures on following page]

CONTRACTOR: MR. T's Towing

By: _____
MOHAMMED B. GHANEIAN, President

CITY OF UPLAND

By: _____
~~Bill R. Manis, City Manager~~
Jeannette Vagnozzi, Acting City Manager

Attest:

_____
~~Jeannette Vagnozzi, City Clerk~~
Keri Johnson, Deputy City Clerk

Approved As to Form:

_____
James L. Markman, City Attorney

EXHIBIT A

CITY OF UPLAND
POLICE DEPARTMENT

1. UNDER NO CIRCUMSTANCES SHALL AN OFFICIAL TOW PROVIDER RESPOND TO ANY ACCIDENT SCENE OR SCENE OF POLICE ACTIVITY UNLESS SPECIFICALLY REQUESTED TO DO SO BY THE UPLAND POLICE DEPARTMENT.
2. All tow vehicles shall be equipped and each towing business shall be licensed as required by law. All tow vehicles shall be inspected to insure compliance with all provisions of Sections 24605, 25253, 27700 and 27907 of the California Vehicle Code, and any and all other applicable statutes, rules and regulations. Inspections may be conducted by a captain of the Upland Police Department or his designee as deemed necessary, or by any other entity designated by the Upland Police Department. The name of the business shall be conspicuously displayed on each side of each tow vehicle.
3. Each Official Tow Provider shall at all times maintain in force and full effect one of the forms of financial responsibility as specified in Section 16021 and 16055 of the California Vehicle Code. Each Official Tow Provider is required to file with the Police Department proof that such financial responsibility is in fact in effect and in full force (insurance binder from company or agent shall be sufficient proof).
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5. All Official Tow Provider storage and office facilities (capable of completing vehicle releases) must be within a five mile radius from the Upland Police Department, 1499 W. 13th Street. Upland.
6. Adequate security for vehicles and property at the required storage facility must be provided. Minimum standards shall consist of:
    a. A wall or fence at least six feet in height surrounding the police storage and impound lot. The minimum capacity of such shall be fifty (50) vehicles, and the lot shall conform to land use regulations of the City or County jurisdiction in which it is located.
    b. At least one gate or door that will allow adequate vehicular access to the lot and an adequate locking device on such gate or door.
    c. Such additional security devices and lighting as deemed necessary by the Police Department.
7. Tow truck drivers shall possess sufficient skills and ability to ensure a safe and proper execution of their service responsibilities. All drivers shall possess a proper class and valid driver's license according to Section 12804 of the California Vehicle Code. No tow truck owner, operator, or driver shall be allowed to provide tow services if he or she has been convicted of driving under the influence within the past seven (7) years, or convicted for any felony or theft related crime within the last ten (10) years. Further, no tow company employee, agent, owner may operate a tow vehicle in the performance of official police tow services if he or she has been convicted of three (3) or more moving violations in the previous three (3) years. Prior to commencing service as an Official Tow Provider or driver thereof, and each two (2) years thereafter, each tow truck operator and driver thereof shall be fingerprinted by the Upland Police Department, at the tow truck operator's expense, for purposes of verifying compliance with this section. Each Official Tow Provider shall immediately advise the Chief of Police of the Upland Police Department of any facts which would cause such Provider, or any tow truck owner, operator, or driver thereof, to be disqualified from providing services due to any criminal conviction or conviction of traffic violations. Each Official Tow Provider shall comply with

all California Vehicle Code reporting requirements, including the requirements set forth in Section 10650 and 10652. The Police Department shall be furnished a copy of the report which the tow operator is required to furnish the Department of Justice by receipted mail. The copy of said notice to the Police Department may be forwarded by regular mail to the attention of the Patrol Division Commander.

8. Each Official Tow Provider shall maintain records of tow services furnished pursuant to this agreement which include a description of each vehicle towed, the nature of service, time and location of call, and the response time from receipt of call to arrival of the tow truck at the scene. Such records shall be maintained for no less than one (1) year and shall be subject to inspection by Upland Police Department.
9. Upon request, adequate impound space is to be provided to accommodate vehicles held for the purpose of processing for physical evidence. Such impound space shall be within or contiguous to the required tow yard and shall be protected by an enclosure consisting of a separate fenced yard or area and gate with a locking device for protection from contamination. Protection shall also be provided to preclude evidence contamination by employees and other individuals during normal business hours if requested to hold for prints.
10. Each Official Tow Provider shall clean up and remove all debris from the accident scene as required by Vehicle Code Section 27700 and Police Department personnel.
11. Each Official Tow Provider shall have available for its immediate use, at least four tow trucks, one of which shall be twin-boomed and one of which shall be of flat bed design. All tow trucks shall be at least one ton and dual-wheeled. During checkpoints assigned companies are required to have a minimum of three tows and drivers at the scene. Only the on-scene supervisor may make exceptions to this.
12. Checkpoint tow rotations will be rotated after each individual checkpoint. Night time (starting after 6:00 pm) checkpoints and daytime (starting before 6:00 pm) will be rotated in the same manner however tracked separately as there are typically more night time checkpoints than day time.
13. All tow trucks shall be equipped with a vehicle dolly and a fully functioning commercial VHF or UHF two-way radio, cellular or other wireless telephone and a GPS or similar device.
14. Tow and storage rates shall be conspicuously posted in the office of the towing service, and shall, at all times, be available for review by any member of the public. Each Official Tow Provider shall accept major credit cards for the payment of towing, storage and/or impound fees.
15. Each Official Tow Provider shall maintain a business office for release of vehicles and the required storage and impound lot available for use twenty-four (24) hours per day, seven (7) days per week.
16. All employees shall be provided with a distinctive highly reflective uniform shirt. A highly reflective vest may be worn in lieu of the reflective type uniform, these must be ANSI class II or class III in order to meet Federal Highway Administration rules. Each uniform shall state the tow company name, as well as the employee's name, in a conspicuous place. Each employee shall have sufficient uniforms so as to maintain a neat and clean appearance at all times. The reflective uniform and/or vest must be worn when the driver is within the roadway or performing a tow service for department personnel.
17. Each owner and employee shall, at all times, treat members of the public courteously and fairly and shall take all reasonable steps to avoid disputes. In furtherance thereof, each Official Tow Provider shall establish a written procedure for accepting written complaints from members of the public. Written complaints received shall be maintained for no less than one (1) year and shall be available for inspection upon request by a member of the Upland Police Department. These customer service standards shall be in addition to any and all customer service standards as may be adopted by the Upland

Police Department and provided to the Official Tow Provider. Each employee shall be provided a copy of this Tow Policy and Procedures.

18. Complaint files containing officer complaints regarding individual tow companies will be maintained by the Traffic Division. By appointment, these files are subject to viewing by the tow company's owners or his/her designee, only the respective files may be viewed.
19. In addition to towing and storage rates required to be posted, each Official Tow Provider shall also conspicuously post in its business office area open to the public, a copy of this Tow Policy and Procedures and written notice of the procedure to file a written complaint.
20. Response time is defined as "less than twenty five minutes".

TOW SERVICES AGREEMENT

THIS AGREEMENT is made and entered into this 1st day of November 2018 by and between the CITY OF UPLAND, a municipal corporation, hereinafter referred to as "CITY," and STEVE's Towing, hereinafter referred to as "CONTRACTOR."

WITNESSETH:

WHEREAS, it is the desire of the CITY and the CONTRACTOR to enter into a non-exclusive Agreement for towing services that will, from time-to-time, be requested by the Upland Police Department, pursuant to the terms and conditions set forth herein and in the Towing Policy and Procedures, attached as Exhibit A hereto;

AGREEMENT:

NOW, THEREFORE, the parties hereto agree as follows:

1. CONTRACTOR shall perform tow services on a non exclusive basis as an Official Tow Provider and furnish all labor and equipment necessary to implement towing, storing and impounding of motor vehicles in the City of Upland as directed by, and subject to the satisfaction of, the Upland Police Department. All towing services shall be performed in accordance with all applicable provisions of law, and the provisions of this agreement and Exhibit A attached as hereto and incorporated by reference herein.

2. Term. The provisions of this agreement shall be effective as of, November 1, 2018 and continue through October 31, 2021, unless sooner terminated as provided herein. There shall be two (2) one year renewal options extending the term of this agreement, subject to the written consent of both parties.

3. Insurance. The CONTRACTOR shall not commence work under this agreement until it has obtained all insurance required hereunder in a company or companies acceptable to CITY nor shall the CONTRACTOR allow any subcontractor to commence work on its subcontract until all insurance required of the subcontractor has been obtained. The CONTRACTOR shall take out and maintain at all times during the life of this agreement the following policies of insurance:

   (a) Compensation insurance: Before beginning work, the CONTRACTOR shall furnish to the CITY a certificate of insurance as proof that it has taken out full compensation insurance for all persons whom the CONTRACTOR may employ directly or through subcontractors in carrying out the work specified herein, in accordance with the laws of the State of California. Such insurance shall be maintained in full force and effect during the period covered by this contract. Further, such policy of insurance shall provide that the insurer waives all rights of subrogation against CITY and its elected officials, officers, employees and agents.

   In accordance with the provisions of Section 3700 of the California Labor Code, every contractor shall secure the payment of compensation to his employees. CONTRACTOR, prior to commencing work, shall sign and file with the CITY a certificate as follows:

"I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for worker's compensation or to undertake self insurance in accordance with the provisions of the Code, and I will comply with such provisions before commencing the performance of work of this contract."

(b) For all operations of the CONTRACTOR or any subcontractor authorized to perform the work herein, insurance with the following minimum limits and coverage:

(1) Commercial General Liability (occurrence) – for bodily injury, death and property damage for products/completed operations and any and all others activities undertaken by the CONTRACTOR in the performance of this agreement;

(2) Comprehensive Automobile Liability (occurrence) – for bodily injury, death and property damage insuring against all liability arising out of the use of any vehicle;

(3) Garage-keepers Legal Liability (occurrence)- insuring against all liability for claims alleging damage of any nature to any vehicle towed, impounded or otherwise stored by CONTRACTOR, while in possession of CONTRACTOR, or otherwise under CONTRACTOR'S custody and/or control, in an amount not less than Seventy –Five Thousand Dollars ($75,000.00);

(4) On-hook Liability (occurrence) based upon the unladen weight of each tow truck-insuring against all liability for damage to any vehicle towed by CONTRACTOR, or otherwise physically connected to CONTRACTOR'S tow truck. For a tow truck of less than 20,000 pounds unladen, such insurance limits shall be no less than Fifty Thousand Dollars ($50.000.00), and Seventy-Five Thousand Dollars ($75,000.00), for tow trucks having and unladen weight of 20,000 pounds or more;

(5) Other required insurance, endorsements or exclusions as required by the CITY;

(6) The policies of insurance required in subsections 1 and 2 of this Section (b) shall have no less than the following limits of coverage:

(i) $1,000,000 (One Million Dollars) for bodily injury or death;
(ii) $1,000,000 (One Million Dollars) for property damage;
(iii) Not less than Two Million Dollars ($2,000,000) combined Single Limit for Injuries, including Accidental Death and Property Damage Insurance.

(c) Each such policy of insurance required in Section (b) shall:

(1) Be subject to no deductible amount unless otherwise approved in writing by CITY;

(2) Be issued by an insurance company approved in writing by CITY, which is admitted and licensed to do business in the State of California and which is rated AVIII or better according to the most recent A.M. Best Co. Rating Guide;

(3) Name as additional insured the CITY, its elected officials, officers, agents, and employees;

(4) Specify that it acts as primary insurance and that no insurance held or owned by the designated additional insured shall be called upon to cover a loss under said policy;

(5) Specify that it applies separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability;

(6) All insurance coverage shall contain a clause substantially in the following words; "It is hereby understood and agreed that this policy shall not be canceled nor coverage reduced except upon thirty (30) days' prior to written notice to the City of Upland of such cancellation or reduction in coverage as evidenced by a return receipt for a registered letter." CONTRACTOR agrees to require its insurer to modify the certificates of insurance to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions;

(7) Specify that any failure to comply with reporting or other provisions of the required policy, including breaches of warranty, shall not affect the coverage required to be provided;

(8) Specify that the insurer waives all rights of subrogation against any of the named additional insured's; and

(9) Specify that any and all costs of adjusting and/or defending any claim against any insured, including court costs and attorney's fees, shall be paid in addition to and shall not deplete any policy limits.

(10) Otherwise be in form satisfactory to CITY.

(d) Prior to commencing performance under this agreement, the CONTRACTOR shall furnish the CITY with certificates and original endorsements, or copies of each required policy, effecting and evidencing the insurance coverage required by this agreement. The endorsements shall be signed by a person authorized by the insurer(s) to bind coverage on its behalf. All certificates with endorsements or policies shall be received and approved by the CITY before CONTRACTOR commences performance. If performance of this agreement shall extend beyond one (1) year, CONTRACTOR shall provide CITY with the required policies or endorsements evidencing renewal of the required policies of insurance prior to the expiration of any required policies of insurance.

(1) Indemnity. The CONTRACTOR shall indemnify, defend and hold the CITY, its elected officials, officers, agents, and/or employees free and harmless from all claims, liabilities, costs, and demands of any description arising out of CONTRACTOR'S performance of this agreement or any supplemental agreement, to the extent such claims or demands are alleged to be the result of an act or o mission of CONTRACTOR, or any of CONTRACTOR'S employees, officers, agents or anyone acting on behalf of CONTRACTOR.

CONTRACTOR'S duty to indemnity shall include payment of all actual attorney's fees, experts' costs, court costs and all other costs of litigation incurred by CITY.

Claims hereby covered shall include, but are not limited to, any loss, theft, damage, or break-ins as to automobiles under CONTRACTOR'S custody or control. Claims hereby covered shall also include claims alleging that the procedures utilized in the care, custody, control, and/or selling of vehicles do not comply with statutory or constitutional requirements.

CONTRACTOR shall provide proof to the CITY of having obtained insurance coverage guaranteeing CONTRACTOR'S obligations under this Section. This insurance shall guarantee that CONTRACTOR shall defend and hold free and harmless the CITY, and shall pay any judgments, claims or settlements arising from any of the aforementioned described acts or omissions, including claims alleging that the procedures utilized in towing, storing, and/or selling vehicles failed to comply with statutory requirements.

(2) It is expressly understood and agreed that in the furnishing of all labor and equipment and in the performance of all work under this agreement, the CONTRACTOR is acting as an independent contractor and not as an agent, servant, or employee of the City of Upland.

(3) Except as otherwise provided by law, all towing and storage charges shall be paid by the owner or lawful possessor of the towed, stored or impounded vehicle.

(4) Except as otherwise provided by law, CONTRACTOR shall provide tow services in accordance with the following Fee Schedule for those services requested by the City of Upland Police Department:

TOW, STORAGE AND DEFINITION OF SERVICE

TOWS	FEES
City-owned Vehicles: City owned vehicles that weigh less than 3 tons and are within 50 miles of the City Yards located at 1370 N. Benson Avenue, Upland will not be charged for towing. Those over the weight limit or outside the mileage will be billed at the tow company's normal rate. This is inclusive of 30 day storage lien sale vehicles into and out of the CITY's storage facility.	No Charge
30-Day Impounded Vehicles: Vehicles that are impounded for 30-days and will be stored at the Upland Police impound lot located at 1370 N. Benson Avenue, Upland (Tow company will bill every thirty days for above described vehicles and the City of Upland will pay 30 days net upon receipt and verification of invoice.)	$ 150.00

SERVICES Change of flat tire of City of Upland Police owned vehicles. (When the City Yard is closed and a police vehicle within the above described mileage limits needs a tire changed. Outside of the mileage limits would incur the tow company's normal charge for a flat tire change.)	No Charge

Storage fees are to be in compliance with California Vehicle Code section 22658.

Automobile (Storage)	$ 49.00 Per Day
Motorcycles (Storage)	$ 49.00 Per Day
Trucks, Trailers, Boats or Others (Storage): 20' to 40' in Length	$ 49.00 Per Day
50' and Over	$ 49.00 Per Day

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Executed the day and the year first above written.

[Signatures on following page]

CONTRACTOR: STEVE's Towing

By: _____
MIGUEL LEYVA, President

CITY OF UPLAND

By: _____
~~Bill R. Manis, City Manager~~
Jeannette Vagnozzi, Acting City Manager

Attest:

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~~Jeannette Vagnozzi, City Clerk~~
Lori Johnson, Deputy City Clerk

Approved As to Form:

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7. Tow truck drivers shall possess sufficient skills and ability to ensure a safe and proper execution of their service responsibilities. All drivers shall possess a proper class and valid driver's license according to Section 12804 of the California Vehicle Code. No tow truck owner, operator, or driver shall be allowed to provide tow services if he or she has been convicted of driving under the influence within the past seven (7) years, or convicted for any felony or theft related crime within the last ten (10) years. Further, no tow company employee, agent, owner may operate a tow vehicle in the performance of official police tow services if he or she has been convicted of three (3) or more moving violations in the previous three (3) years. Prior to commencing service as an Official Tow Provider or driver thereof, and each two (2) years thereafter, each tow truck operator and driver thereof shall be fingerprinted by the Upland Police Department, at the tow truck operator's expense, for purposes of verifying compliance with this section. Each Official Tow Provider shall immediately advise the Chief of Police of the Upland Police Department of any facts which would cause such Provider, or any tow truck owner, operator, or driver thereof, to be disqualified from providing services due to any criminal conviction or conviction of traffic violations. Each Official Tow Provider shall comply with

all California Vehicle Code reporting requirements, including the requirements set forth in Section 10650 and 10652. The Police Department shall be furnished a copy of the report which the tow operator is required to furnish the Department of Justice by receipted mail. The copy of said notice to the Police Department may be forwarded by regular mail to the attention of the Patrol Division Commander.

8. Each Official Tow Provider shall maintain records of tow services furnished pursuant to this agreement which include a description of each vehicle towed, the nature of service, time and location of call, and the response time from receipt of call to arrival of the tow truck at the scene. Such records shall be maintained for no less than one (1) year and shall be subject to inspection by Upland Police Department.
9. Upon request, adequate impound space is to be provided to accommodate vehicles held for the purpose of processing for physical evidence. Such impound space shall be within or contiguous to the required tow yard and shall be protected by an enclosure consisting of a separate fenced yard or area and gate with a locking device for protection from contamination. Protection shall also be provided to preclude evidence contamination by employees and other individuals during normal business hours if requested to hold for prints.
10. Each Official Tow Provider shall clean up and remove all debris from the accident scene as required by Vehicle Code Section 27700 and Police Department personnel.
11. Each Official Tow Provider shall have available for its immediate use, at least four tow trucks, one of which shall be twin-boomed and one of which shall be of flat bed design. All tow trucks shall be at least one ton and dual-wheeled. During checkpoints assigned companies are required to have a minimum of three tows and drivers at the scene. Only the on-scene supervisor may make exceptions to this.
12. Checkpoint tow rotations will be rotated after each individual checkpoint. Night time (starting after 6:00 pm) checkpoints and daytime (starting before 6:00 pm) will be rotated in the same manner however tracked separately as there are typically more night time checkpoints than day time.
13. All tow trucks shall be equipped with a vehicle dolly and a fully functioning commercial VHF or UHF two-way radio, cellular or other wireless telephone and a GPS or similar device.
14. Tow and storage rates shall be conspicuously posted in the office of the towing service, and shall, at all times, be available for review by any member of the public. Each Official Tow Provider shall accept major credit cards for the payment of towing, storage and/or impound fees.
15. Each Official Tow Provider shall maintain a business office for release of vehicles and the required storage and impound lot available for use twenty-four (24) hours per day, seven (7) days per week.
16. All employees shall be provided with a distinctive highly reflective uniform shirt. A highly reflective vest may be worn in lieu of the reflective type uniform, these must be ANSI class II or class III in order to meet Federal Highway Administration rules. Each uniform shall state the tow company name, as well as the employee's name, in a conspicuous place. Each employee shall have sufficient uniforms so as to maintain a neat and clean appearance at all times. The reflective uniform and/or vest must be worn when the driver is within the roadway or performing a tow service for department personnel.
17. Each owner and employee shall, at all times, treat members of the public courteously and fairly and shall take all reasonable steps to avoid disputes. In furtherance thereof, each Official Tow Provider shall establish a written procedure for accepting written complaints from members of the public. Written complaints received shall be maintained for no less than one (1) year and shall be available for inspection upon request by a member of the Upland Police Department. These customer service standards shall be in addition to any and all customer service standards as may be adopted by the Upland

Police Department and provided to the Official Tow Provider. Each employee shall be provided a copy of this Tow Policy and Procedures.

18. Complaint files containing officer complaints regarding individual tow companies will be maintained by the Traffic Division. By appointment, these files are subject to viewing by the tow company's owners or his/her designee, only the respective files may be viewed.
19. In addition to towing and storage rates required to be posted, each Official Tow Provider shall also conspicuously post in its business office area open to the public, a copy of this Tow Policy and Procedures and written notice of the procedure to file a written complaint.
20. Response time is defined as "less than twenty five minutes".

STAFF REPORT

ITEM NO. 10.I.

DATE:	October 24, 2022
TO:	MAYOR AND CITY COUNCIL
FROM:	MICHAEL BLAY, CITY MANAGER
PREPARED BY:	STEPHEN PARKER, ASSISTANT CITY MANAGER JESSICA GANDARA, RECREATION MANAGER
SUBJECT:	CONSIDER APPROVAL OF PROCUREMENT OF RESTROOM FIXTURES AT GREENBELT AND MAGNOLIA PARKS

RECOMMENDED ACTION

It is recommended that the City Council approve the procurement of replacement restroom partitions, toilets, urinals, faucets, sinks, and supporting hardware through Thompson Plumbing Supply Inc. not to exceed $60,000.

GOAL STATEMENT

The proposed action supports the City's goal of maintaining first rate parks and recreational facilities, thus enhancing the desirability of the City of Upland as a place to live and strengthen community image.

BACKGROUND

On January 24, 2022, the City Council approved the acceptance of $535,000 in funding from the County of San Bernardino through Supervisor Rutherford's allocation of the Board of Supervisors' Discretionary Fund - District Specific Priorities Program for upgrades to Magnolia Recreation Center and Magnolia and Greenbelt Parks.

ISSUES/ANALYSIS

The Magnolia Recreation Center and Greenbelt Parks were completed in the mid-1980's and the restrooms have had minimal upgrades over the years. The requested partitions and fixtures are part of a larger project to enhance and modernize park restrooms including epoxy flooring.

As a result of an existing blanket P.O., the Upland-based vendor Thompson Plumbing, was contacted to provide initial costs for the projects. Stainless steel toilets, urinals, sinks, etc. have proven to be durable, both in strength and corrosion resistance and the heavy-duty plastic partitions can be easily repaired should they be vandalized, so those specific items were selected due to the high usage of park restrooms.

Thompson's Plumbing's quotes include faucets, sinks, toilets, valves, urinals, partitions, grab bars, drains, and other necessary hardware. For the four (4) restrooms at Magnolia Park, the quoted total is $42,550.62 and for Greenbelt Park's two (2) restrooms is $12,240.37.

As the overall project would exceed $50,000, Staff obtained quotes from multiple vendors per the City of Upland's procurement policy. Five (5) of the most significant and brand-specific (Acorn) items in the overall project were used in the cost comparison:

Item	Quantity	Thompson	Winnelson	Hirsch
1953-1-9-H1 Sink	10	$686.67	$727.06	$772.500
2141-T-3 Toilet	8	$873.33	$1968	$2,040
2158-T-1-.125-FVBO Urinal	5	$850	$900	$956.25
1709HEU Urinal	1	$878.67	$930.35	$988.50
1675 W/M Toilet	3	$913.33	$805.88	$878.21

Based on the results of the comparison of costs for most of the significant expenses in the overall quote, Staff is requesting the approval of the two Thompson Plumbing quotes for $54,790.99 (cost) plus a 10% contingency for a not to exceed $60,000.

FISCAL IMPACTS

Budget already exists in Fund 217 (Other Grants) for this project as a result of Supervisor Rutherford's Discretionary Fund grant approved previously by City Council. No additional appropriations are necessary at this time. There will be no fiscal impact to the General Fund.

ALTERNATIVES

Provide alternative direction to staff.

ATTACHMENTS:

Thompson's Quote - Magnolia Park
Thompson's Quote - Greenbelt Park
Winnelson Quote - Acorn Products
Hirsch Quote - Acorn Products

Thompson Plumbing Supply Inc.
1431 West 9th Street, Unit E
Upland, CA 91786

Phone 909-946-1171
Fax

PRICE QUOTE

Printed 09/22/22 NT

Quoted

CITY OF UPLAND
460 N EUCLID AVE
UPLAND CA 91786-4732
Buyer: MATT SLAGLE
Tel:909-931-4253 Fax:909-931-4237

Ship To

SAME

Quote #	Quote Date	Exp Date	Customer #	Customer P/O #	Ship Via	Writer
Q016100	09/15/2022	09/30/2022	0001861	MAG WEST MENS	WILL CALL	NT
Job ID			Customer Terms		Salesman	
			NET 30		NICK	

Product	Description	UM	Quant	Unit Price	Extension
	********** * **OPEN PO# 060236** * **********				
114.12CPTBE	1 1/4 X 12 CP TBE TAILPIECE	EA	2	9.7976	19.60
3700-6GD	1-1/4 X 6 CP GRID DRAIN 3700-6	EA	2	20.6075	41.22
112CPTT	1 1/2 CP TUBE TRAP-17 GA GROUND JOINT	EA	2	21.33	42.66
38.12.20SSFR	3/8" COMP X 1/2" IP X 20" SS FLEX RISER #B1-20AF	EA	2	4.587	9.17
SR17CPX	LOOSE KEY STOP #SR17CX	EA	2	15.3074	30.61
CH333E2805665PS	CHICAGO SINGLE FAUCET METERING 333-E2805-665PSHAB	EA	2	244.4591	488.92
SP	ACORN 1953-1-9-H1 SINK	EA	2	686.6667	1373.33
SP	ACORN 2141-T-3 TOILET	EA	2	873.3333	1746.67
S111-1.28	SLOAN 111-1.28 FLUSH VALVE	EA	2	161.3115	322.62
SP	ACORN 2158-T-1-.125-FVBO URINA	EA	2	850.00	1700.00
S186-0.125	SLOAN 186-0.125 PINT FLUSH VALVE	EA	2	161.3115	322.62
SP	PARTITION AND URINAL SCREEN	EA	1	5794.0541	5794.05
36GB	1 1/4 X 36 SS GRAB BAR 12536E	EA	2	38.381	76.76
42GB	1 1/4 X 42 SS GRAB BAR 12542E	EA	2	40.8625	81.73

X: _____
(Accepted by)

Sub Total	$12,049.96
Freight	$0.00
Misc Charges	$0.00
Tax Amount	$933.87
Total	**$12,983.83**

MESSAGE

THANK YOU FOR THE OPPORTUNITY TO QUOTE YOUR JOB!!

TERMS

ALL SALES ARE FINAL! PERMISSION TO RETURN ANY GOODS MUST BE MADE WITHIN 3-DAYS.ALL RETURNS SUBJECT TO MINIMUM 25% RESTOCKING FEE.

Thompson Plumbing Supply Inc.
1431 West 9th Street, Unit E
Upland, CA 91786

Phone 909-946-1171
Fax

PRICE QUOTE

Printed 09/22/22 NT

Quoted

CITY OF UPLAND
460 N EUCLID AVE
UPLAND CA 91786-4732
Buyer: MATT SLAGLE
Tel:909-931-4253 Fax:909-931-4237

Ship To

SAME

Quote #	Quote Date	Exp Date	Customer #	Customer PO #	Ship Via	Writer
Q016103	09/15/2022	09/30/2022	0001861	MAG WEST WOMENS	WILL CALL	NT

Job ID	Customer Terms	Salesman
	NET 30	NICK

Product	Description	UM	Quant	Unit Price	Extension
	********** * **OPEN PO# 060236** * **********				
114.12CPTBE	1 1/4 X 12 CP TBE TAILPIECE	EA	2	9.7976	19.60
3700-6GD	1-1/4 X 6 CP GRID DRAIN 3700-6	EA	2	20.6075	41.22
112CPTT	1 1/2 CP TUBE TRAP-17 GA GROUND JOINT	EA	2	21.33	42.66
38.12.20SSFR	3/8" COMP X 1/2" IP X 20" SS FLEX RISER #B1-20AF	EA	2	4.587	9.17
SR17CPX	LOOSE KEY STOP #SR17CX	EA	2	15.3074	30.61
CH333E2805665PS	CHICAGO SINGLE FAUCET METERING 333-E2805-665PSHAB	EA	2	244.4591	488.92
SP	ACORN 1953-1-9-H1 SINK	EA	2	686.6667	1373.33
SP	ACORN 2141-T-3 TOILET	EA	3	873.3333	2620.00
S111-1.28	SLOAN 111-1.28 FLUSH VALVE	EA	3	161.3115	483.93
SP	PARTITION	EA	1	5086.2162	5086.22
24GB	1 1/4 X 24 SS GRAB BAR 12524E	EA	2	30.3415	60.68
36GB	1 1/4 X 36 SS GRAB BAR 12536E	EA	1	38.381	38.38
42GB	1 1/4 X 42 SS GRAB BAR 12542E	EA	3	40.8625	122.59

X: _____
(Accepted by)

Sub Total	$10,417.31
Freight	$0.00
Misc Charges	$0.00
Tax Amount	$807.34
Total	**$11,224.65**

MESSAGE

THANK YOU FOR THE OPPORTUNITY TO QUOTE YOUR JOB!!

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Thompson Plumbing Supply Inc.
1431 West 9th Street, Unit E
Upland, CA 91786

PRICE QUOTE

Phone 909-946-1171
Fax

Printed 09/22/22 NT

Quoted

CITY OF UPLAND
460 N EUCLID AVE
UPLAND CA 91786-4732
Buyer: MATT SLAGLE
Tel:909-931-4253 Fax:909-931-4237

Ship To

SAME

Quote #	Quote Date	Exp Date	Customer #	Customer P/O #	Ship Via	Writer
Q016085	09/14/2022	09/29/2022	0001861	MAG EAST MENS		NT

Job ID	Customer Terms	Salesman
	NET 30	NICK

Product	Description	UM	Quant	Unit Price	Extension
	********** * **OPEN PO# 060236** * **********				
114.12CPTBE	1 1/4 X 12 CP TBE TAILPIECE	EA	2	9.7976	19.60
3700-6GD	1-1/4 X 6 CP GRID DRAIN 3700-6	EA	2	20.6075	41.22
112CPTT	1 1/2 CP TUBE TRAP-17 GA GROUND JOINT	EA	2	21.33	42.66
38.12.20SSFR	3/8" COMP X 1/2" IP X 20" SS FLEX RISER #B1-20AF	EA	2	4.587	9.17
SR17CPX	LOOSE KEY STOP #SR17CX	EA	2	15.3074	30.61
CH333E2805665PS	CHICAGO SINGLE FAUCET METERING 333-E2805-665PSHAB	EA	2	244.4591	488.92
SP	ACORN 1953-1-9-H1 SINK	EA	2	686.6667	1373.33
SP	ACORN 2141-T-3 TOILET	EA	1	873.3333	873.33
S111-1.28	SLOAN 111-1.28 FLUSH VALVE	EA	1	161.3115	161.31
SP	ACORN 2158-T-1-0.125-FVBO URIN	EA	2	850.00	1700.00
S186-0.125	SLOAN 186-0.125 PINT FLUSH VALVE	EA	2	161.3115	322.62
SP	PARTITION AND URINAL SCREENS	EA	1	3076.2162	3076.22
36GB	1 1/4 X 36 SS GRAB BAR 12536E	EA	1	38.381	38.38
42GB	1 1/4 X 42 SS GRAB BAR 12542E	EA	1	40.8625	40.86

X: _____
(Accepted by)

Sub Total	$8,218.23
Freight	$0.00
Misc Charges	$0.00
Tax Amount	$636.91
Total	**$8,855.14**

MESSAGE

THANK YOU FOR THE OPPORTUNITY TO QUOTE YOUR JOB!!

TERMS

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Thompson Plumbing Supply Inc.
1431 West 9th Street, Unit E
Upland, CA 91786

PRICE QUOTE

Phone 909-946-1171
Fax

Printed 09/22/22 NT

Quoted

CITY OF UPLAND
460 N EUCLID AVE
UPLAND CA 91786-4732
Buyer: MATT SLAGLE
Tel:909-931-4253 Fax:909-931-4237

Ship To

SAME

Quote #	Quote Date	Exp Date	Customer #	Customer P/O #	Ship Via	Writer
Q016099	09/15/2022	09/30/2022	0001861	MAG EAST WOMENS	WILL CALL	NT

Job ID	Customer Terms	Salesman
	NET 30	NICK

Product	Description	UM	Quant	Unit Price	Extension
	********** * **OPEN PO# 060236** * **********				
114.12CPTBE	1 1/4 X 12 CP TBE TAILPIECE	EA	2	9.7976	19.60
3700-6GD	1-1/4 X 6 CP GRID DRAIN 3700-6	EA	2	20.6075	41.22
112CPTT	1 1/2 CP TUBE TRAP-17 GA GROUND JOINT	EA	2	21.33	42.66
38.12.20SSFR	3/8" COMP X 1/2" IP X 20" SS FLEX RISER #B1-20AF	EA	2	4.587	9.17
SR17CPX	LOOSE KEY STOP #SR17CX	EA	2	15.3074	30.61
CH333E2805665PS	CHICAGO SINGLE FAUCET METERING 333-E2805-665PSHAB	EA	2	244.4591	488.92
SP	ACORN 1953-1-9-H1 SINK	EA	2	686.6667	1373.33
SP	ACORN 2141-T-3 TOILET	EA	2	873.3333	1746.67
S111-1.28	SLOAN 111-1.28 FLUSH VALVE	EA	2	161.3115	322.62
SP	PARTITION	EA	1	4571.3514	4571.35
42GB	1 1/4 X 42 SS GRAB BAR 12542E	EA	2	40.8625	81.73
36GB	1 1/4 X 36 SS GRAB BAR 12536E	EA	2	38.381	76.76

X: _____
(Accepted by)

Sub Total	$8,804.64
Freight	$0.00
Misc Charges	$0.00
Tax Amount	$682.36
Total	**$9,487.00**

MESSAGE

THANK YOU FOR THE OPPORTUNITY TO QUOTE YOUR JOB!!

TERMS

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Thompson Plumbing Supply Inc.
1431 West 9th Street, Unit E
Upland, CA 91786

PRICE QUOTE

Phone 909-946-1171
Fax

Printed 09/22/22 NT

Quoted

CITY OF UPLAND
460 N EUCLID AVE
UPLAND CA 91786-4732
Buyer: MATT SLAGLE
Tel:909-931-4253 Fax:909-931-4237

Ship To

SAME

Quote #	Quote Date	Exp Date	Customer #	Customer P/O #	Ship Via	Writer
Q016105	09/15/2022	09/30/2022	0001861	GREENBELT MENS	WILL CALL	NT

Job ID	Customer Terms	Salesman
	NET 30	NICK

Product	Description	UM	Quant	Unit Price	Extension
	********** * **OPEN PO# 060236** * **********				
114.12CPTBE	1 1/4 X 12 CP TBE TAILPIECE	EA	1	9.7976	9.80
3700-6GD	1-1/4 X 6 CP GRID DRAIN 3700-6	EA	1	20.6075	20.61
112CPTT	1 1/2 CP TUBE TRAP-17 GA GROUND JOINT	EA	1	21.33	21.33
38.12.20SSFR	3/8" COMP X 1/2" IP X 20" SS FLEX RISER #B1-20AF	EA	1	4.587	4.59
SR17CPX	LOOSE KEY STOP #SR17CX	EA	1	15.3074	15.31
CH333E2805665PS	CHICAGO SINGLE FAUCET METERING 333-E2805-665PSHAB	EA	1	244.4591	244.46
SP	ACORN 1953-1-9-H1 SINK	EA	1	686.6667	686.67
SP	ACORN 1709HEU URINAL	EA	1	878.6667	878.67
SP	SLOAN 955 URINAL FLUSH VALVE	EA	1	359.6267	359.63
SP	ACORN 1675 W/M TOILET	EA	1	913.3333	913.33
SP	SLOAN 952 TOILET FLUSH VALVE	EA	1	370.2133	370.21
36GB	1 1/4 X 36 SS GRAB BAR 12536E	EA	1	38.381	38.38
42GB	1 1/4 X 42 SS GRAB BAR 12542E	EA	1	40.8625	40.86
SP	PARTITIONS	EA	1	1371.8919	1371.89

X: _____
(Accepted by)

Sub Total	$4,975.74	
Freight	$0.00	Total
Misc Charges	$0.00	
Tax Amount	$385.62	$5,361.36

MESSAGE

THANK YOU FOR THE OPPORTUNITY TO QUOTE YOUR JOB!!

TERMS

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Thompson Plumbing Supply Inc.
1431 West 9th Street, Unit E
Upland, CA 91786

PRICE QUOTE

Phone 909-946-1171
Fax

Printed 09/22/22 NT

Quoted

CITY OF UPLAND
460 N EUCLID AVE
UPLAND CA 91786-4732
Buyer: MATT SLAGLE
Tel:909-931-4253 Fax:909-931-4237

Ship To

SAME

Quote #	Quote Date	Exp Date	Customer #	Customer P/O #	Ship Via	Writer
Q016106	09/15/2022	09/30/2022	0001861	GREENBELT WOMENS	WILL CALL	NT

Job ID	Customer Terms	Salesman
	NET 30	NICK

Product	Description	UM	Quant	Unit Price	Extension
	**********				
	* **OPEN PO# 060236** *				
	**********				
114.12CPTBE	1 1/4 X 12 CP TBE TAILPIECE	EA	1	9.7976	9.80
3700-6GD	1-1/4 X 6 CP GRID DRAIN 3700-6	EA	1	20.6075	20.61
112CPTT	1 1/2 CP TUBE TRAP-17 GA GROUND JOINT	EA	1	21.33	21.33
38.12.36SSFR	3/8" COMP X 1/2" IP X 36" SS FLEX RISER #B1-36AF	EA	1	13.2512	13.25
SR17CPX	LOOSE KEY STOP #SR17CX	EA	1	15.3074	15.31
CH333E2805665PS	CHICAGO SINGLE FAUCET METERING 333-E2805-665PSHAB	EA	1	244.4591	244.46
SP	ACORN 1953-1-9-H1 SINK	EA	1	686.6667	686.67
SP	ACORN 1675 W/M TOILET	EA	2	913.3333	1826.67
SP	SLOAN 952 TOILET FLUSH VALVE	EA	2	370.2133	740.43
30GB	1 1/4 X 30 SS GRAB BAR 12530E	EA	1	33.432	33.43
36GB	1 1/4 X 36 SS GRAB BAR 12536E	EA	1	38.381	38.38
42GB	1 1/4 X 42 SS GRAB BAR 12542E	EA	2	40.8625	81.73
SP	PARTITIONS	EA	1	2652.1622	2652.16

X: _____
(Accepted by)

Sub Total	$6,384.23
Freight	$0.00
Misc Charges	$0.00
Tax Amount	$494.78
Total	**$6,879.01**

MESSAGE

THANK YOU FOR THE OPPORTUNITY TO QUOTE YOUR JOB!!

TERMS

ALL SALES ARE FINAL! PERMISSION TO RETURN ANY GOODS MUST BE MADE WITHIN 3-DAYS.ALL RETURNS SUBJECT TO MINIMUM 25% RESTOCKING FEE.

ONTARIO Winnelson COMPANY

9190 HYSSOP DR
RANCHO CUCAMONGA, CA 91730-6100

PHONE (909) 373-9200
FAX (909) 373-9205

Job Name
City Of Upland

Quote No.	Date	Page
0037573	10/04/22	1
Expiration Date		11/03/22
Revised Date		10/04/22
Bid Due Date		10/04/22

Quoted To Customer

CASH SALE ACCOUNT
9190 HYSSOP DR
*****ALL SALES ARE FINAL*****
RANCHO CUCAMONGA, CA 91730-6100

Phone (909) 111-1111
Fax (909) 941-7114

Quoted By

JOE MORENO
JRMORENO@WINNELSON.COM
(909) 717-8666

Customer	Payment Terms	Quoted To	Salesperson	FOB
000300	CASH BEFORE DELIVERY	.	JOSEPH MORENO	S

Line	Qty.	Description	Unit Price	UOM	Extended Price
1.0	2	1953-1-9-H1 SINK	727.0588		1454.12
2.0	2	2158-T-1-.125-FVBO URINAL	900.0000		1800.00
3.0	2	2141-T-3 TOILET	1968.0000		3936.00
4.0	1	1709HEU URINAL	930.3529		930.35
5.0	1	1675 W/M TOILET PRICES HAVE NO OPTIONS FYI	805.8823		805.88

Tax Area Id		
050719898	Net Sales	8,926.35
	Freight	.00
	Tax	691.79
	Quotation Total	9,618.14

HIRSCH®
PIPE & SUPPLY
Hirsch has it...
SINCE 1933

9004 Benson Avenue
Montclair, CA 91763
909.622.1084 ~ 909.623.1176 fax
www.hirsch.com

Price Quotation

Quote # :	852585
Quote Date :	10/03/2022
Exp. Date :	10/13/2022
Printed :	10/03/2022 15:44:11
Warehouse :	12
Page :	1 of 1

Quoted To: $PO15 22772

PREFERRED CASH CUSTOMER-POM
POMONA
9004 BENSON AVE
MONTCLAIR, CA 91763

Shipped To: $PO15 22772

PREFERRED CASH CUSTOMER-POM
POMONA
9004 BENSON AVE
MONTCLAIR, CA 91763

Sales Associate	Salesperson Email
Mark A Martinez	mmartinez@hirsch.com

Notes CITY OF UPLAND

Line	Quant		Description		Net Price	UM	Ext Price
1	2	40203	**1953-1-9-H1 SINK**	(40203)	772.500	EA	1,545.00
2	2	40204	**2158-T-1-.125-FVBO URINAL**	(40204)	956.250	EA	1,912.50
3	2	40206	**NSACOR 2141-T-3 TOILET**	(40206)	2,040.000	EA	4,080.00
4	1	40207	**1709HEU URINAL**	(40207)	988.500	EA	988.50
5	1	40208	**1675 W/M TOILET**	(40208)	878.205	EA	878.21
6			**ACORN BID**				
7			**THESE ARE JUST BASE UNITS**				

***Prices are subject to change without notice.
***This quotation may not include all applicable taxes and freight charges.

Subtotal	9404.21
S & H	0.00
Tax	846.38
Total	**10250.59**

STAFF REPORT

ITEM NO. 10.J.

DATE:	October 24, 2022
TO:	MAYOR AND CITY COUNCIL
FROM:	MICHAEL BLAY, CITY MANAGER
PREPARED BY:	BRADEN YU, PUBLIC WORKS DIRECTOR/CITY ENGINEER JOHN ROBLES, ACTING UTILITIES MANAGER
SUBJECT:	MAINTENANCE SERVICES AGREEMENT FOR THE REHABILITATION OF CITY WELL 1A

RECOMMENDED ACTION

It is recommended that the City Council award a Maintenance Services Agreement to General Pump Company Inc. for the rehabilitation of City Well 1A in the amount of $125,105; approve a contingency amount of $24,895 for a total amount of $150,000; authorize the City Manager to execute the agreement and all extensions: and approve a budget adjustment of $150,000 to cover the cost of this project.

GOAL STATEMENT

The proposed action supports the City's goal to properly maintain, renew, or replace assets to ensures that the City's infrastructure is effectively and efficiently operating.

BACKGROUND

City Well 1A produces drinking water from the City's Six Basin production rights and can produce up to 850 gallons per minute (gpm) to the City's northernmost reservoir (Reservoir 2). When the San Antonio Canyon Water Treatment Plant is not running, it is the sole source of chlorination to Reservoir 2. If this well and the treatment plant are not running, treatment staff must manually inject chlorine into Reservoir 2. Recently the well has failed and will not start.

ISSUES/ANALYSIS

On September 21, 2022, the City solicited bids for the Rehabilitation of City Well 1A and sent bid proposals to three vendors. Work to be done includes removal and repair of the existing

pump; refurbish or replace the well column, tube, and shaft; clean the well hole and casing; replace the existing motor; perform a pre and post video inspection and disinfection.

On October 5, 2022, the City received and opened one (1) bid proposal (see bid results as listed below).

Company Name	**Bid Amount**
General Pump Company, Inc.	$125,105
Layne Christensen	Did not respond
Tri County Pump Company	Did not respond

The City has reviewed the bid information and confirmed that General Pump Company Inc., is the lowest responsible and responsive bidder.

FISCAL IMPACTS

This work was not budgeted in FY 2022/23. As an alternative to funding this project with fund balance, Staff is requesting the reduction of the following CIP projects, with their budget being transferred to City Well 1A rehabilitation project 640-7500-XXXX-91026:

1. $50,000 from CIP Project for Waste to Drain Discharge Lines Project 640-9052; and
2. $100,000 from CIP Project for PRV Station project number 640-9087.

Estimated Project Costs	
Basic Amount	$125,105
Contingency	$24,895
Total Contract Amount	$**150,000**

ALTERNATIVES

Provide alternative direction to staff.

ATTACHMENTS:

Agreement

CITY OF UPLAND
MAINTENANCE SERVICES AGREEMENT

1. PARTIES AND DATE.

This Agreement is made and entered into this 24th day of October, 2022 by and between the City of Upland, a general law city and municipal corporation organized under the laws of the State of California with its principal place of business at 460 N. Euclid Avenue, Upland, CA 91786 ("City") and General Pump Company, Inc., a California Corporation with its principal place of business at 159 N Acacia St, San Dimas, CA 91773 ("Contractor"). City and Contractor are sometimes individually referred to as "Party" and collectively as "Parties" in this Agreement.

2. RECITALS.

2.1 Contractor.

Contractor desires to perform and assume responsibility for the provision of certain maintenance services required by the City on the terms and conditions set forth in this Agreement. Contractor represents that it is experienced in providing well rehabilitation services to public clients, that it and its employees or subcontractors have all necessary licenses and permits to perform the Services in the State of California, and that is familiar with the plans of City. Contractor shall not subcontract any portion of the work required by this Agreement, except as expressly stated herein, without prior written approval of City. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement.

2.2 Project.

City desires to engage Contractor to render such services for the City Well 1A Rehabilitation project ("Project") as set forth in this Agreement.

3. TERMS.

3.1 Scope of Services and Term.

3.1.1 General Scope of Services. Contractor promises and agrees to furnish to the City all labor, materials, tools, equipment, services, and incidental and customary work necessary to fully and adequately supply the professional well maintenance services necessary for the Project ("Services"). The Services are more particularly described in Exhibit "A" attached hereto and incorporated herein by reference. All Services shall be subject to, and performed in accordance with, this Agreement, the exhibits attached hereto and incorporated herein by reference, and all applicable local, state and federal laws, rules and regulations.

3.1.2 Term. The term of this Agreement shall be from October 24, 2022**,** to October 24, 2023, unless earlier terminated as provided herein. Contractor shall complete the Services within the term of this Agreement, and shall meet any other established schedules and deadlines. The Parties may, by mutual, written consent, extend the term of this Agreement if necessary to complete the Services.

3.2 Responsibilities of Contractor.

3.2.1 Control and Payment of Subordinates; Independent Contractor. The Services shall be performed by Contractor or under its supervision. Contractor will determine the means, methods and details of performing the Services subject to the requirements of this Agreement. City retains Contractor on an independent contractor basis and not as an employee. Contractor retains the right to perform similar or different services for others during the term of this Agreement. Any additional personnel performing the Services under this Agreement on behalf of Contractor shall also not be employees of City and shall at all times be under Contractor's exclusive direction and control. Contractor shall pay all wages, salaries, and other amounts due such personnel in connection with their performance of Services under this Agreement and as required by law. Contractor shall be responsible for all reports and obligations respecting such additional personnel, including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation insurance

3.2.1.1 PERS Eligibility Indemnification. In the event that Contractor or any employee, agent, or subcontractor of Contractor providing services under this Agreement claims or is determined by a court of competent jurisdiction or the California Public Employees Retirement System ("PERS") to be eligible for enrollment in PERS as an employee of the City, Contractor shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Contractor or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

Notwithstanding any other agency, state or federal policy, rule, regulation, law or ordinance to the contrary, Contractor and any of its employees, agents, and subcontractors providing service under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in PERS as an employee of City and entitlement to any contribution to be paid by City for employer contribution and/or employee contributions for PERS benefits.

3.2.2 Schedule of Services. Contractor shall perform the Services expeditiously, within the term of this Agreement, and in accordance with the Schedule of Services set forth in Exhibit "B" attached hereto and incorporated herein by reference. Contractor represents that it has the professional and technical personnel required to perform the Services in conformance with such conditions. In order to facilitate Contractor's conformance with the Schedule, City shall respond to Contractor's submittals in a timely manner. Upon request of City, Contractor shall provide a more detailed schedule of anticipated performance to meet the Schedule of Services.

3.2.3 Conformance to Applicable Requirements. All work prepared by Contractor shall be subject to the approval of City.

3.2.4 City's Representative. The City hereby designates Braden Yu, PublicWorks Director, or his or her designee, to act as its representative for the performance of this Agreement ("City's Representative"). City's Representative shall have the power to act on behalf of the City for all purposes under this Agreement. Contractor shall not accept direction or orders from any person other than the City's Representative or his or her designee.

3.2.5 Contractor's Representative. Contractor hereby designates Thomas Nanchy, Senior Project Manager, or his or her designee, to act as its representative for the performance of this Agreement ("Contractor's Representative"). Contractor's Representative shall have full authority to represent and act on behalf of the Contractor for all purposes under this Agreement. The Contractor's Representative shall supervise and direct the Services, using his or her best skill and attention, and shall be responsible for all means, methods, techniques, sequences and procedures and for the satisfactory coordination of all portions of the Services under this Agreement.

3.2.6 Coordination of Services. Contractor agrees to work closely with City staff in the performance of Services and shall be available to City's staff, consultants and other staff at all reasonable times.

3.2.7 Standard of Care; Performance of Employees. Contractor shall perform all Services under this Agreement in a skillful and competent manner, consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California. Contractor represents and maintains that it is skilled in the professional calling necessary to perform the Services. Contractor warrants that all employees and subcontractors shall have sufficient skill and experience to perform the Services assigned to them. Finally, Contractor represents that it, its employees and subcontractors have all licenses, permits, qualifications and approvals of whatever nature that are legally required to perform the Services, including a City Business License, and that such licenses and approvals shall be maintained throughout the term of this Agreement. As provided for in the indemnification provisions of this Agreement, Contractor shall perform, at its own cost and expense and without reimbursement from the City, any services necessary to correct errors or omissions which are caused by the Contractor's failure to comply with the standard of care provided for herein. Any employee of the Contractor or its sub-contractors who is determined by the City to be uncooperative, incompetent, a threat to the adequate or timely completion of the Project, a threat to the safety of persons or property, or any employee who fails or refuses to perform the Services in a manner acceptable to the City, shall be promptly removed from the Project by the Contractor and shall not be re-employed to perform any of the Services or to work on the Project.

3.2.8 Period of Performance. Contractor shall perform and complete all Services under this Agreement within the term set forth in Section 3.1.2 above ("Performance Time"). Contractor shall perform the Services in strict accordance with any completion schedule or Project milestones described in Exhibits "A" or "B" attached hereto, or which may be provided separately in writing to the Contractor. Contractor agrees that if the Services are not completed within the aforementioned Performance Time and/or pursuant to any such completion schedule or Project milestones developed pursuant to provisions of this Agreement, it is understood, acknowledged and agreed that the City will suffer damage.

3.2.9 Disputes. Should any dispute arise respecting the true value of any work done, of any work omitted, or of any extra work which Contractor may be required to do, or respecting the size of any payment to Contractor during the performance of this Contract, Contractor shall continue to perform the Work while said dispute is decided by the City. If Contractor disputes the City's decision, Contractor shall have such remedies as may be provided by law.

3.2.10 Laws and Regulations; Employee/Labor Certifications. Contractor shall keep itself fully informed of and in compliance with all local, state and federal laws, rules and regulations in any manner affecting the performance of the Project or the Services, including all

Cal/OSHA requirements, and shall give all notices required by law. Contractor shall be liable for all violations of such laws and regulations in connection with Services. If the Contractor performs any work knowing it to be contrary to such laws, rules and regulations and without giving written notice to the City, Contractor shall be solely responsible for all costs arising therefrom. City is a public entity of the State of California subject to certain provisions of the Health & Safety Code, Government Code, Public Contract Code, and Labor Code of the State. It is stipulated and agreed that all provisions of the law applicable to the public contracts of a municipality are a part of this Agreement to the same extent as though set forth herein and will be complied with. These include but are not limited to the payment of prevailing wages, the stipulation that eight (8) hours' labor shall constitute a legal day's work and that no worker shall be permitted to work in excess of eight (8) hours during any one calendar day except as permitted by law. Contractor shall defend, indemnify and hold City, its officials, directors, officers, employees and agents free and harmless, pursuant to the indemnification provisions of this Agreement, from any claim or liability arising out of any failure or alleged failure to comply with such laws, rules or regulations.

3.2.10.1 Employment Eligibility; Contractor. By executing this Agreement, Contractor verifies that it fully complies with all requirements and restrictions of state and federal law respecting the employment of undocumented aliens, including, but not limited to, the Immigration Reform and Control Act of 1986, as may be amended from time to time. Such requirements and restrictions include, but are not limited to, examination and retention of documentation confirming the identity and immigration status of each employee of the Contractor. Contractor also verifies that it has not committed a violation of any such law within the five (5) years immediately preceding the date of execution of this Agreement, and shall not violate any such law at any time during the term of the Agreement. Contractor shall avoid any violation of any such law during the term of this Agreement by participating in an electronic verification of work authorization program operated by the United States Department of Homeland Security, by participating in an equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, or by some other legally acceptable method. Contractor shall maintain records of each such verification, and shall make them available to the City or its representatives for inspection and copy at any time during normal business hours. The City shall not be responsible for any costs or expenses related to Contractor's compliance with the requirements provided for in Section 3.2.10 or any of its sub-sections.

3.2.10.2 Employment Eligibility; Subcontractors, Sub-subcontractors and Consultants. To the same extent and under the same conditions as Contractor, Contractor shall require all of its subcontractors, sub-subcontractors and consultants performing any work relating to the Project or this Agreement to make the same verifications and comply with all requirements and restrictions provided for in Section 3.2.10.1.

3.2.10.3 Employment Eligibility; Failure to Comply. Each person executing this Agreement on behalf of Contractor verifies that they are a duly authorized officer of Contractor, and understands that any of the following shall be grounds for the City to terminate the Agreement for cause: (1) failure of Contractor or its subcontractors, sub-subcontractors or consultants to meet any of the requirements provided for in Sections 3.2.10.1 or 3.2.10.2; (2) any misrepresentation or material omission concerning compliance with such requirements (including in those verifications provided to the Contractor under Section 3.2.10.2); or (3) failure to immediately remove from the Project any person found not to be in compliance with such requirements.

3.2.10.4 Labor Certification. By its signature hereunder, Contractor certifies that it is aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and agrees to comply with such provisions before commencing the performance of the Services.

3.2.10.5 Equal Opportunity Employment. Contractor represents that it is an equal opportunity employer and it shall not discriminate against any subcontractor, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex or age. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination.

3.2.10.6 Air Quality. Contractor must fully comply with all applicable laws, rules and regulations in furnishing or using equipment and/or providing services, including, but not limited to, emissions limits and permitting requirements imposed by the California Air Resources Board (CARB). Contractor shall specifically be aware of the CARB limits and requirements' application to "portable equipment", which definition is considered by CARB to include any item of equipment with a fuel-powered engine. Contractor shall indemnify City against any fines or penalties imposed by CARB or any other governmental or regulatory agency for violations of applicable laws, rules and/or regulations by Contractor, its subcontractors, or others for whom Contractor is responsible under its indemnity obligations provided for in this Agreement.

3.2.10.7 Water Quality.

(A) Management and Compliance. To the extent applicable, Contractor's Services must account for, and fully comply with, all local, state and federal laws, rules and regulations that may impact water quality compliance, including, without limitation, all applicable provisions of the Federal Water Pollution Control Act (33 U.S.C. §§ 1300); the California Porter-Cologne Water Quality Control Act (Cal Water Code §§ 13000-14950); laws, rules and regulations of the Environmental Protection Agency and the State Water Resources Control Board; the City's ordinances regulating discharges of storm water; and any and all regulations, policies, or permits issued pursuant to any such authority regulating the discharge of pollutants, as that term is used in the Porter-Cologne Water Quality Control Act, to any ground or surface water in the State.

(B) Liability for Non-Compliance. Failure to comply with the laws, regulations and policies described in this Section is a violation of law that may subject Contractor or City to penalties, fines, or additional regulatory requirements. Contractor shall defend, indemnify and hold the City, its directors, officials, officers, employees, volunteers and agents free and harmless, pursuant to the indemnification provisions of this Agreement, from and against any and all fines, penalties, claims or other regulatory requirements imposed as a result of Contractor's non-compliance with the laws, regulations and policies described in this Section, unless such non-compliance is the result of the sole established negligence, willful misconduct or active negligence of the City, its officials, officers, agents, employees or authorized volunteers.

(C) Training. In addition to any other standard of care requirements set forth in this Agreement, Contractor warrants that all employees and subcontractors shall have sufficient skill and experience to perform the Services assigned to them without impacting water quality in violation of the laws, regulations and policies described in this Section. Contractor further warrants that it, its employees and subcontractors will receive adequate training, as determined by City, regarding the requirements of the laws, regulations and policies described in this Section as they may relate to the Services provided under this Agreement. Upon request, City will provide Contractor with a list of training programs that meet the requirements of this paragraph.

3.2.11 Insurance.

3.2.11.1 Time for Compliance. Contractor shall not commence Work under this Agreement until it has provided evidence satisfactory to the City that it has secured all insurance required under this Section. In addition, Contractor shall not allow any subcontractor to commence work on any subcontract until it has provided evidence satisfactory to the City that the subcontractor has secured all insurance required under this Section.

3.2.11.2 Minimum Requirements. Contractor shall, at its expense, procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the Agreement by the Contractor, its agents, representatives, employees or subcontractors. Contractor shall also require all of its subcontractors to procure and maintain the same insurance for the duration of the Agreement. Such insurance shall meet at least the following minimum levels of coverage:

(A) Minimum Scope of Insurance. Coverage shall be at least as broad as the latest version of the following: (1) *General Liability*: Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001); (2) *Automobile Liability*: Insurance Services Office Business Auto Coverage form number CA 0001, code 1 (any auto); and (3) *Workers' Compensation and Employer's Liability*: Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance. The policy shall not contain any exclusion contrary to the Agreement, including but not limited to endorsements or provisions limiting coverage for (1) contractual liability (including but not limited to ISO CG 24 26 or 21 29); or (2) cross liability for claims or suits by one insured against another.

(B) Minimum Limits of Insurance. Contractor shall maintain limits no less than: (1) *General Liability:* $1,000,000 MINIMUM; and $2,000,0000 aggregate per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with general aggregate limit is used including, but not limited to, form CG 2503, either the general aggregate limit shall apply separately to this Agreement/location or the general aggregate limit shall be twice the required occurrence limit; (2) *Automobile Liability:* **:** $1,000,000 MINIMUM per accident for bodily injury and property damage; and (3) *Workers' Compensation and Employer's Liability:* Workers' Compensation limits as required by the Labor Code of the State of California. Employer's Liability limits of **:** $1,000,000 MINIMUM per accident for bodily injury or disease. Defense costs shall be paid in addition to the limits.

(C) Notices; Cancellation or Reduction of Coverage. At least fifteen (15) days prior to the expiration of any such policy, evidence showing that such insurance coverage has been renewed or extended shall be filed with the City. If such coverage is cancelled or materially reduced, Contractor shall, within ten (10) days after receipt of written notice of such

cancellation or reduction of coverage, file with the City evidence of insurance showing that the required insurance has been reinstated or has been provided through another insurance company or companies. In the event any policy of insurance required under this Agreement does not comply with these specifications or is canceled and not replaced, the City has the right but not the duty to obtain the insurance it deems necessary and any premium paid by the City will be promptly reimbursed by Contractor or the City may withhold amounts sufficient to pay premium from Contractor payments. In the alternative, the City may suspend or terminate this Agreement.

(D) Additional Insured. The City of Upland, its directors, officials, officers, employees, agents, and volunteers shall be named as additional insureds on Contractor's and its subcontractors' policies of commercial general liability and automobile liability insurance using the endorsements and forms specified herein or exact equivalents.

3.2.11.3 Insurance Endorsements. The insurance policies shall contain the following provisions, or Contractor shall provide endorsements on forms supplied or approved by the City to add the following provisions to the insurance policies:

(A) General Liability. The general liability policy shall include or be endorsed (amended) to state that: (1) using ISO CG forms 20 10 and 20 37, or endorsements providing the exact same coverage, the City of Upland, its directors, officials, officers, employees, agents, and volunteers shall be covered as additional insured with respect to the Services or ongoing and complete operations performed by or on behalf of the Contractor, including materials, parts or equipment furnished in connection with such work; and (2) using ISO form 20 01, or endorsements providing the exact same coverage, the insurance coverage shall be primary insurance as respects the City, its directors, officials, officers, employees, agents, and volunteers, or if excess, shall stand in an unbroken chain of coverage excess of the Contractor's scheduled underlying coverage. Any excess insurance shall contain a provision that such coverage shall also apply on a primary and noncontributory basis for the benefit of the City, before the City's own primary insurance or self-insurance shall be called upon to protect it as a named insured. Any insurance or self-insurance maintained by the City, its directors, officials, officers, employees, agents, and volunteers shall be excess of the Contractor's insurance and shall not be called upon to contribute with it in any way. Notwithstanding the minimum limits set forth in Section 3.2.11.2(B), any available insurance proceeds in excess of the specified minimum limits of coverage shall be available to the parties required to be named as additional insureds pursuant to this Section 3.2.11.3(A).

(B) Automobile Liability. The automobile liability policy shall include or be endorsed (amended) to state that: (1) the City, its directors, officials, officers, employees, agents, and volunteers shall be covered as additional insureds with respect to the ownership, operation, maintenance, use, loading or unloading of any auto owned, leased, hired or borrowed by the Contractor or for which the Contractor is responsible; and (2) the insurance coverage shall be primary insurance as respects the City, its directors, officials, officers, employees, agents, and volunteers, or if excess, shall stand in an unbroken chain of coverage excess of the Contractor's scheduled underlying coverage. Any insurance or self-insurance maintained by the City, its directors, officials, officers, employees, agents, and volunteers shall be excess of the Contractor's insurance and shall not be called upon to contribute with it in any way. Notwithstanding the minimum limits set forth in Section 3.2.11.2(B), any available insurance proceeds in excess of the specified minimum limits of coverage shall be available to the parties required to be named as additional insureds pursuant to this Section 3.2.11.3(B).

(C) Workers' Compensation and Employer's Liability Coverage. The insurer shall agree to waive all rights of subrogation against the City, its directors, officials, officers, employees, agents, and volunteers for losses paid under the terms of the insurance policy which arise from work performed by the Contractor.

(D) All Coverages. Each insurance policy required by this Agreement shall be endorsed to state that: (A) coverage shall not be suspended, voided, reduced or canceled except after thirty (30) days (10 days for nonpayment of premium) prior written notice by certified mail, return receipt requested, has been given to the City; and (B) any failure to comply with reporting or other provisions of the policies, including breaches of warranties, shall not affect coverage provided to the City, its directors, officials, officers, employees, agents, and volunteers. Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the City, its officials, officers, employees, agents and volunteers, or any other additional insureds.

3.2.11.4 Separation of Insureds; No Special Limitations; Waiver of Subrogation. All insurance required by this Section shall contain standard separation of insureds provisions. In addition, such insurance shall not contain any special limitations on the scope of protection afforded to the City, its directors, officials, officers, employees, agents, and volunteers. All policies shall waive any right of subrogation of the insurer against the City, its officials, officers, employees, agents, and volunteers, or any other additional insureds, or shall specifically allow Contractor or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. Contractor hereby waives its own right of recovery against City, its officials, officers, employees, agents, and volunteers, or any other additional insureds, and shall require similar written express waivers and insurance clauses from each of its subcontractors.

3.2.11.5 Deductibles and Self-Insurance Retentions. Any deductibles or self-insured retentions must be declared to and approved by the City. Contractor shall guarantee that, at the option of the City, either: (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its directors, officials, officers, employees, agents, and volunteers; or (2) the Contractor shall procure a bond guaranteeing payment of losses and related investigation costs, claims and administrative and defense expenses.

3.2.11.6 Subcontractor Insurance Requirements. Contractor shall not allow any subcontractors to commence work on any subcontract relating to the work under the Agreement until they have provided evidence satisfactory to the City that they have secured all insurance required under this Section. If requested by Contractor, the City may approve different scopes or minimum limits of insurance for particular subcontractors. The Contractor and the City shall be named as additional insureds on all subcontractors' policies of Commercial General Liability using ISO form 20 38, or coverage at least as broad.

3.2.11.7 Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best's rating no less than A:VIII, licensed to do business in California, and satisfactory to the City.

3.2.11.8 Verification of Coverage. Contractor shall furnish City with original certificates of insurance and endorsements effecting coverage required by this Agreement on forms satisfactory to the City. The certificates and endorsements for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf, and shall be on forms provided by the City if requested. All certificates and endorsements must be received

and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, at any time.

3.2.11.9 Reporting of Claims. Contractor shall report to the City, in addition to Contractor's insurer, any and all insurance claims submitted by Contractor in connection with the Services under this Agreement.

3.2.12 Safety. Contractor shall execute and maintain its work so as to avoid injury or damage to any person or property. In carrying out its Services, the Contractor shall at all times be in compliance with all applicable local, state and federal laws, rules and regulations, and shall exercise all necessary precautions for the safety of employees appropriate to the nature of the work and the conditions under which the work is to be performed. Safety precautions as applicable shall include, but shall not be limited to: (A) adequate life protection and lifesaving equipment and procedures; (B) instructions in accident prevention for all employees and subcontractors, such as safe walkways, scaffolds, fall protection ladders, bridges, gang planks, confined space procedures, trenching and shoring, equipment and other safety devices, equipment and wearing apparel as are necessary or lawfully required to prevent accidents or injuries; and (C) adequate facilities for the proper inspection and maintenance of all safety measures.

3.2.13 Bonds.

3.2.13.1 Performance Bond. If required by law or otherwise specifically requested by City in Exhibit "C" attached hereto and incorporated herein by reference, Contractor shall execute and provide to City concurrently with this Agreement a Performance Bond in the amount of the total, not-to-exceed compensation indicated in this Agreement, and in a form provided or approved by the City. If such bond is required, no payment will be made to Contractor until it has been received and approved by the City.

3.2.13.2 Payment Bond. If required by law or otherwise specifically requested by City in Exhibit "C" attached hereto and incorporated herein by reference, Contractor shall execute and provide to City concurrently with this Agreement a Payment Bond in the amount of the total, not-to-exceed compensation indicated in this Agreement, and in a form provided or approved by the City. If such bond is required, no payment will be made to Contractor until it has been received and approved by the City.

3.2.13.3 Bond Provisions. Should, in City's sole opinion, any bond become insufficient or any surety be found to be unsatisfactory, Contractor shall renew or replace the affected bond within 10 days of receiving notice from City. In the event the surety or Contractor intends to reduce or cancel any required bond, at least thirty (30) days prior written notice shall be given to the City, and Contractor shall post acceptable replacement bonds at least ten (10) days prior to expiration of the original bonds. No further payments shall be deemed due or will be made under this Agreement until any replacement bonds required by this Section are accepted by the City. To the extent, if any, that the total compensation is increased in accordance with the Agreement, the Contractor shall, upon request of the City, cause the amount of the bonds to be increased accordingly and shall promptly deliver satisfactory evidence of such increase to the City. To the extent available, the bonds shall further provide that no change or alteration of the Agreement (including, without limitation, an increase in the total compensation, as referred to above), extensions of time, or modifications of the time, terms, or conditions of payment to the Contractor, will release the surety. If the Contractor fails to furnish any required bond, the City may terminate this Agreement for cause.

3.2.13.4 Surety Qualifications. Only bonds executed by an admitted surety insurer, as defined in Code of Civil Procedure Section 995.120, shall be accepted. The surety must be a California-admitted surety with a current A.M. Best's rating no less than A:VIII and satisfactory to the City. If a California-admitted surety insurer issuing bonds does not meet these requirements, the insurer will be considered qualified if it is in conformance with Section 995.660 of the California Code of Civil Procedure, and proof of such is provided to the City.

3.2.14 Accounting Records. Contractor shall maintain complete and accurate records with respect to all costs and expenses incurred under this Agreement. All such records shall be clearly identifiable. Contractor shall allow a representative of City during normal business hours to examine, audit, and make transcripts or copies of such records and any other documents created pursuant to this Agreement. Contractor shall allow inspection of all work, data, documents, proceedings, and activities related to the Agreement for a period of three (3) years from the date of final payment under this Agreement.

3.2.15 Work Site.

3.2.15.1 Inspection Of Site. Contractor shall visit sites where Services are to be performed and shall become acquainted with all conditions affecting the Services prior to commencing the Services. Contractor shall make such examinations as it deems necessary to determine the condition of the work sites, its accessibility to materials, workmen and equipment, and to determine Contractor's ability to protect existing surface and subsurface improvements. No claim for allowances–time or money–will be allowed as to such matters after commencement of the Services.

3.2.15.2 Field Measurements. Contractor shall make field measurements, verify field conditions and shall carefully compare such field measurements and conditions and other information known to Contractor with the Contract Documents, including any plans, specifications, or scope of work before commencing Services. Errors, inconsistencies or omissions discovered shall be reported to the City immediately and prior to performing any Services or altering the condition.

3.2.16 Loss and Damage. Contractor shall be responsible for all loss and damage which may arise out of the nature of the Services agreed to herein, or from the action of the elements, or from any unforeseen difficulties which may arise or be encountered in the prosecution of the Services until the same is fully completed and accepted by City.

3.2.17 Warranty. Contractor warrants all Services under the Contract (which for purposes of this Section shall be deemed to include unauthorized work which has not been removed and any non-conforming materials incorporated into the work) to be of good quality and free from any defective or faulty material and workmanship. Contractor agrees that for a period of one year (or the period of time specified elsewhere in the Contract or in any guarantee or warranty provided by any manufacturer or supplier of equipment or materials incorporated into the work, whichever is later) after the date of final acceptance, Contractor shall within ten (10) days after being notified in writing by the City of any defect in the Services or non-conformance of the Services to the Contract, commence and prosecute with due diligence all Services necessary to fulfill the terms of the warranty at its sole cost and expense. Contractor shall act sooner as requested by the City in response to an emergency. In addition, Contractor shall, at its sole cost and expense, repair and replace any portions of the work (or work of other contractors) damaged by its defective Services or which becomes damaged in the course of repairing or

replacing defective work. For any work so corrected, Contractor's obligation hereunder to correct defective work shall be reinstated for an additional one year period, commencing with the date of acceptance of such corrected work. Contractor shall perform such tests as the City may require to verify that any corrective actions, including, without limitation, redesign, repairs, and replacements comply with the requirements of the Contract. All costs associated with such corrective actions and testing, including the removal, replacement, and reinstitution of equipment and materials necessary to gain access, shall be the sole responsibility of the Contractor. All warranties and guarantees of subcontractors, suppliers and manufacturers with respect to any portion of the work, whether express or implied, are deemed to be obtained by Contractor for the benefit of the City, regardless of whether or not such warranties and guarantees have been transferred or assigned to the City by separate agreement and Contractor agrees to enforce such warranties and guarantees, if necessary, on behalf of the City. In the event that Contractor fails to perform its obligations under this Section, or under any other warranty or guaranty under this Contract, to the reasonable satisfaction of the City, the City shall have the right to correct and replace any defective or non-conforming work and any work damaged by such work or the replacement or correction thereof at Contractor's sole expense. Contractor shall be obligated to fully reimburse the City for any expenses incurred hereunder upon demand.

3.3 Fees and Payments.

3.3.1 Compensation. Contractor shall receive compensation, including authorized reimbursements, for all Services rendered under this Agreement at the rates set forth in Exhibit "C" in the amount of $125,105.00 attached hereto and incorporated herein by reference; and at the City's discretion before including a $24,895.00 contingency, the total compensation shall not exceed $150,000.00 without approval of the City Council or if cost increases are the result of a request for Extra Work. Extra Work may be authorized, as described below.

3.3.2 Payment of Compensation. Contractor shall submit to City a monthly itemized statement which indicates work completed and hours of Services rendered by Contractor. The statement shall describe the amount of Services and supplies provided since the initial commencement date, or since the start of the subsequent billing periods, as appropriate, through the date of the statement. City shall, within 45 days of receiving such statement, review the statement and pay all approved charges thereon.

3.3.3 Deductions. City may deduct or withhold, as applicable, from each progress payment an amount necessary to protect City from loss because of: (1) stop payment notices as allowed by state law; (2) unsatisfactory prosecution of the Services by Contractor; (3) sums representing expenses, losses, or damages as determined by the City, incurred by the City for which Contractor is liable under the Agreement; and (4) any other sums which the City is entitled to recover from Contractor under the terms of the Agreement or pursuant to state law, including Section 1727 of the California Labor Code. The failure by the City to deduct any of these sums from a progress payment shall not constitute a waiver of the City's right to such sums.

3.3.4 Reimbursement for Expenses. Contractor shall not be reimbursed for any expenses unless authorized in writing by City.

3.3.5 Extra Work. At any time during the term of this Agreement, City may request that Contractor perform Extra Work. As used herein, "Extra Work" means any work which is determined by City to be necessary for the proper completion of the Project, but which the parties did not reasonably anticipate would be necessary at the execution of this Agreement. The City Manager may approve Extra Work up to ten percent (10%) of the amount of the Agreement

or fifty thousand dollars ($50,000.00). In no event shall the total sum of the agreement (basic compensation amount and Extra Work) exceed fifty thousand dollars ($50,000.00). Any Extra Work in excess of this amount shall be approved by the City Council. Contractor shall not perform, nor be compensated for, Extra Work without written authorization from City's Representative.

3.3.6 Prevailing Wages. Contractor is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects. If the Services are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is $1,000 or more, Contractor agrees to fully comply with such Prevailing Wage Laws. City shall provide Contractor with a copy of the prevailing rates of per diem wages in effect at the commencement of this Contract. Contractor shall make copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the Services available to interested parties upon request, and shall post copies at Contractor's principal place of business and at the project site. Contractor shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. It shall be mandatory upon the Contractor and all subcontractors to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Section 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Section 1771.4.

3.3.7 Registration/DIR Compliance. If the Services are being performed as part of an applicable "public works" or "maintenance" project, and if the total compensation is $15,000 or more, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Contractor and all subcontractors performing such Services must be registered with the Department of Industrial Relations. Contractor shall maintain registration for the duration of the Project and require the same of any subcontractors, as applicable. This Project may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Contractor's sole responsibility to comply with all applicable registration and labor compliance requirements. Notwithstanding the foregoing, the contractor registration requirements mandated by Labor Code Sections 1725.5 and 1771.1 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1725.5 and 1771.1. Any stop orders issued by the Department of Industrial Relations against Contractor or any subcontractor that affect Contractor's performance of Services, including any delay, shall be Contractor's sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Contractor caused delay and shall not be compensable by the City. Contractor shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability arising out of stop orders issued by the Department of Industrial Relations against Contractor or any subcontractor.

3.4 Termination of Agreement.

3.4.1 Grounds for Termination. City may, by written notice to Contractor, terminate the whole or any part of this Agreement at any time and without cause by giving written

notice to Contractor of such termination, and specifying the effective date thereof, at least seven (7) days before the effective date of such termination. Upon termination, Contractor shall be compensated only for those services which have been adequately rendered to City, and Contractor shall be entitled to no further compensation. Contractor may not terminate this Agreement except for cause.

3.4.2 Effect of Termination. If this Agreement is terminated as provided herein, City may require Contractor to provide all finished or unfinished Documents and Data and other information of any kind prepared by Contractor in connection with the performance of Services under this Agreement. Contractor shall be required to provide such document and other information within fifteen (15) days of the request.

3.4.3 Additional Services. In the event this Agreement is terminated in whole or in part as provided herein, City may procure, upon such terms and in such manner as it may determine appropriate, services similar to those terminated.

3.5 General Provisions.

3.5.1 Delivery of Notices. All notices permitted or required under this Agreement shall be given to the respective parties at the following address, or at such other address as the respective parties may provide in writing for this purpose:

Contractor:

General Pump Company
159 N Acacia Street
San Dimas, CA 91773
Attn:

City:

City of Upland
460 N. Euclid Avenue
Upland, CA 91786
Attn: Braden Yu, Public Works Director

With Copy To:
City of Upland
460 N. Euclid Avenue
Upland, CA 91786
Attn: City Attorney

Such notice shall be deemed made when personally delivered or when mailed, forty-eight (48) hours after deposit in the U.S. Mail, first class postage prepaid and addressed to the party at its applicable address. Actual notice shall be deemed adequate notice on the date actual notice occurred, regardless of the method of service.

3.5.2 Indemnification.

3.5.2.1 Scope of Indemnity. To the fullest extent permitted by law, Contractor shall defend, indemnify and hold the City, its officials, employees, agents and volunteers free and harmless from any and all claims, demands, causes of action, suits, actions, proceedings, costs, expenses, liability, judgments, awards, decrees, settlements, loss, damage

or injury of any kind, in law or equity, regardless of whether the allegations are false, fraudulent, or groundless, to property or persons, including wrongful death, (collectively, "Claims") in any manner arising out of, pertaining to, or incident to any alleged acts, errors or omissions, or willful misconduct of Contractor, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Contractor's Services, the Project or this Agreement, including without limitation the payment of all expert witness fees, attorneys' fees and other related costs and expenses. Notwithstanding the foregoing, to the extent required by Civil Code section 2782, Contractor's indemnity obligation shall not apply to liability for damages for death or bodily injury to persons, injury to property, or any other loss, damage or expense which is caused by the the sole or active negligence or willful misconduct of the City or the City's agents, servants, or independent contractors who are directly responsible to the City.

3.5.2.2 Additional Indemnity Obligations. Contractor shall defend, with counsel of City's choosing and at Contractor's own cost, expense and risk, any and all Claims covered by this indemnification section that may be brought or instituted against City or its officials, employees, agents and volunteers. In addition, Contractor shall pay and satisfy any judgment, award or decree that may be rendered against City or its officials, employees, agents and volunteers as part of any such claim, suit, action or other proceeding. Contractor shall also reimburse City for the cost of any settlement paid by City or its officials, employees, agents and volunteers as part of any such claim, suit, action or other proceeding. Such reimbursement shall include payment for City's attorney's fees and costs, including expert witness fees. Contractor shall reimburse City and its officials, employees, agents and volunteers, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Contractor's obligation to indemnify shall survive expiration or termination of this Agreement, and shall not be restricted to insurance proceeds, if any, received by the City, its officials, employees, agents and volunteers.

3.5.3 Governing Law; Government Code Claim Compliance. This Agreement shall be governed by the laws of the State of California. Venue shall be in San Bernardino County, California. In addition to any and all contract requirements pertaining to notices of and requests for compensation or payment for extra work, disputed work, claims and/or changed conditions, Contractor must comply with the claim procedures set forth in Government Code sections 900 et seq. prior to filing any lawsuit against the City. Such Government Code claims and any subsequent lawsuit based upon the Government Code claims shall be limited to those matters that remain unresolved after all procedures pertaining to extra work, disputed work, claims, and/or changed conditions have been followed by Contractor. If no such Government Code claim is submitted, or if any prerequisite contractual requirements are not otherwise satisfied as specified herein, Contractor shall be barred from bringing and maintaining a valid lawsuit against the City.

3.5.4 Time of Essence. Time is of the essence for each and every provision of this Agreement.

3.5.5 City's Right to Employ Other Contractors. City reserves right to employ other contractors in connection with this Project.

3.5.6 Successors and Assigns. This Agreement shall be binding on the successors and assigns of the parties.

3.5.7 Assignment or Transfer. Contractor shall not assign, hypothecate or transfer, either directly or by operation of law, this Agreement or any interest herein without the prior written consent of the City. Any attempt to do so shall be null and void, and any assignees,

hypothecates or transferees shall acquire no right or interest by reason of such attempted assignment, hypothecation or transfer.

3.5.8 Construction; References; Captions. Since the Parties or their agents have participated fully in the preparation of this Agreement, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any Party. Any term referencing time, days or period for performance shall be deemed calendar days and not work days. All references to Contractor include all personnel, employees, agents, and subcontractors of Contractor, except as otherwise specified in this Agreement. All references to City include its officials, officers, employees, agents, and volunteers except as otherwise specified in this Agreement. The captions of the various articles and paragraphs are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content or intent of this Agreement.

3.5.9 Amendment; Modification. No supplement, modification or amendment of this Agreement shall be binding unless executed in writing and signed by both Parties.

3.5.10 Waiver. No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel or otherwise.

3.5.11 No Third Party Beneficiaries. Except to the extent expressly provided for in Section 3.5.7, there are no intended third party beneficiaries of any right or obligation assumed by the Parties.

3.5.12 Invalidity; Severability. If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

3.5.13 Prohibited Interests. Contractor maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Contractor, to solicit or secure this Agreement. Further, Contractor warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Contractor, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. Contractor further agrees to file, or shall cause its employees or subcontractors to file, a Statement of Economic Interest with the City's Filing Officer as required under state law in the performance of the Services. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

3.5.14 Cooperation; Further Acts. The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate or convenient to attain the purposes of this Agreement.

3.5.15 Authority to Enter Agreement. Contractor has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement. Each Party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and bind each respective Party.

3.5.16 Counterparts. This Agreement may be signed in counterparts, each of which shall constitute an original.

3.5.17 Entire Agreement. This Agreement contains the entire Agreement of the parties with respect to the subject matter hereof, and supersedes all prior negotiations, understandings or agreements. This Agreement may only be modified by a writing signed by both parties.

3.5.18 Federal Provisions**.**

[SIGNATURES ON FOLLOWING PAGE]

SIGNATURE PAGE FOR
MAINTENANCE SERVICES AGREEMENT
BETWEEN THE CITY OF UPLAND
AND GENERAL PUMP COMPANY INC.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date first written above.

CITY OF UPLAND

APPROVED BY:

_____
Michael Blay,
City Manager

ATTESTED BY:

_____
Keri Johnson,
City Clerk

APPROVED AS TO FORM:

_____
Best Best & Krieger LLP
City Attorney

GENERAL PUMP COMPANY INC.

By: _____

Its: _____

Printed
Name: _____

By: _____

Its: _____

Printed
Name: _____

_____
Contractor's License Number

_____
DIR Registration Number

EXHIBIT A

SCOPE OF SERVICES

General Pump Company will perform the following items:

- Removal of the existing pump equipment from the well, transportation of all materials to the repair facility, disassembly and inspection of pump equipment, and video survey of the well.
- Furnish, install, or repair all materials on the attached as built.
- Brush, bail, dual swab airlift, and a post video survey.
- Furnish and install the well pump and install new motor.

EXHIBIT B

SCHEDULE OF SERVICES

N/A

EXHIBIT C

COMPENSATION

ITEM NO	ITEM DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	SUBTOTAL
1	Mobilization, Demobilization, Public Convenience & Safety	1	LS	$ 24,100.00	$ 24,100.00
2	Removal of existing pump equipment from the well, transportation of all materials to the repair facility, disassembly, and inspection of pump equipment.	1	LS	$ 6,580.00	$ 6,580.00
3A	Furnish, install, or repair all materials on the attached as-built	1	LS	$ 24,750.00	$ 24,750.00
3B	Column, Tube, and Shaft: refurbished (based on per section)	180	FT	$ 15.00	$ 2,700.00
3C	Column, Tube, and Shaft: replace if necessary (based on per section)	180	FT	$ 65.00	$ 11,700.00
4A	Brush and bail (based on 16-hrs) this will help determine a per hour rate.	1	LS	$ 7,200.00	$ 7,200.00
4B	Dual swab airlift (based on 8-hrs) this will help determine a per hour rate	1	LS	$ 4,600.00	$ 4,600.00
5	Furnish and install the well pump (see attached as-built and pump curve).	1	LS	$ 6,900.00	$ 6,900.00
6	Furnish and install new motor, to include 200 FT of submersible cable, 2 splice kits, and watertight shop constructed splices (see attached motor specifications).	1	LS	$ 31,875.00	$ 31,875.00
7	Pre and Post Cleaning Video and Inspection	1	LS	$ 2,300.00	$ 2,300.00
8	Disinfect Well (simple chlorination)	1	LS	$ 650.00	$ 650.00
9	Record Drawings, warranty documents and Operation and Maintenance Manuals	1	LS	$ 250.00	$ 250.00
10	Bonding	1	LS	$ 1,500.00	$ 1,500.00
				Total Bid	**$ 125,105.00**

Total Bid (in Words): One Hundred Twenty-Five Thousand One Hundred and Five Dollars / Zero Cents

STAFF REPORT

ITEM NO. 10.K.

DATE:	October 24, 2022
TO:	MAYOR AND CITY COUNCIL
FROM:	MICHAEL BLAY, CITY MANAGER
PREPARED BY:	BRADEN YU, PUBLIC WORKS DIRECTOR JOHN ROBLES, ACTING UTILITIES MANAGER
SUBJECT:	FIRST AMENDMENT TO AGREEMENT WITH GENERAL PUMP COMPANY

RECOMMENDED ACTION

It is recommended that the City Council approve the first amendment to General Pump Company Inc.'s Maintenance Service Agreement for the rehabilitation of City Well 7A for an additional amount of $102,040 for a new total contract amount of $292,040; authorize the City Manager to execute the amendment; and approve a budget adjustment of $102,040 to cover the additional contract amount.

GOAL STATEMENT

The proposed action supports the City's goal to maintain asset protection and management that ensures the infrastructure is effectively renewed, replaced, and maintained.

BACKGROUND

City Well 7A provides approximately 1,100 gallons per minute (gpm) of drinking water to the City's southernmost zone. Recently the well exhibited excessive vibration and production was severely reduced to approximately 400 gpm. Consequently, staff ceased operation of the well to prevent further damage.

On June 27, 2022, the City Council awarded a Maintenance Service Agreement to General Pump Company for the rehabilitation of City Well 7A.

ISSUES/ANALYSIS

After the teardown and inspection of the pump equipment, it was discovered that required repairs are much more extensive than originally anticipated. The column, tube, and shaft will need to be replaced along with the bowl assembly. In order to complete all the necessary repairs and replace all the well material, the Contractor estimates that an additional $102,040 is required to complete the rehabilitation.

Staff recommends amending the General Pump's Maintenance Service Agreement for the rehabilitation of City Well 7A to increase the contract amount an additional $102,040.

FISCAL IMPACTS

With the additional efforts on this project, it is now considered a capital project. As an alternative to funding the project with fund balance, Staff is requesting the reduction of $102,040 from CIP Project 640-9148 (New Chino Basin Well), with its budget being transferred to the City Well 7A Rehabilitation project 640-7500-XXXX-91030.

ALTERNATIVES

Provide alternative direction to staff.

ATTACHMENTS:

Amendment No. 1 to Agreement
Exhibit A to Amendment
Original Agreement

FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR CITY WELL 7A REHABILITATION WITH GENERAL PUMP COMPANY, INC.

THIS FIRST AMENDMENT TO AGREEMENT is made and effective as of October 24, 2022, between the City of Upland, a municipal corporation ("City") and General Pump Company, Inc., a California corporation ("Contractor"). City and Contractor are sometimes referred to herein individually as a "Party" and collectively as "Parties".

RECITALS

A. WHEREAS, the Parties entered into a professional services agreement, dated June 27, 2022, for City Well 7A Rehabilitation (the "Original Agreement"); and

B. WHEREAS, the Parties now desire to enter into an amendment to the Original Agreement in order to include additional funds for the continued performance of the services.

NOW THEREFORE, in consideration of the mutual promises and undertakings of the Parties hereinafter set forth, the Parties to this First Amendment mutually agree as follows:

AMENDMENT

1. Incorporation of Recitals. The recitals listed above are true and correct and are hereby incorporated herein by this reference.

2. Amendment to Section 2. - 2.1 Contractor. Section 2.1 – Contractor of the Original Agreement shall be amended to read as follows:

"Contractor desires to perform and assume responsibility for the provision of certain maintenance services required by the City on the terms and conditions set forth in this Agreement. Contractor represents that it is experienced in providing well rehabilitation services to public clients, that it and its employees or subcontractors have all necessary licenses and permits to perform the Services in the State of California, and that it is familiar with the plans of City. Contractor shall not subcontract any portion of the work required by this Agreement, except as expressly stated herein, without prior written approval of City. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement."

3. Amendment to Section 3. - 3.1.1 General Scope of Services. Section 3.1.1 - General Scope of Services of the Original Agreement shall be amended to read as follows:

"3.1.1 General Scope of Services. Contractor promises and agrees to furnish to the City all labor, materials, tools, equipment, services, and incidental and customary work necessary to fully and adequately supply the professional well rehabilitation maintenance services necessary for the Project ("Services"). The Services are more particularly described in Exhibit "A" attached hereto and incorporated herein by reference. All Services shall be subject to, and performed in accordance with, this Agreement, the exhibits attached hereto and incorporated herein by reference, and all applicable local, state and federal laws, rules and regulations.

a. In consideration for the additional work as described in this First Amendment, Contractor promises and agrees to furnish to the City all labor, materials, tools, equipment, services, and incidental and customary work necessary to fully and adequately supply the additional professional well rehabilitation maintenance services necessary for the Project ("Amendment 1 Services"). The Amendment 1 Services are more particularly described in Exhibit "A-1" attached hereto and incorporated herein by reference. All Services shall be subject to, and performed in accordance with, this Amended Agreement, the exhibits attached hereto and incorporated herein by reference, and all applicable local, state and federal laws, rules and regulations."

4. Amendment to Section 3. - 3.3.1 Compensation. Section 3.3.1 - Payment of the Original Agreement shall be amended to read as follows:

"3.3.1 Compensation.

a. In consideration for the additional costs as described in this First Amendment, City shall pay Consultant an additional One Hundred Two Thousand Forty Dollars ($102,040.00), bringing the total not-to-exceed amount of compensation under the Agreement to Two Hundred Ninety-Two Thousand Forty Dollars ($292,040.00). Except as expressly amended by the terms of this Amendment, all terms and provisions of the Agreement shall remain in full force and effect.

b. Contractor shall not be compensated for any services rendered in connection with its performance of this Agreement which are in addition to those set forth herein, unless such additional services are authorized in advance and in writing by the City Manager. Contractor shall be compensated for any additional services in the amounts and in the manner as agreed to by City Manager and Contractor at the time City's written authorization is given to Contractor for the performance of said services. Contractor will submit invoices monthly for actual services performed. Invoices shall be submitted between the first and fifteenth business day of each month, for services provided in the previous month. Payment shall be made within thirty (30) days of receipt of each invoice as to all non-disputed fees. If the City disputes any of Contractor's fees it shall give written notice to Contractor within 30 days of receipt of an invoice of any disputed fees set forth on the invoice."

5. Full Force. Except as amended by this First Amendment, all provisions of the Original Agreement, including without limitation the indemnity and insurance provisions, shall remain in full force and effect and shall govern the actions of the Parties under this First Amendment.

6. Electronic Transmission. A manually signed copy of this First Amendment which is transmitted by facsimile, email, or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this First Amendment for all purposes.

7. Counterparts. This First Amendment may be signed in counterparts, each of which shall constitute an original.

[SIGNATURES ON FOLLOWING PAGE]

SIGNATURE PAGE FOR
FIRST AMENDMENT TO THE PROFESSIONAL SERVICES.AGREEMENT WITH GENERAL PUMP COMPANY, INC .

IN WITNESS WHEREOF, the Parties hereto have caused this First Amendment to be executed the day and year first above written.

CITY OF UPLAND
a California municipal corporation

_____
Michael Blay, City Manager

Attest:

_____
Keri Johnson, City Clerk

Approved As to Legal Form:

_____
Stephen Deitsch, City Attorney

CONTRACTOR
General Pump Company
159 N Acacia St.
San Dimas, CA 91773

By:_____

Name:_____

Title:_____

By:_____

Name:_____

Title:_____

GENERAL PUMP COMPANY

159 N. ACACIA STREET * SAN DIMAS, CA 91773
PHONE: (909) 599-9606 * FAX: (909) 599-6238

CAMARILLO, CA 93010 * PHONE: (805) 482-1215
www.genpump.com

WELL & PUMP SERVICE SINCE 1952 Lic. #496765
Serving Southern California and Central Coast

October 12, 2022 ***Via Email***

City of Upland
1370 North Benson Ave
Upland, CA 91786
Attn: John Robles

Subject: City of Upland: Well 7A Rehab Project – Pump Inspection and Additional Repairs

General Pump Company is pleased to provide our pump inspection and repair recommendations for the O/L pump equipment recently pulled from the above referenced site. At the time of bidding, the condition of the pump equipment was unknown. For bidding purposes, GPC assumed that the bowl assembly, column pipe, tube & shaft, tension assembly, and discharge would only require a standard recondition/rebuild. We also stated that the cost for repairs was subject to change based on the actual condition of the equipment.

Our inspection has determined that the repair requirements far exceed a standard recondition/rebuild. For this reason, additional funding is required to perform the required repairs and replacement of materials. Below is a summary of our findings, along with our recommendations for repairs and the associated costs.

Engineering Inspection

- Bowl assembly was pumping sand/media that caused unrepairable damage. Bowl shaft wore through bushings and into bowl castings, impellers are worn beyond repair, and bottom of bowl castings are grooved from sand production. Complete bowl assembly requires replacement. Upgraded materials of construction are recommended to give pump more longevity in sand production well environment.
- Records indicate that the pump was equipped with 50’ of 12” PVC engineered suction pipe and an 8” SS cone strainer. Bowl assembly was pulled with the 8” NPT to 12” flush-thread, but the remainder of the suction assembly separated and fell to the bottom of the well. Suction Adapter off bowls is heavily pitted and corroded; need to replace with new. All other components are assumed to be in bad condition and will required a full re-engineered suction assembly.
- Pump assembly is currently equipped with ¾” taper pipe and a NPT X Butt C/O coupling to the discharge head. Proper application is butt thread pipe. All pipe sections are covered with thick bacteria incrustation and pipe displays heavy corrosion and pitting. Need to replace all column pipe with new and standardize the application to straight butt thread pipe.

Engineering Inspection *– (Con't.)*

- All tubes are covered with bacteria incrustation and display corrosion and pitting. Bearings are worn and oversized. Line shafts are worn at bearing journals. Shaft couplings have deep hammer dents and wrench marks. Replacement is required for all tube and shaft assemblies.
- The structural condition of the discharge head and short column appear to be in fair condition. The interior of the short column does display some mild corrosion and pitting. It is highly recommended to sandblast the entire unit and at a minimum line the water passages with protective coating to avoid further corrosion. If the short column corrodes beyond use, extensive fabrication and machining will be required which will result in a higher cost than lining the water passages.
- Head shaft is worn at bearing journal and top tube displays corrosion and pitting. Both components need to be replaced with new.
- Tension assembly is slightly worn at bearing, but structural condition appears to be good. Recondition is required.
- Recommend furnishing and installing new 1-1/4" SCH-80 sounding tube and the addition of a ¼" SS Airline assembly.

Note: Teardown pictures have been included on a separate attachment for review.

Cost Proposal

Shop Labor

- Receive and inspect new materials / Quality assurance
- Check proper fit of new engineered suction pipe and adapters
- Weld lugs on suction adapter and install cap on bottom piece
- Check proper fit of new column pipe / Steam-clean and prep for install
- Fabricate and weld lugs on upper 200-feet of column pipe
- Check proper fit of new T&S assemblies / Stab in column and prep for install
- Check proper fit of new BWS centralizers
- Transport head to and from coaters, handling
- Rebuild existing tension assembly
- Machine new top tube / Install tension assembly and prep for install
- Machine new head shaft / Install nut & key and prep for install
- Check proper fit of new PVC sounding tube / Stage and prep for install
- Check proper fit of new airline assembly / Gather bracket & fittings and prep for installation
- Gather necessary gaskets, fittings, bolting
- Stage and load out all equipment; prep for install

Lump Sum $ 8,892.00

Cost Proposal *– (Con't)*

Materials

- 10" SCH-80 PVC Cap
- 10" X 20' SCH-80 Slotted Flush-Thread PVC Pipe (Qty-3)
- 10" X 10' SCH-80 Blank Flush-Thread PVC Pipe
- 10" X 2' Flush-Thread X NPT Carbon Steel Adapter
- 8" NPTM X 10" NPTF Column Adapter
- 12LC-9STG Hydroflo Bowl Assembly, HD Construction
- Lug Material for 200' of Pipe
- 10" X 20' X .365" TNC Butt Pipe (Qty-35)
- 3" X 1-11/16" X 20' T&S Assembly (Qty-35)
- 10" BWS Centralizer (Qty-12)
- Materials to Refurbish 10" Discharge Head
- Materials to Rebuild 3" Stretch Assembly
- 3" Top Stretch Tube
- 1-11/16" C-1045 Head Shaft w/ Nut & Key
- 1-1/4" X 10' SCH-80 Flush-Thread PVC Pipe (Qty-71)
- 1/4" SS Airline Assembly w/ Gauge, Bracket, and Fittings
- Banding and Buckles for Airline Assembly
- 5 Gal Pail - Turbine Oil for T&S Installation
- J-Box Electrical Connection Kit
- 12" 150# Discharge Gasket w/ Nut & Bolt Kit
- Misc. consumables, assembly lube, solvents, paint, pump head base sealant, acetylene, shims, etc
- Estimated shipping & handling
- Sales tax @ 7.75% $ 183,153.00

Outside Service

- Sand blast discharge head and Epoxy line water passages $ 895.00

Labor & Materials Subtotal	***$ 192,940.00***
Original Bid Repair Subtotal	***-$ 58,080.00***
Additional Grand Total	***$ 134,860.00***

Should you have any questions or need additional information regarding the above summary and associated cost, please do not hesitate to contact us. Thank you.

GENERAL PUMP COMPANY, INC.
Michael Garcia
Michael Garcia
Project Manager / Project Engineer

CITY OF UPLAND
MAINTENANCE SERVICES AGREEMENT

1. PARTIES AND DATE.

This Agreement is made and entered into this 27th day of June, 2022 by and between the City of Upland, a general law city and municipal corporation organized under the laws of the State of California with its principal place of business at 460 N. Euclid Avenue, Upland, CA 91786 ("City") and General Pump Company, Inc., a California Corporation with its principal place of business at 159 N Acacia St, San Dimas, CA 91773 ("Contractor"). City and Contractor are sometimes individually referred to as "Party" and collectively as "Parties" in this Agreement.

2. RECITALS.

2.1 Contractor.

Contractor desires to perform and assume responsibility for the provision of certain maintenance services required by the City on the terms and conditions set forth in this Agreement. Contractor represents that it is experienced in providing sanitary sewer manhole roach control services to public clients, that it and its employees or subcontractors have all necessary licenses and permits to perform the Services in the State of California, and that is familiar with the plans of City. Contractor shall not subcontract any portion of the work required by this Agreement, except as expressly stated herein, without prior written approval of City. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement.

2.2 Project.

City desires to engage Contractor to render such services for City Well 7A Rehabilitation project ("Project") as set forth in this Agreement.

3. TERMS.

3.1 Scope of Services and Term.

3.1.1 General Scope of Services. Contractor promises and agrees to furnish to the City all labor, materials, tools, equipment, services, and incidental and customary work necessary to fully and adequately supply the professional sanitary sewer manhole roach control maintenance services necessary for the Project ("Services"). The Services are more particularly described in Exhibit "A" attached hereto and incorporated herein by reference. All Services shall be subject to, and performed in accordance with, this Agreement, the exhibits attached hereto and incorporated herein by reference, and all applicable local, state and federal laws, rules and regulations.

3.1.2 Term. The term of this Agreement shall be from June 27, 2022, to June 27, 2023, unless earlier terminated as provided herein. The City shall have the unilateral option, at its sole discretion, to renew this Agreement automatically for no more than two additional one-year terms. Contractor shall complete the Services within the term of this Agreement, and shall meet any other established schedules and deadlines. The Parties may, by mutual, written consent, extend the term of this Agreement if necessary to complete the Services.

3.2 Responsibilities of Contractor.

3.2.1 Control and Payment of Subordinates; Independent Contractor. The Services shall be performed by Contractor or under its supervision. Contractor will determine the means, methods and details of performing the Services subject to the requirements of this Agreement. City retains Contractor on an independent contractor basis and not as an employee. Contractor retains the right to perform similar or different services for others during the term of this Agreement. Any additional personnel performing the Services under this Agreement on behalf of Contractor shall also not be employees of City and shall at all times be under Contractor's exclusive direction and control. Contractor shall pay all wages, salaries, and other amounts due such personnel in connection with their performance of Services under this Agreement and as required by law. Contractor shall be responsible for all reports and obligations respecting such additional personnel, including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation insurance

3.2.1.1 PERS Eligibility Indemnification. In the event that Contractor or any employee, agent, or subcontractor of Contractor providing services under this Agreement claims or is determined by a court of competent jurisdiction or the California Public Employees Retirement System ("PERS") to be eligible for enrollment in PERS as an employee of the City, Contractor shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Contractor or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

Notwithstanding any other agency, state or federal policy, rule, regulation, law or ordinance to the contrary, Contractor and any of its employees, agents, and subcontractors providing service under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in PERS as an employee of City and entitlement to any contribution to be paid by City for employer contribution and/or employee contributions for PERS benefits.

3.2.2 Schedule of Services. Contractor shall perform the Services expeditiously, within the term of this Agreement, and in accordance with the Schedule of Services set forth in Exhibit "B" attached hereto and incorporated herein by reference. Contractor represents that it has the professional and technical personnel required to perform the Services in conformance with such conditions. In order to facilitate Contractor's conformance with the Schedule, City shall respond to Contractor's submittals in a timely manner. Upon request of City, Contractor shall provide a more detailed schedule of anticipated performance to meet the Schedule of Services.

3.2.3 Conformance to Applicable Requirements. All work prepared by Contractor shall be subject to the approval of City.

3.2.4 City's Representative. The City hereby designates Braden Yu, Public Works Director, or his or her designee, to act as its representative for the performance of this Agreement ("City's Representative"). City's Representative shall have the power to act on behalf of the City for all purposes under this Agreement. Contractor shall not accept direction or orders from any person other than the City's Representative or his or her designee.

3.2.5 Contractor's Representative. Contractor hereby designates Thomas Nanchy, Senior Project Manager, or his or her designee, to act as its representative for the performance of this Agreement ("Contractor's Representative"). Contractor's Representative shall have full authority to represent and act on behalf of the Contractor for all purposes under this Agreement. The Contractor's Representative shall supervise and direct the Services, using his or her best skill and attention, and shall be responsible for all means, methods, techniques, sequences and procedures and for the satisfactory coordination of all portions of the Services under this Agreement.

3.2.6 Coordination of Services. Contractor agrees to work closely with City staff in the performance of Services and shall be available to City's staff, consultants and other staff at all reasonable times.

3.2.7 Standard of Care; Performance of Employees. Contractor shall perform all Services under this Agreement in a skillful and competent manner, consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California. Contractor represents and maintains that it is skilled in the professional calling necessary to perform the Services. Contractor warrants that all employees and subcontractors shall have sufficient skill and experience to perform the Services assigned to them. Finally, Contractor represents that it, its employees and subcontractors have all licenses, permits, qualifications and approvals of whatever nature that are legally required to perform the Services, including a City Business License, and that such licenses and approvals shall be maintained throughout the term of this Agreement. As provided for in the indemnification provisions of this Agreement, Contractor shall perform, at its own cost and expense and without reimbursement from the City, any services necessary to correct errors or omissions which are caused by the Contractor's failure to comply with the standard of care provided for herein. Any employee of the Contractor or its sub-contractors who is determined by the City to be uncooperative, incompetent, a threat to the adequate or timely completion of the Project, a threat to the safety of persons or property, or any employee who fails or refuses to perform the Services in a manner acceptable to the City, shall be promptly removed from the Project by the Contractor and shall not be re-employed to perform any of the Services or to work on the Project.

3.2.8 Period of Performance. Contractor shall perform and complete all Services under this Agreement within the term set forth in Section 3.1.2 above ("Performance Time"). Contractor shall perform the Services in strict accordance with any completion schedule or Project milestones described in Exhibits "A" or "B" attached hereto, or which may be provided separately in writing to the Contractor.

3.2.9 Disputes. Should any dispute arise respecting the true value of any work done, of any work omitted, or of any extra work which Contractor may be required to do, or respecting the size of any payment to Contractor during the performance of this Contract, Contractor shall continue to perform the Work while said dispute is decided by the City. If Contractor disputes the City's decision, Contractor shall have such remedies as may be provided by law.

3.2.10 Laws and Regulations; Employee/Labor Certifications. Contractor shall keep itself fully informed of and in compliance with all local, state and federal laws, rules and regulations in any manner affecting the performance of the Project or the Services, including all Cal/OSHA requirements, and shall give all notices required by law. Contractor shall be liable for all violations of such laws and regulations in connection with Services. If the Contractor performs any work knowing it to be contrary to such laws, rules and regulations and without giving written

notice to the City, Contractor shall be solely responsible for all costs arising therefrom. City is a public entity of the State of California subject to certain provisions of the Health & Safety Code, Government Code, Public Contract Code, and Labor Code of the State. It is stipulated and agreed that all provisions of the law applicable to the public contracts of a municipality are a part of this Agreement to the same extent as though set forth herein and will be complied with. These include but are not limited to the payment of prevailing wages, the stipulation that eight (8) hours' labor shall constitute a legal day's work and that no worker shall be permitted to work in excess of eight (8) hours during any one calendar day except as permitted by law. Contractor shall defend, indemnify and hold City, its officials, directors, officers, employees and agents free and harmless, pursuant to the indemnification provisions of this Agreement, from any claim or liability arising out of any failure or alleged failure to comply with such laws, rules or regulations.

3.2.10.1 Employment Eligibility; Contractor. By executing this Agreement, Contractor verifies that it fully complies with all requirements and restrictions of state and federal law respecting the employment of undocumented aliens, including, but not limited to, the Immigration Reform and Control Act of 1986, as may be amended from time to time. Such requirements and restrictions include, but are not limited to, examination and retention of documentation confirming the identity and immigration status of each employee of the Contractor. Contractor also verifies that it has not committed a violation of any such law within the five (5) years immediately preceding the date of execution of this Agreement, and shall not violate any such law at any time during the term of the Agreement. Contractor shall avoid any violation of any such law during the term of this Agreement by participating in an electronic verification of work authorization program operated by the United States Department of Homeland Security, by participating in an equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, or by some other legally acceptable method. Contractor shall maintain records of each such verification, and shall make them available to the City or its representatives for inspection and copy at any time during normal business hours. The City shall not be responsible for any costs or expenses related to Contractor's compliance with the requirements provided for in Section 3.2.10 or any of its sub-sections.

3.2.10.2 Employment Eligibility; Subcontractors, Sub-subcontractors and Consultants. To the same extent and under the same conditions as Contractor, Contractor shall require all of its subcontractors, sub-subcontractors and consultants performing any work relating to the Project or this Agreement to make the same verifications and comply with all requirements and restrictions provided for in Section 3.2.10.1.

3.2.10.3 Employment Eligibility; Failure to Comply. Each person executing this Agreement on behalf of Contractor verifies that they are a duly authorized officer of Contractor, and understands that any of the following shall be grounds for the City to terminate the Agreement for cause: (1) failure of Contractor or its subcontractors, sub-subcontractors or consultants to meet any of the requirements provided for in Sections 3.2.10.1 or 3.2.10.2; (2) any misrepresentation or material omission concerning compliance with such requirements (including in those verifications provided to the Contractor under Section 3.2.10.2); or (3) failure to immediately remove from the Project any person found not to be in compliance with such requirements.

3.2.10.4 Labor Certification. By its signature hereunder, Contractor certifies that it is aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake

self-insurance in accordance with the provisions of that Code, and agrees to comply with such provisions before commencing the performance of the Services.

3.2.10.5 Equal Opportunity Employment. Contractor represents that it is an equal opportunity employer and it shall not discriminate against any subcontractor, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex or age. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination.

3.2.10.6 Air Quality. Contractor must fully comply with all applicable laws, rules and regulations in furnishing or using equipment and/or providing services, including, but not limited to, emissions limits and permitting requirements imposed by the California Air Resources Board (CARB). Contractor shall specifically be aware of the CARB limits and requirements' application to "portable equipment", which definition is considered by CARB to include any item of equipment with a fuel-powered engine. Contractor shall indemnify City against any fines or penalties imposed by CARB or any other governmental or regulatory agency for violations of applicable laws, rules and/or regulations by Contractor, its subcontractors, or others for whom Contractor is responsible under its indemnity obligations provided for in this Agreement.

3.2.10.7 Water Quality.

(A) Management and Compliance. To the extent applicable, Contractor's Services must account for, and fully comply with, all local, state and federal laws, rules and regulations that may impact water quality compliance, including, without limitation, all applicable provisions of the Federal Water Pollution Control Act (33 U.S.C. §§ 1300); the California Porter-Cologne Water Quality Control Act (Cal Water Code §§ 13000-14950); laws, rules and regulations of the Environmental Protection Agency and the State Water Resources Control Board; the City's ordinances regulating discharges of storm water; and any and all regulations, policies, or permits issued pursuant to any such authority regulating the discharge of pollutants, as that term is used in the Porter-Cologne Water Quality Control Act, to any ground or surface water in the State.

(B) Liability for Non-Compliance. Failure to comply with the laws, regulations and policies described in this Section is a violation of law that may subject Contractor or City to penalties, fines, or additional regulatory requirements. Contractor shall defend, indemnify and hold the City, its directors, officials, officers, employees, volunteers and agents free and harmless, pursuant to the indemnification provisions of this Agreement, from and against any and all fines, penalties, claims or other regulatory requirements imposed as a result of Contractor's non-compliance with the laws, regulations and policies described in this Section, unless such non-compliance is the result of the sole established negligence, willful misconduct or active negligence of the City, its officials, officers, agents, employees or authorized volunteers.

(C) Training. In addition to any other standard of care requirements set forth in this Agreement, Contractor warrants that all employees and subcontractors shall have sufficient skill and experience to perform the Services assigned to them without impacting water quality in violation of the laws, regulations and policies described in this Section. Contractor further warrants that it, its employees and subcontractors will receive adequate training, as determined by City, regarding the requirements of the laws, regulations and policies described in this Section as they may relate to the Services provided under this

Agreement. Upon request, City will provide Contractor with a list of training programs that meet the requirements of this paragraph.

3.2.11 Insurance.

3.2.11.1 Time for Compliance. Contractor shall not commence Work under this Agreement until it has provided evidence satisfactory to the City that it has secured all insurance required under this Section. In addition, Contractor shall not allow any subcontractor to commence work on any subcontract until it has provided evidence satisfactory to the City that the subcontractor has secured all insurance required under this Section.

3.2.11.2 Minimum Requirements. Contractor shall, at its expense, procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the Agreement by the Contractor, its agents, representatives, employees or subcontractors. Contractor shall also require all of its subcontractors to procure and maintain the same insurance for the duration of the Agreement. Such insurance shall meet at least the following minimum levels of coverage:

(A) Minimum Scope of Insurance. Coverage shall be at least as broad as the latest version of the following: (1) *General Liability*: Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001); (2) *Automobile Liability*: Insurance Services Office Business Auto Coverage form number CA 0001, code 1 (any auto); and (3) *Workers' Compensation and Employer's Liability*: Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance. The policy shall not contain any exclusion contrary to the Agreement, including but not limited to endorsements or provisions limiting coverage for (1) contractual liability (including but not limited to ISO CG 24 26 or 21 29); or (2) cross liability for claims or suits by one insured against another.

(B) Minimum Limits of Insurance. Contractor shall maintain limits no less than: (1) *General Liability:* $1,000,000 MINIMUM; and $2,000,0000 aggregate. per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with general aggregate limit is used including, but not limited to, form CG 2503, either the general aggregate limit shall apply separately to this Agreement/location or the general aggregate limit shall be twice the required occurrence limit; (2) *Automobile Liability:* $1,000,000 MINIMUM; per accident for bodily injury and property damage; and (3) *Workers' Compensation and Employer's Liability:* Workers' Compensation limits as required by the Labor Code of the State of California. Employer's Liability limits of $1,000,000 MINIMUM; per accident for bodily injury or disease. Defense costs shall be paid in addition to the limits.

(C) Notices; Cancellation or Reduction of Coverage. At least fifteen (15) days prior to the expiration of any such policy, evidence showing that such insurance coverage has been renewed or extended shall be filed with the City. If such coverage is cancelled or materially reduced, Contractor shall, within ten (10) days after receipt of written notice of such cancellation or reduction of coverage, file with the City evidence of insurance showing that the required insurance has been reinstated or has been provided through another insurance company or companies. In the event any policy of insurance required under this Agreement does not comply with these specifications or is canceled and not replaced, the City has the right but not the duty to obtain the insurance it deems necessary and any premium paid by the City will be promptly reimbursed by Contractor or the City may withhold amounts sufficient to pay premium from Contractor payments. In the alternative, the City may suspend or terminate this Agreement.

(D) Additional Insured. The City of Upland, its directors, officials, officers, employees, agents, and volunteers shall be named as additional insureds on Contractor's and its subcontractors' policies of commercial general liability and automobile liability insurance using the endorsements and forms specified herein or exact equivalents.

3.2.11.3 Insurance Endorsements. The insurance policies shall contain the following provisions, or Contractor shall provide endorsements on forms supplied or approved by the City to add the following provisions to the insurance policies:

(A) General Liability. The general liability policy shall include or be endorsed (amended) to state that: (1) using ISO CG forms 20 10 and 20 37, or endorsements providing the exact same coverage, the City of Upland, its directors, officials, officers, employees, agents, and volunteers shall be covered as additional insured with respect to the Services or ongoing and complete operations performed by or on behalf of the Contractor, including materials, parts or equipment furnished in connection with such work; and (2) using ISO form 20 01, or endorsements providing the exact same coverage, the insurance coverage shall be primary insurance as respects the City, its directors, officials, officers, employees, agents, and volunteers, or if excess, shall stand in an unbroken chain of coverage excess of the Contractor's scheduled underlying coverage. Any excess insurance shall contain a provision that such coverage shall also apply on a primary and noncontributory basis for the benefit of the City, before the City's own primary insurance or self-insurance shall be called upon to protect it as a named insured. Any insurance or self-insurance maintained by the City, its directors, officials, officers, employees, agents, and volunteers shall be excess of the Contractor's insurance and shall not be called upon to contribute with it in any way. Notwithstanding the minimum limits set forth in Section 3.2.11.2(B), any available insurance proceeds in excess of the specified minimum limits of coverage shall be available to the parties required to be named as additional insureds pursuant to this Section 3.2.11.3(A).

(B) Automobile Liability. The automobile liability policy shall include or be endorsed (amended) to state that: (1) the City, its directors, officials, officers, employees, agents, and volunteers shall be covered as additional insureds with respect to the ownership, operation, maintenance, use, loading or unloading of any auto owned, leased, hired or borrowed by the Contractor or for which the Contractor is responsible; and (2) the insurance coverage shall be primary insurance as respects the City, its directors, officials, officers, employees, agents, and volunteers, or if excess, shall stand in an unbroken chain of coverage excess of the Contractor's scheduled underlying coverage. Any insurance or self-insurance maintained by the City, its directors, officials, officers, employees, agents, and volunteers shall be excess of the Contractor's insurance and shall not be called upon to contribute with it in any way. Notwithstanding the minimum limits set forth in Section 3.2.11.2(B), any available insurance proceeds in excess of the specified minimum limits of coverage shall be available to the parties required to be named as additional insureds pursuant to this Section 3.2.11.3(B).

(C) Workers' Compensation and Employer's Liability Coverage. The insurer shall agree to waive all rights of subrogation against the City, its directors, officials, officers, employees, agents, and volunteers for losses paid under the terms of the insurance policy which arise from work performed by the Contractor.

(D) All Coverages. Each insurance policy required by this Agreement shall be endorsed to state that: (A) coverage shall not be suspended, voided, reduced or canceled except after thirty (30) days (10 days for nonpayment of premium) prior written notice by certified mail, return receipt requested, has been given to the City; and (B) any failure to comply

with reporting or other provisions of the policies, including breaches of warranties, shall not affect coverage provided to the City, its directors, officials, officers, employees, agents, and volunteers. Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the City, its officials, officers, employees, agents and volunteers, or any other additional insureds.

3.2.11.4 Separation of Insureds; No Special Limitations; Waiver of Subrogation. All insurance required by this Section shall contain standard separation of insureds provisions. In addition, such insurance shall not contain any special limitations on the scope of protection afforded to the City, its directors, officials, officers, employees, agents, and volunteers. All policies shall waive any right of subrogation of the insurer against the City, its officials, officers, employees, agents, and volunteers, or any other additional insureds, or shall specifically allow Contractor or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. Contractor hereby waives its own right of recovery against City, its officials, officers, employees, agents, and volunteers, or any other additional insureds, and shall require similar written express waivers and insurance clauses from each of its subcontractors.

3.2.11.5 Deductibles and Self-Insurance Retentions. Any deductibles or self-insured retentions must be declared to and approved by the City. Contractor shall guarantee that, at the option of the City, either: (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its directors, officials, officers, employees, agents, and volunteers; or (2) the Contractor shall procure a bond guaranteeing payment of losses and related investigation costs, claims and administrative and defense expenses.

3.2.11.6 Subcontractor Insurance Requirements. Contractor shall not allow any subcontractors to commence work on any subcontract relating to the work under the Agreement until they have provided evidence satisfactory to the City that they have secured all insurance required under this Section. If requested by Contractor, the City may approve different scopes or minimum limits of insurance for particular subcontractors. The Contractor and the City shall be named as additional insureds on all subcontractors' policies of Commercial General Liability using ISO form 20 38, or coverage at least as broad.

3.2.11.7 Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best's rating no less than A:VIII, licensed to do business in California, and satisfactory to the City.

3.2.11.8 Verification of Coverage. Contractor shall furnish City with original certificates of insurance and endorsements effecting coverage required by this Agreement on forms satisfactory to the City. The certificates and endorsements for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf, and shall be on forms provided by the City if requested. All certificates and endorsements must be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, at any time.

3.2.11.9 Reporting of Claims. Contractor shall report to the City, in addition to Contractor's insurer, any and all insurance claims submitted by Contractor in connection with the Services under this Agreement.

3.2.12 Safety. Contractor shall execute and maintain its work so as to avoid injury or damage to any person or property. In carrying out its Services, the Contractor shall at all times

be in compliance with all applicable local, state and federal laws, rules and regulations, and shall exercise all necessary precautions for the safety of employees appropriate to the nature of the work and the conditions under which the work is to be performed. Safety precautions as applicable shall include, but shall not be limited to: (A) adequate life protection and lifesaving equipment and procedures; (B) instructions in accident prevention for all employees and subcontractors, such as safe walkways, scaffolds, fall protection ladders, bridges, gang planks, confined space procedures, trenching and shoring, equipment and other safety devices, equipment and wearing apparel as are necessary or lawfully required to prevent accidents or injuries; and (C) adequate facilities for the proper inspection and maintenance of all safety measures.

3.2.13 Bonds.

3.2.13.1 Performance Bond. If required by law or otherwise specifically requested by City in Exhibit "C" attached hereto and incorporated herein by reference, Contractor shall execute and provide to City concurrently with this Agreement a Performance Bond in the amount of the total, not-to-exceed compensation indicated in this Agreement, and in a form provided or approved by the City. If such bond is required, no payment will be made to Contractor until it has been received and approved by the City.

3.2.13.2 Payment Bond. If required by law or otherwise specifically requested by City in Exhibit "C" attached hereto and incorporated herein by reference, Contractor shall execute and provide to City concurrently with this Agreement a Payment Bond in the amount of the total, not-to-exceed compensation indicated in this Agreement, and in a form provided or approved by the City. If such bond is required, no payment will be made to Contractor until it has been received and approved by the City.

3.2.13.3 Bond Provisions. Should, in City's sole opinion, any bond become insufficient or any surety be found to be unsatisfactory, Contractor shall renew or replace the affected bond within 10 days of receiving notice from City. In the event the surety or Contractor intends to reduce or cancel any required bond, at least thirty (30) days prior written notice shall be given to the City, and Contractor shall post acceptable replacement bonds at least ten (10) days prior to expiration of the original bonds. No further payments shall be deemed due or will be made under this Agreement until any replacement bonds required by this Section are accepted by the City. To the extent, if any, that the total compensation is increased in accordance with the Agreement, the Contractor shall, upon request of the City, cause the amount of the bonds to be increased accordingly and shall promptly deliver satisfactory evidence of such increase to the City. To the extent available, the bonds shall further provide that no change or alteration of the Agreement (including, without limitation, an increase in the total compensation, as referred to above), extensions of time, or modifications of the time, terms, or conditions of payment to the Contractor, will release the surety. If the Contractor fails to furnish any required bond, the City may terminate this Agreement for cause.

3.2.13.4 Surety Qualifications. Only bonds executed by an admitted surety insurer, as defined in Code of Civil Procedure Section 995.120, shall be accepted. The surety must be a California-admitted surety with a current A.M. Best's rating no less than A:VIII and satisfactory to the City. If a California-admitted surety insurer issuing bonds does not meet these requirements, the insurer will be considered qualified if it is in conformance with Section 995.660 of the California Code of Civil Procedure, and proof of such is provided to the City.

3.2.14 Accounting Records. Contractor shall maintain complete and accurate records with respect to all costs and expenses incurred under this Agreement. All such records shall be clearly identifiable. Contractor shall allow a representative of City during normal business hours to examine, audit, and make transcripts or copies of such records and any other documents created pursuant to this Agreement. Contractor shall allow inspection of all work, data, documents, proceedings, and activities related to the Agreement for a period of three (3) years from the date of final payment under this Agreement.

3.2.15 Work Site.

3.2.15.1 Inspection Of Site. Contractor shall visit sites where Services are to be performed and shall become acquainted with all conditions affecting the Services prior to commencing the Services. Contractor shall make such examinations as it deems necessary to determine the condition of the work sites, its accessibility to materials, workmen and equipment, and to determine Contractor's ability to protect existing surface and subsurface improvements. No claim for allowances–time or money–will be allowed as to such matters after commencement of the Services.

3.2.15.2 Field Measurements. Contractor shall make field measurements, verify field conditions and shall carefully compare such field measurements and conditions and other information known to Contractor with the Contract Documents, including any plans, specifications, or scope of work before commencing Services. Errors, inconsistencies or omissions discovered shall be reported to the City immediately and prior to performing any Services or altering the condition.

3.2.16 Loss and Damage. Contractor shall be responsible for all loss and damage which may arise out of the nature of the Services agreed to herein, or from the action of the elements, or from any unforeseen difficulties which may arise or be encountered in the prosecution of the Services until the same is fully completed and accepted by City.

3.2.17 Warranty. Contractor warrants all Services under the Contract (which for purposes of this Section shall be deemed to include unauthorized work which has not been removed and any non-conforming materials incorporated into the work) to be of good quality and free from any defective or faulty material and workmanship. Contractor agrees that for a period of one year (or the period of time specified elsewhere in the Contract or in any guarantee or warranty provided by any manufacturer or supplier of equipment or materials incorporated into the work, whichever is later) after the date of final acceptance, Contractor shall within ten (10) days after being notified in writing by the City of any defect in the Services or non-conformance of the Services to the Contract, commence and prosecute with due diligence all Services necessary to fulfill the terms of the warranty at its sole cost and expense. Contractor shall act sooner as requested by the City in response to an emergency. In addition, Contractor shall, at its sole cost and expense, repair and replace any portions of the work (or work of other contractors) damaged by its defective Services or which becomes damaged in the course of repairing or replacing defective work. For any work so corrected, Contractor's obligation hereunder to correct defective work shall be reinstated for an additional one year period, commencing with the date of acceptance of such corrected work. Contractor shall perform such tests as the City may require to verify that any corrective actions, including, without limitation, redesign, repairs, and replacements comply with the requirements of the Contract. All costs associated with such corrective actions and testing, including the removal, replacement, and reinstitution of equipment and materials necessary to gain access, shall be the sole responsibility of the Contractor. All warranties and guarantees of subcontractors, suppliers and manufacturers with respect to any

portion of the work, whether express or implied, are deemed to be obtained by Contractor for the benefit of the City, regardless of whether or not such warranties and guarantees have been transferred or assigned to the City by separate agreement and Contractor agrees to enforce such warranties and guarantees, if necessary, on behalf of the City. In the event that Contractor fails to perform its obligations under this Section, or under any other warranty or guaranty under this Contract, to the reasonable satisfaction of the City, the City shall have the right to correct and replace any defective or non-conforming work and any work damaged by such work or the replacement or correction thereof at Contractor's sole expense. Contractor shall be obligated to fully reimburse the City for any expenses incurred hereunder upon demand.

3.3 Fees and Payments.

3.3.1 Compensation. Contractor shall receive compensation, including authorized reimbursements, for all Services rendered under this Agreement at the rates set forth in Exhibit "C" in the amount of $157,180.00 attached hereto and incorporated herein by reference; and at the City's discretion. Including a $32,820.00 contingency, the total compensation shall not exceed $190,000.00 without approval of the City Council or if costs increases are the result of a request Extra Work. Extra Work may be authorized, as described below.

3.3.2 Payment of Compensation. Contractor shall submit to City a monthly itemized statement which indicates work completed and hours of Services rendered by Contractor. The statement shall describe the amount of Services and supplies provided since the initial commencement date, or since the start of the subsequent billing periods, as appropriate, through the date of the statement. City shall, within 45 days of receiving such statement, review the statement and pay all approved charges thereon.

3.3.3 Deductions. City may deduct or withhold, as applicable, from each progress payment an amount necessary to protect City from loss because of: (1) stop payment notices as allowed by state law; (2) unsatisfactory prosecution of the Services by Contractor; (3) sums representing expenses, losses, or damages as determined by the City, incurred by the City for which Contractor is liable under the Agreement; and (4) any other sums which the City is entitled to recover from Contractor under the terms of the Agreement or pursuant to state law, including Section 1727 of the California Labor Code. The failure by the City to deduct any of these sums from a progress payment shall not constitute a waiver of the City's right to such sums.

3.3.4 Reimbursement for Expenses. Contractor shall not be reimbursed for any expenses unless authorized in writing by City.

3.3.5 Extra Work. At any time during the term of this Agreement, City may request that Contractor perform Extra Work. As used herein, "Extra Work" means any work which is determined by City to be necessary for the proper completion of the Project, but which the parties did not reasonably anticipate would be necessary at the execution of this Agreement. The City Manager may approve Extra Work up to ten percent (10%) of the amount of the Agreement or fifty thousand dollars ($50,000.00). In no event shall the total sum of the agreement (basic compensation amount and Extra Work) exceed fifty thousand dollars ($50,000.00). Any Extra Work in excess of this amount shall be approved by the City Council. Contractor shall not perform, nor be compensated for, Extra Work without written authorization from City's Representative.

3.3.6 Prevailing Wages. Contractor is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing

wage rates and the performance of other requirements on certain "public works" and "maintenance" projects. If the Services are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is $1,000 or more, Contractor agrees to fully comply with such Prevailing Wage Laws. City shall provide Contractor with a copy of the prevailing rates of per diem wages in effect at the commencement of this Contract. Contractor shall make copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the Services available to interested parties upon request, and shall post copies at Contractor's principal place of business and at the project site. Contractor shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. It shall be mandatory upon the Contractor and all subcontractors to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Section 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Section 1771.4.

3.3.7 Registration/DIR Compliance. If the Services are being performed as part of an applicable "public works" or "maintenance" project, and if the total compensation is $15,000 or more, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Contractor and all subcontractors performing such Services must be registered with the Department of Industrial Relations. Contractor shall maintain registration for the duration of the Project and require the same of any subcontractors, as applicable. This Project may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Contractor's sole responsibility to comply with all applicable registration and labor compliance requirements. Notwithstanding the foregoing, the contractor registration requirements mandated by Labor Code Sections 1725.5 and 1771.1 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1725.5 and 1771.1. Any stop orders issued by the Department of Industrial Relations against Contractor or any subcontractor that affect Contractor's performance of Services, including any delay, shall be Contractor's sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Contractor caused delay and shall not be compensable by the City. Contractor shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability arising out of stop orders issued by the Department of Industrial Relations against Contractor or any subcontractor.

3.4 Termination of Agreement.

3.4.1 Grounds for Termination. City may, by written notice to Contractor, terminate the whole or any part of this Agreement at any time and without cause by giving written notice to Contractor of such termination, and specifying the effective date thereof, at least seven (7) days before the effective date of such termination. Upon termination, Contractor shall be compensated only for those services which have been adequately rendered to City, and Contractor shall be entitled to no further compensation. Contractor may not terminate this Agreement except for cause.

3.4.2 Effect of Termination. If this Agreement is terminated as provided herein, City may require Contractor to provide all finished or unfinished Documents and Data and other

information of any kind prepared by Contractor in connection with the performance of Services under this Agreement. Contractor shall be required to provide such document and other information within fifteen (15) days of the request.

3.4.3 Additional Services. In the event this Agreement is terminated in whole or in part as provided herein, City may procure, upon such terms and in such manner as it may determine appropriate, services similar to those terminated.

3.5 General Provisions.

3.5.1 Delivery of Notices. All notices permitted or required under this Agreement shall be given to the respective parties at the following address, or at such other address as the respective parties may provide in writing for this purpose:

Contractor:

General Pump Company
159 N Acacia Street
San Dimas, CA 91773
Attn:

City:

City of Upland
460 N. Euclid Avenue
Upland, CA 91786
Attn: Braden Yu, Public Works Director

With Copy To:
City of Upland
460 N. Euclid Avenue
Upland, CA 91786
Attn: City Attorney

Such notice shall be deemed made when personally delivered or when mailed, forty-eight (48) hours after deposit in the U.S. Mail, first class postage prepaid and addressed to the party at its applicable address. Actual notice shall be deemed adequate notice on the date actual notice occurred, regardless of the method of service.

3.5.2 Indemnification.

3.5.2.1 Scope of Indemnity. To the fullest extent permitted by law, Contractor shall defend, indemnify and hold the City, its officials, employees, agents and volunteers free and harmless from any and all claims, demands, causes of action, suits, actions, proceedings, costs, expenses, liability, judgments, awards, decrees, settlements, loss, damage or injury of any kind, in law or equity, regardless of whether the allegations are false, fraudulent, or groundless, to property or persons, including wrongful death, (collectively, "Claims") in any manner arising out of, pertaining to, or incident to any alleged acts, errors or omissions, or willful misconduct of Contractor, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Contractor's Services, the Project or this Agreement, including without limitation the payment of all expert witness fees, attorneys' fees and other

related costs and expenses. Notwithstanding the foregoing, to the extent required by Civil Code section 2782, Contractor's indemnity obligation shall not apply to liability for damages for death or bodily injury to persons, injury to property, or any other loss, damage or expense which is caused by the the sole or active negligence or willful misconduct of the City or the City's agents, servants, or independent contractors who are directly responsible to the City.

3.5.2.2 Additional Indemnity Obligations. Contractor shall defend, with counsel of City's choosing and at Contractor's own cost, expense and risk, any and all Claims covered by this indemnification section that may be brought or instituted against City or its officials, employees, agents and volunteers. In addition, Contractor shall pay and satisfy any judgment, award or decree that may be rendered against City or its officials, employees, agents and volunteers as part of any such claim, suit, action or other proceeding. Contractor shall also reimburse City for the cost of any settlement paid by City or its officials, employees, agents and volunteers as part of any such claim, suit, action or other proceeding. Such reimbursement shall include payment for City's attorney's fees and costs, including expert witness fees. Contractor shall reimburse City and its officials, employees, agents and volunteers, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Contractor's obligation to indemnify shall survive expiration or termination of this Agreement, and shall not be restricted to insurance proceeds, if any, received by the City, its officials, employees, agents and volunteers.

3.5.3 Governing Law; Government Code Claim Compliance. This Agreement shall be governed by the laws of the State of California. Venue shall be in San Bernardino County, California. In addition to any and all contract requirements pertaining to notices of and requests for compensation or payment for extra work, disputed work, claims and/or changed conditions, Contractor must comply with the claim procedures set forth in Government Code sections 900 et seq. prior to filing any lawsuit against the City. Such Government Code claims and any subsequent lawsuit based upon the Government Code claims shall be limited to those matters that remain unresolved after all procedures pertaining to extra work, disputed work, claims, and/or changed conditions have been followed by Contractor. If no such Government Code claim is submitted, or if any prerequisite contractual requirements are not otherwise satisfied as specified herein, Contractor shall be barred from bringing and maintaining a valid lawsuit against the City.

3.5.4 Time of Essence. Time is of the essence for each and every provision of this Agreement.

3.5.5 City's Right to Employ Other Contractors. City reserves right to employ other contractors in connection with this Project.

3.5.6 Successors and Assigns. This Agreement shall be binding on the successors and assigns of the parties.

3.5.7 Assignment or Transfer. Contractor shall not assign, hypothecate or transfer, either directly or by operation of law, this Agreement or any interest herein without the prior written consent of the City. Any attempt to do so shall be null and void, and any assignees, hypothecates or transferees shall acquire no right or interest by reason of such attempted assignment, hypothecation or transfer.

3.5.8 Construction; References; Captions. Since the Parties or their agents have participated fully in the preparation of this Agreement, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any Party. Any term

referencing time, days or period for performance shall be deemed calendar days and not work days. All references to Contractor include all personnel, employees, agents, and subcontractors of Contractor, except as otherwise specified in this Agreement. All references to City include its officials, officers, employees, agents, and volunteers except as otherwise specified in this Agreement. The captions of the various articles and paragraphs are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content or intent of this Agreement.

3.5.9 Amendment; Modification. No supplement, modification or amendment of this Agreement shall be binding unless executed in writing and signed by both Parties.

3.5.10 Waiver. No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel or otherwise.

3.5.11 No Third Party Beneficiaries. Except to the extent expressly provided for in Section 3.5.7, there are no intended third party beneficiaries of any right or obligation assumed by the Parties.

3.5.12 Invalidity; Severability. If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

3.5.13 Prohibited Interests. Contractor maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Contractor, to solicit or secure this Agreement. Further, Contractor warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Contractor, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. Contractor further agrees to file, or shall cause its employees or subcontractors to file, a Statement of Economic Interest with the City's Filing Officer as required under state law in the performance of the Services. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

3.5.14 Cooperation; Further Acts. The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate or convenient to attain the purposes of this Agreement.

3.5.15 Authority to Enter Agreement. Contractor has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement. Each Party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and bind each respective Party.

3.5.16 Counterparts. This Agreement may be signed in counterparts, each of which shall constitute an original.

3.5.17 Entire Agreement. This Agreement contains the entire Agreement of the parties with respect to the subject matter hereof, and supersedes all prior negotiations,

understandings or agreements. This Agreement may only be modified by a writing signed by both parties.

[SIGNATURES ON FOLLOWING PAGE]

SIGNATURE PAGE FOR
MAINTENANCE SERVICES AGREEMENT
BETWEEN THE CITY OF UPLAND
AND GENERAL PUMP COMPANY

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date first written above.

CITY OF UPLAND

APPROVED BY:

Michael Blay,
City Manager

ATTESTED BY:

Keri Johnson,
City Clerk

APPROVED AS TO FORM:

Best Best & Krieger LLP
City Attorney

GENERAL PUMP COMPANY

By:

Its: President / Director of Engineering

Printed Name: Michael Bodart

By:

Its: Sr. Project Manager / Engineer

Printed Name: Tom Nanchy

496765-C57 C61 / D21A
Contractor's License Number

1000002769
DIR Registration Number

EXHIBIT A

SCOPE OF SERVICES

General Pump Company will perform the following items:

- Mobilization, Demobilization, Public Convenience & Safety.
- Removal of the existing pump equipment from the well, transportation of all materials to the repair facility, disassembly, and inspection of pump equipment.
- Furnish, install, or repair all materials on the attached as-built.
- Replace or refurbish Column, Tube, and Shaft.
- Brush and bail for 16 hours.
- Air Burst if needed.
- Dual swab airlift for 8 hours
- Furnish and install the well pump and install motor (City will have the motor repaired by Sulzer Electric)
- Pre and Post Cleaning Video and Inspections.
- Record Drawings, warranty documents and Operation and Maintenance Manuals.

EXHIBIT B

SCHEDULE OF SERVICES

N/A

EXHIBIT C

COMPENSATION

ITEM DESCRIPTION	SUBTOTAL
Mobilization, Demobilization, Public Convenience & Safety.	$29,500.00
Removal of the existing pump equipment from the well, transportation of all materials to the repair facility, disassembly, and inspection of pump equipment.	$18,500.00
Furnish, install, or repair all materials on the attached as-built.	$45,850.00
Column, Tube, and Shaft: refurbished (based on per section).	$1,450.00
Column, Tube, and Shaft: replace if necessary (based on per section).	$2,980.00
Brush and bail.(if needed per discretion of the City)	$6,720.00
Air Burst.	$15,800.00
Sonar-Jet. (if needed per discretion of the City)	$7,800.00
Dual swab airlift.	$4,480.00
Furnish and install the well pump and install motor (City will have the motor repaired by Sulzer Electro Mechanical Services).	$18,500.00
Pre and Post Cleaning Video and Inspection.	$1,150.00
Disinfect Well (simple chlorination).	$650.00
Record Drawings, warranty documents and Operation and Maintenance Manuals.	$150.00
Bonding.	$2,500.00
TOTAL	**$157,180.00**

STAFF REPORT

ITEM NO. 10.L.

DATE:	October 24, 2022
TO:	MAYOR AND CITY COUNCIL
FROM:	MICHAEL BLAY, CITY MANAGER
PREPARED BY:	BRADEN YU, PUBLIC WORKS DIRECTOR MIKE KITCHEN, SPECIAL FLEET CONSULTANT
SUBJECT:	ENVIRONMENTAL SEWER TRUCK PURCHASE

RECOMMENDED ACTION

It is recommended that the City Council approve the purchase of one (1) new Vactor 2112 Sewer Cleaner (80519) in the amount of $568,301.51 with Haaker Equipment Company; and authorize the City Manager to execute all necessary documents.

GOAL STATEMENT

The proposed action supports the ongoing long-term City-wide fleet replacement and modernization program.

BACKGROUND

As part of the City's long-term fleet replacement and modernization program, the Fleet Maintenance Division works with all the City's Departments on designing and vehicle replacements.

The Sewer Division of the Public Works Department is requesting the purchase of a new piece of equipment to aide in its operations of repairing and maintaining the City's sewer lines. The Sewer Division is requesting the purchase of a new Sewer Cleaning Truck. The purchase of this unit will be an addition to the existing two (2) trucks operated by the Sewer Division used for cleaning storm drains, catch basins, sewer line, and aide the Water Division with installation and repairs of the City's water lines.

ISSUES/ANALYSIS

Sourcewell, formerly known as the National Joint Powers Alliance (NJPA), is a self-sustaining government organization with over 40 years of dedicated service helping government, education, and nonprofit agencies operate more efficiently by providing Contract purchasing solutions through Cooperative Purchasing. Cooperative purchasing is "procurement conducted by, or on behalf of, one or more Public Procurement Units" as defined by the American Bar Association Model Procurement Code for State and Local Governments. This arrangement allows multiple agencies to combine their buying requirements onto a single contract and aggregate volume to enhance purchasing power. Participants can negotiate lower prices, reduce their time spent in procurement and contracting, and benefit from more favorable terms and conditions.

Participation in Sourcewell is available at no cost, no obligation, and no liability to public agencies, school districts, state colleges, universities, and local governments. Sourcewell follows the competitive contracting law process to solicit, evaluate, and award cooperative purchasing contracts for goods and services. Sourcewell saves purchasers money by offering better pricing, less time is spent reviewing bids and it combines the purchasing power of more than 50,000 organizations. The City of Upland is a Sourcewell member. This procurement process meets the State of California's cooperative purchasing code 6500 & 6502, and Upland municipal code section 2.48.080, allowing the City to dispense with the bidding procedures when purchases are beneficial to the interests of the City and from suppliers who has been awarded a contract resulting from a formal competitive bidding process by another governmental agency. The City of Upland is a Sourcewell member.

The Sourcewell pricing from Haaker Equipment Company for the purchase of one (1) new Vactor Sewer Cleaner Truck was received by the Fleet Maintenance Division in the amount of $568,301.51.

FISCAL IMPACTS

The City Council approved $660,000 for the purchase of a Vacuum Sewer Truck for Fiscal Year 2022/23, which is sufficient funding for this purchase (Account No. 645-6402-5531). No additional appropriations are necessary at this time.

ALTERNATIVES

Provide alternative direction to staff.

ATTACHMENTS:

Haaker Equipment Vactor Quote

HAAKER
EQUIPMENT COMPANY
2070 North White Avenue, La Verne, California 91750
(909) 598-2706 ~ FAX (909) 598-1427 - Haaker.com

Sourcewell Awarded Contract

QUOTE
August 30, 2022

TO: UPLAND CITY OF
1370 North Benson Avenue
Upland CA 91786

ATTN: Mr. Mike Kitchen
909-931-4254
Email: mkitchen@ci.upland.ca.us

In accordance with your request, we are pleased to submit the following proposal for your consideration and approval based on the *Sourcewell Cooperative Purchasing Agreement - Contract #101221-VTR.*

ONE NEW VACTOR 2112 SEWER CLEANER (80519)

12-Cubic Yard Capacity with Roots 18" Positive Displacement Blower, 1500 Gallons of Water, Mounted on a 2023 Freightliner 370 HP 6x4 Chassis with Allison Automatic Transmission, Dual Air Ride Seats, Steel Wheels. Equipped with all Standard/Optional Equipment listed:

Standard Equipment Included

- Aluminum Fenders
- Mud Flaps
- Electric/Hydraulic Four Way Boom
- Color Coded Sealed Electrical System
- Intuitouch Electronic Package
- Double Acting Dump Hoist Cylinder
- Handgun Assembly w/35' x 1/2" Hose w/Quick Disconnects
- 3" Y-Strainer at Water Pump Inlet
- Ex-Ten Steel Cylindrical Debris Tank
- Flexible Hose Guide
- (3) Nozzles with Carbide Inserts w/Rack
- Suction Tube Storage - 4 Pipe
- 1" Nozzle Pipe
- 10' Leader Hose
- Flat Rear Door w/Hydraulic Locks
- Dual Stainless Steel Float Shut Off
- Debris Body Vacuum Relief System
- Debris Deflector Plate
- 60" Dump Height
- Additional Water Tank Sight Gauge
- Liquid Float Level Indicator
- Boom Transport Post Storage
- Boom Out of Position Indicator/Alarm
- Body Out of Position Indicator/Alarm
- 3" Y-Strainer @ Water Pump
- Performance Package
- 1" Water Relief Valve
- Microstrainer Prior to Blower
- Midship Handgun Coupling
- Side Mounted Water Pump
- Hose Wind Guide (Dual Roller)
- Hose Reel Manual Hyd. Extend/Retract
- Hose Reel Chain Cover (Full)
- Hydraulic Extending 15", Rotating Hose Reel, 1" x 800' Capacity
- Tachometer & Hourmeter/Blower
- Circuit Breakers
- LED Lights. Clearance, Back-Up, Stop, Tail & Turn
- Tow Hooks, Front and Rear
- Electronic Back-Up Alarm
- Hydraulic Tank Shutoff Valves
- Module Paint, Dupont Imron Elite - Sanded Primer Base
- 7" Vacuum Pipe Package
- Emergency Flare Kit
- Fire Extinguisher 5 Lbs.
- Sub frame Mounted, 2-Pipe Rack, 7"
- Low Water Alarm with Water Pump Flow Indicator
- Joystick Boom Control
- Digital Hose Footage Counter
- Water Pump Hour Meter

· PTO Hour Meter
· Hydraulic Oil Temp Alarm
· Digital Water Pressure Gauge
· Vactor Standard Manual and USB Version

Optional Equipment Included

··Roots 824-18" Hg. Blower
· 180 Degree Rotation, 10 Ft. x 15' RDB Boom
· Boom out of Position Indicator/Alarm
· 80 GPM Variable Flow Water System
· 2500 PSI Water Pressure
· 1" x 1000' Piranha Sewer Hose, 2500 PSI
· Hydraulic Extending/Rotating 15" Hose Reel (1" x 1000') Capacity
· Module Paint, DuPont Imron Elite - Sanded Primer Base
· Debris Body Flush Out System
· 6" Butterfly Valve, Rear Door, 3:00 Position
· 6" Knife Valve w/Cam-Loc, Rear Door, 6:00 Position
· Pump off Ports Only
· Centrifugal Separators
· Folding Pipe Rack, Curbside, 8" Pipe
· Folding Pipe Rack, Street side, 8" Pipe
· Rear Door Splash Shield
· Lube Manifold
· Plastic Lube Chart
· Wireless Controls, including hose reel controls
· Rotatable Boom Inlet Hose
· Handgun Couplers, Front and Rear
· Hydro Excavation Kit - Includes Lances, Nozzles, Storage Tray, and Vacuum Tubes
· Hose Wind Guide, Auto Indexing with Pinch Roller
· High Pressured Hose Reel 75'
· Front Hose Reel Storage
· Rodder Pump Drain Valves
· Hand Light w/Bumper Plug
· LED Mid-Ship Turn Signals
· Work lights (2), LED, RDB Boom
· Work lights (2), LED, Rear Door
· Work light, LED, Operators Station
· Toolbox, Front Bumper Mounted, 16 x 12 x 18 w/ (2) LED Side Markers
· Toolbox, Behind Cab with Lighting
· Toolbox, Driver Side Chassis Frame, 24w x 24h x 24d with lighting
· (4) Long Handle Tool Storage Locations behind Cab
· Camera System, Front and Rear, Both Sides
· Safety Cone Storage Rack - Post Style (3 total)
· Digital Water Level Indicator
· Digital Debris Body Level Indicator
· Door Stripe Material, Reflective Tape
· Standard Logo's - Shipped with Unit
· (1) 8" x 7'-6" Aluminum Vacuum Tube
· Vactor Standard Manual and USB Version
· LED· Light Package to include LED Light Bar, 8 Strobes, Arrow LED Traffic Advisor, Cables, Switches, Mounting Brackets
· Expanded metal basket for 5 gallon buckets
· 10 year Warranty Tanks

Sourcewell Unit Price:	$ 539,215.00
Sourcewell Discount:	($ 11,789.00)
Subtotal:	$ 527,426.00
Sales Tax (7.75%)	$ 40,875.51

TOTAL UNIT PRICE, FOB: UPLAND, CA: ..... $ 568,301.51

THE PROPERTY HEREIN IS GUARANTEED BY MANUFACTURER'S WARRANTY ONLY AND SELLER MAKES NO WARRANTY EXPRESSED OR IMPLIED, OF MERCHANTABILITY OR OTHERWISE, OR OF FITNESS FOR ANY PARTICULAR PURPOSE, THAT EXTENDS BEYOND THE ABOVE DESCRIPTION OF THE EQUIPMENT.

NOTE: Price is good until 15 Days. Cost increases due to the addition of Government mandated safety or environmental devices incurred after the date of this proposal, will be charged to you at our cost. Proof of such costs, if any, will be documented.

TAXES: SALES TAX applicable at time of delivery will be shown on our invoice. FEDERAL EXCISE TAXES, if applicable, will require payment unless a properly executed Exemption Certificate is submitted.

DELIVERY: 90-12-Days TERMS: Net 30

We appreciate the opportunity to present this proposal and look forward to being of further and continued service.

HAAKER EQUIPMENT COMPANY **ACCEPTED BY:** _____

BY: George Lopez **DATE:** _____

GEORGE LOPEZ/ Sales Representative

HAAKER

EQUIPMENT COMPANY

August 30, 2022

To the City Of Upland,

According to the contract dated August 30, 2022 if Vactor unit 80519 is down for more than three (3) working days due to warranty or major repairs not caused by operator error or chassis issues the City of Upland will be provided if available either in Haaker's demo or rental fleet a loaner Vactor combination unit at no charge. The insurance for the city of Upland will also have to be current and on file. This Vactor Loaner agreement will be valid for Three (3) years after the original in service date.

Michael Frias

Division Sales Manager

STAFF REPORT

ITEM NO. 10.M.

DATE:	October 24, 2022
TO:	MAYOR AND CITY COUNCIL
FROM:	MICHAEL BLAY, CITY MANAGER
PREPARED BY:	STEPHEN PARKER, CPA, ASSISTANT CITY MANAGER LONDA BOCK-HELMS CPA, FINANCE OFFICER
SUBJECT:	TREASURER'S REPORTS AUGUST (AMENDED) AND SEPTEMBER 2022

RECOMMENDED ACTION

It is recommended that the City Council receive and file the amended August and September 2022 Treasurer's Reports.

GOAL STATEMENT

The proposed action supports the City's goal to manage the City's resources in a fiscally responsible manner.

BACKGROUND

Per California Government Code Section 53646(b), the City's treasurer or chief fiscal officer may render a treasurer's report to the City Council on a quarterly basis. The City has elected to provide this report to City Council monthly, but the City's Investment Policy (approved May 23, 2022) requires the Investment Officer to provide a report quarterly to the Finance Committee at regularly scheduled meetings. This report shall include the type of investment, issuer, date of maturity, par, and dollar amount invested on all securities, current market value as of the date of the report, investments and monies held by the local agency, and shall additionally include a description of any of the local agency's funds, investments, or programs, that are under the management of contracted parties, including lending programs. The report shall include a statement of compliance with the investment policy and shall include a statement noting the City's ability to meet its expenditure requirements for the next six months.

ISSUES/ANALYSIS

The submission of the monthly Treasurer's Report is a compliance measure.

This submission includes an amended August 2022 Treasurer's Report to reflect the City's recent investment in California Asset Management Program (CAMP), a California Joint Powers Authority established in 1989 to provide California public agencies with professional investment services. The CAMP pool is a permitted investment for all local agencies under California Government Code Section 53601(p), and allowable in the City's Investment Policy under section 10.12 - Local Government Investment Pools with no limitation as to the percentage of the portfolio invested in that category.

FISCAL IMPACTS

There is no fiscal impact associated with this action.

ALTERNATIVES

Provide alternative direction to staff.

ATTACHMENTS:

Treasurer's Report - August 2022 (Amended)
Treasurer's Report - September 2022

TREASURER'S REPORT

City of Upland - Successor Agency - Public Financing Authority

For Period Ended
August 31, 2022

Investment Portfolio	Cost	Par Value	Market Value	% of Portfolio
State Local Agency Investment Fund	12,421,578	12,421,578	12,573,308	14.4%
California Asset Management Plan	5,000,000	5,000,000	5,000,000	5.7%
Negotiable Certificates of Deposit	13,309,943	13,265,000	12,597,170	14.4%
Money Market Fund	125,329	125,329	125,329	0.1%
Municipal Bonds	645,425	645,000	592,612	0.7%
Government Agency Securities	58,805,170	58,850,000	54,571,196	62.5%
Corporate Bonds	494,750	500,000	498,705	0.6%
US Treasury	1,476,450	1,500,000	1,353,930	1.6%
Total Investments	$ 92,278,645	$ 92,306,907	$ 87,312,249	100.0%

Weighted Average Days to Maturity	770.48
Blended Yield:	1.04%

Cash	Cost	Market Value
Bank Accounts and Change Funds	8,433,558	8,433,558
Total Cash	$ 8,433,558	$ 8,433,558

Total Cash and Investments	$ 100,712,203	$ 95,745,807

PARS Investment Portfolio	Cost	Market Value
115 Trust-OPEB Investment	1,502,000	1,686,706
115 Trust-Pension Investment	2,594,000	2,634,589
Total Restricted Funds Held in Trust	$ 4,096,000	$ 4,321,295

Benchmarks:	
LAIF	1.28%
2yr U.S. Treasury	3.45%
5yr U.S. Treasury	3.30%

Restricted Funds with Fiscal Agent	Book Value	Market Value
Water System Lease Revenue Refunding Bonds 2021	-	-
Water Revenue Bonds 2022	15,520,631	15,520,631
Successor Agency TAN 2013 / TAN 2016- Merged Project	5,084,562	5,084,562
Colonies CFD Area #1 2012	15	15
Colonies CFD Area #1 2022	17,886,951	17,886,951
Colonies CFD Area #2 2015	2,624,014	2,624,014
Upland 54 CFD 2004	265,533	265,533
Sycamore Hills CFD 2015-1	1,363,539	1,363,539
Sycamore Hills CFD 2015-1-2	9,343,975	9,343,975
Harvest at Upland CFD 2016-1 Area #1	890,947	890,947
Harvest at Upland CFD 2016-1 Area #2	2,698,522	2,698,522
Total Restricted Funds	$ 55,678,689	$ 55,678,689

1. I hereby certify that the investments are in compliance with the investment policy adopted by the City Council in May 2022.
2. The City has the ability to meet its budgeted expenditures for the next six months.
3. The market values for funds held in banking institutions do not change. The amounts listed as market values for these items are the same as their book values.
4. The book value for the State Pool is the withdrawal value provided by the State Treasurer. The market value of funds held by the State Treasurer equates to the City's pro-rata share of the market value of the entire State Pool.
5. Sources for current market valuation are Account Statements and the Wall Street Journal GNMA Mortgage rates on the last trading day of the month.
6. This report meets the requirements of Government Code Section 53646.

Assistant City Manager (Finance Director) — Date: 10/19/22

City Treasurer — Date: 10/19/22

TREASURER'S REPORT

City of Upland - Successor Agency - Public Financing Authority

State Local Agency Investment Fund

For Period Ended
August 31, 2022

Fund or Account		Account Balance	
City	98-36-942	12,421,578	
			Market Value (See Note 4)
	Totals	**$ 12,421,578**	**$ 12,573,308**
Yield for Period Ended	**8/31/2022**	**1.28%**	

TREASURER'S REPORT

City of Upland - Successor Agency - Public Financing Authority

California Asset Management Plan

For Period Ended
August 31, 2022

Fund or Account		Account Balance	Market Value
City of Upland	98-36-942	5,000,000	
	Totals	**$ 5,000,000**	**$ 5,000,000**
Yield for Period Ended	**8/31/2022**	**2.37%**	

TREASURER'S REPORT
City of Upland - Successor Agency - Public Financing Authority

US Bank Investments
For Period Ended
August 31, 2022

Investment Name		Cost	Par Value	Market Value	Stated	Maturity Date
Negotiable Certificates of Deposit						
Cross Riv Bank CD	227563BJ1	250,000	250,000	249,743	1.85%	11/07/2022
Flagstar Bank FSB CD	33847E2V8	250,000	250,000	249,663	1.80%	11/15/2022
Wells Fargo Natl CD	949495AF2	250,000	250,000	249,358	1.86%	12/30/2022
Texas CAP Bank N A CD	88224PLY3	250,000	250,000	247,280	0.30%	02/07/2023
Goldman Sachs CD	38148PYQ4	250,000	250,000	249,928	2.80%	02/28/2023
Sallie Mae Bank CD	795450P66	250,000	250,000	250,420	3.20%	05/09/2023
Discover Bank Greenwood Del CD	254673RF5	250,000	250,000	250,510	3.30%	07/11/2023
Nicolet NATL CD	654062JS8	250,000	250,000	244,935	1.28%	09/27/2023
Preferred Bank CD	740367NX1	250,000	250,000	242,253	0.26%	09/29/2023
Lakeside Bank CD	51210SSA6	250,000	250,000	245,170	1.38%	09/29/2023
Bank Princeton CD	064520BB4	250,000	250,000	240,798	0.42%	12/29/2023
Raymond James CD	75472RAT8	250,000	250,000	245,328	1.84%	12/29/2023
Luana Savings Bank CD	549104RT6	250,000	250,000	239,503	0.31%	02/14/2024
Bank Hapoalim BM CD	06251AW48	246,233	235,000	233,618	2.92%	03/25/2024
Celtic Bank CD	15118RUQ8	250,000	250,000	242,108	1.29%	04/02/2024
UBS Bank USA CD	90348JJQ4	260,650	250,000	248,480	2.92%	04/03/2024
Morgan Stanley CD	61760AZR3	250,000	250,000	247,725	2.78%	05/02/2024
Evergreen Bank CD	300185KL8	250,000	250,000	236,975	0.26%	05/28/2024
First Farmers Bank & Trust CD	320165JK0	246,682	235,000	227,515	1.81%	09/04/2024
1St Security CD	33625CDR7	250,000	250,000	230,390	0.33%	04/16/2025
Third Fed Svgs CD	88413QDE5	250,000	250,000	232,958	0.86%	05/23/2025
Southeast Bank CD	84133PFC7	250,000	250,000	230,238	0.49%	06/17/2025
Tandem Bk Tucker CD	87537YAB0	250,000	250,000	231,833	0.59%	06/23/2025
Live Oak Bkg Co CD	538036QH0	250,000	250,000	229,528	0.44%	06/30/2025
New York CD	649447UY3	250,000	250,000	230,298	0.54%	07/01/2025
Live Oak Bkg Co CD	538036NV2	250,000	250,000	229,100	0.60%	09/16/2025
Meritrust Mtn CD	59001PAR0	225,000	225,000	224,081	0.30%	06/30/2025
Bmw Bank North CD	05580AXF6	250,000	250,000	228,720	0.55%	09/25/2025
Jpmorgan Chase CD	48128URC5	250,000	250,000	227,898	0.55%	11/10/2025
Greenstate Cr CD	39573LCC0	250,000	250,000	230,568	0.98%	11/24/2025
First Carolina CD	31944MBJ3	250,000	250,000	226,993	0.55%	12/23/2025
USAlliance FCU	90352RCD5	100,000	100,000	93,258	1.45%	01/28/2026

TREASURER'S REPORT

City of Upland - Successor Agency - Public Financing Authority

US Bank Investments
For Period Ended
August 31, 2022

Investment Name		Cost	Par Value	Market Value	Stated	Maturity Date
Union Bank CD	90520VAX1	250,000	250,000	226,293	0.67%	03/19/2026
American Equity CD	02568KAJ4	250,000	250,000	226,010	0.78%	05/27/2026
Toyota Financial CD	89235MLE9	249,860	248,000	225,586	1.05%	07/29/2026
Continental Bank CD	211163MG2	250,000	250,000	223,788	0.67%	08/24/2026
First Bank of Nebraska CD	32116PAR9	248,000	248,000	221,826	0.67%	08/27/2026
Texas Exchange CD	88241TMG2	249,000	249,000	226,637	1.27%	11/13/2026
Malaga BK FSB CD	56102ABK1	250,000	250,000	224,498	0.95%	11/19/2026
Bankunited Natl CD	066519RW1	249,000	249,000	228,271	1.48%	12/08/2026
Capital One CD	14042RQN4	250,000	250,000	228,255	1.38%	12/08/2026
Generations Bk C D	37149CAV9	250,000	250,000	245,833	3.17%	05/06/2027
First C D	33715LEB2	249,000	249,000	250,350	3.65%	08/05/2027
Negotiable Certificates of Deposit Fund Subtotal		$ 13,309,943	$ 13,265,000	$ 12,597,170		
Money Market Fund						
First American Govt OB Fund-Y	31846V203	125,329	125,329	125,329		N/A
Money Market Fund Subtotal		125,329	125,329	125,329		
Municipal Bond Fund						
Klamath Trinity CA	498422JN5	50,200	50,000	48,043		08/01/2024
Klamath Trinity CA	498422JJ4	45,225	45,000	42,966	1.60%	08/01/2025
San Bernardino CA	796720PA2	300,000	300,000	276,348	0.91%	08/01/2025
San Bernardino CA	796720PB0	250,000	250,000	225,255	1.22%	08/01/2026
Municipal Bond Fund Subtotal		645,425	645,000	592,612		
Government Securities						
Federal Farm Credit Bks DEB	3133EMKH4	2,000,000	2,000,000	1,983,920	0.16%	12/15/2022
Federal Farm Credit Bks DEB	3133ELFS8	1,999,000	2,000,000	1,991,580	1.67%	12/27/2022
Federal Farm Credit Bks DEB	3133EMKG6	1,000,000	1,000,000	972,060	0.21%	06/15/2023
Federal National Mortgage Assoc	3135G05R0	1,500,000	1,500,000	1,454,310	0.31%	08/10/2023
Federal Farm Credit Bks DEB	3133EL6U3	1,500,000	1,500,000	1,446,195	0.29%	09/14/2023
Federal Farm Credit Bks DEB	3133EMHL9	1,000,000	1,000,000	959,490	0.32%	11/30/2023
Federal Home LN Bks DEB	3130AQD26	500,000	500,000	479,940	0.75%	12/29/2023
Federal Home LN Bks DEB	3130AQD34	500,000	500,000	477,305	0.86%	03/28/2024
Federal Home LN Corp MTN	3134GWJ64	1,500,000	1,500,000	1,414,500	0.42%	06/10/2024
Federal Home LN Bks DEB	3130AQD42	500,000	500,000	474,890	0.97%	06/28/2024
Federal Home LN Bks DEB	3130AQD59	1,250,000	1,250,000	1,186,425	1.05%	09/30/2024
Federal Home LN Corp MTN	3134GWUX2	1,500,000	1,500,000	1,400,265	0.40%	09/30/2024
Federal Farm Credit Bks DEB	3133EMER9	1,500,000	1,500,000	1,388,820	0.51%	01/27/2025
Federal Farm Credit Bks DEB	3130AMZP0	1,500,000	1,500,000	1,388,640	0.70%	02/28/2025
Federal Farm Credit Bks DEB	3133EMTQ5	1,100,000	1,100,000	1,019,469	0.76%	03/17/2025
Federal Farm Credit Bks DEB	3130ALN34	1,100,000	1,100,000	1,017,610	0.76%	03/24/2025
Federal Farm Credit Bks DEB	3133EMBK7	1,500,000	1,500,000	1,378,485	0.49%	04/07/2025
Federal Farm Credit Bks DEB	3133ENHW3	1,250,000	1,250,000	1,164,213	1.26%	06/23/2025
Federal Farm Credit Bks DEB	3130ALPJ7	1,000,000	1,000,000	920,520	0.89%	06/30/2025
Federal Farm Credit Bks DEB	3136G4A45	1,500,000	1,500,000	1,375,620	0.78%	07/22/2025
Federal Farm Credit Bks DEB	3134GWH82	1,500,000	1,500,000	1,366,515	0.69%	09/08/2025
Federal National Mortgage Assoc	3134GWWT9	1,500,000	1,500,000	1,360,995	0.61%	09/30/2025
Federal Home LN Corp MTN	3134GWZG4	2,000,000	2,000,000	1,814,720	0.66%	10/20/2025
Federal Home LN Corp MTN	3134GXAP9	1,500,000	1,500,000	1,358,580	0.66%	11/12/2025

TREASURER'S REPORT

City of Upland - Successor Agency - Public Financing Authority

US Bank Investments
For Period Ended
August 31, 2022

Investment Name		Cost	Par Value	Market Value	Stated	Maturity Date
Federal Home LN Corp	3134GXBM5	1,500,000	1,500,000	1,358,580	0.66%	11/12/2025
Federal Home LN Corp MTN	3130AQ5D1	1,500,000	1,500,000	1,379,475	1.31%	12/22/2025
Federal Home LN Corp MTN	3130AKLH7	1,500,000	1,500,000	1,349,880	0.22%	12/30/2025
Federal Home LN Bks DEB	3130AKQX7	2,000,000	2,000,000	1,804,060	0.78%	01/28/2026
Federal Farm Credit Bks DEB	3130AKWK8	2,000,000	2,000,000	1,789,980	0.57%	02/12/2026
Federal Farm Credit Bks DEB	3130AL6A7	1,000,000	1,000,000	901,130	0.44%	02/26/2026
Federal Farm Credit Bks DEB	3130AL6L3	1,000,000	1,000,000	899,090	0.56%	02/26/2026
Federal Farm Credit Bks DEB	3130ALZ80	1,300,000	1,300,000	1,198,587	0.65%	04/29/2026
Federal Farm Credit Bks DEB	3130AMBD3	1,500,000	1,500,000	1,373,415	0.55%	05/12/2026
Federal Farm Credit Bks DEB	3130AMET5	2,000,000	2,000,000	1,838,060	0.55%	05/27/2026
Federal Farm Credit Bks DEB	3130AN3R9	1,500,000	1,500,000	1,358,835	1.25%	07/20/2026
Federal Farm Credit Bks DEB	3133ENAF7	1,235,150	1,250,000	1,125,313	1.11%	10/07/2026
Federal Farm Credit Bks DEB	3130APJ55	1,600,000	1,600,000	1,447,168	1.39%	10/26/2026
Federal Farm Credit Bks DEB	3134GW4C7	1,379,420	1,400,000	1,247,610	0.90%	10/27/2026
Federal Farm Credit Bks DEB	3130APU37	1,500,000	1,500,000	1,357,125	1.44%	11/24/2026
Federal Home LN Corp MTN	3130APV51	2,000,000	2,000,000	1,837,440	1.09%	11/24/2026
Federal Home LN Bks DEB	3130ARCL3	1,000,000	1,000,000	941,500	2.66%	03/30/2027
Federal Home LN Bks DEB	3130ARKL4	591,600	600,000	582,942	2.32%	04/21/2027
Federal Home LN M C MTN	3134GXSB1	1,000,000	1,000,000	985,940	3.05%	05/17/2027
Government Securities Subtotal		58,805,170	58,850,000	54,571,196		
Corporate Bonds						
Apple Inc	037833DE7	494,750	500,000	498,705	2.41%	01/13/2023
Corporate Bonds Subtotal		494,750	500,000	498,705		
US Treasury						
US Treasury Note	91282CBC4	1,476,450	1,500,000	1,353,930	0.42%	12/31/2025
US Treasury Subtotal		1,476,450	1,500,000	1,353,930		
Total Portfolio		**$ 74,857,067**	**$ 74,885,329**	**$ 69,738,942**		

TREASURER'S REPORT

City of Upland - Successor Agency - Public Financing Authority

Investment Portfolio

For Period Ended
August 31, 2022

August 31, 2022	Market Value	Availability 08/31/22 09/01/22	No. of days until maturity	weight	days to maturity weighted average	Total by maturity	
Petty Cash	12,100	8/31/2022	-	0.0%	-		
Checking Account	5,583,017	9/1/2022	1	6.2%	0.06		
Successor Agency	2,838,440	9/1/2022	1	3.1%	0.03		
Total Bank Accounts	**8,433,558**					8,433,558	
State Local Agency Investment Fund	**12,573,308**	9/1/2022	1	13.9%	0.14	12,573,308	
First American Govt OB Fund-Y	125,329	9/1/2022	1	0.1%	0.00		
Total Money Market Accounts	**125,329**					125,329	
						21,132,194	**1 - 30 days**
Cross Riv Bank CD	249,743	11/7/2022	68	0.3%	0.19		
Flagstar Bank FSB CD	249,663	11/15/2022	76	0.3%	0.21		
Negotiable Certificates of Deposit	**499,405**					499,405	
						499,405	**61 - 120 days**
Federal Farm Credit Bks DEB	1,983,920	12/15/2022	106	2.2%	2.32		
Federal Farm Credit Bks DEB	1,991,580	12/27/2022	118	2.2%	2.59		
Government Securities	**3,975,500**					3,975,500	
Wells Fargo Natl CD	249,358	12/30/2022	121	0.3%	0.33		
Texas CAP Bank N A CD	247,280	2/7/2023	160	0.3%	0.44		
Negotiable Certificates of Deposit	**496,638**					496,638	
						4,472,138	**121 - 180 days**
Federal Farm Credit Bks DEB	972,060	6/15/2023	288	1.1%	3.09		
Federal National Mortgage Assoc	1,454,310	8/10/2023	344	1.6%	5.51		
Government Securities	**2,426,370**						
Goldman Sachs CD	249,928	2/28/2023	181	0.3%	0.50		
Sallie Mae Bank CD	250,420	5/9/2023	251	0.3%	0.69		
Discover Bank Greenwood Del CD	250,510	7/11/2023	314	0.3%	0.87		
Negotiable Certificates of Deposit	**750,858**					750,858	
Apple Inc	498,705	1/13/2023	135	0.5%	0.74		
Corporate Bonds	**498,705**					498,705	
						1,249,563	**181 - 1 year**
Federal Farm Credit Bks DEB	1,446,195	9/14/2023	379	1.6%	6.04		
Federal Farm Credit Bks DEB	959,490	11/30/2023	456	1.1%	4.82		
Federal Home LN Bks DEB	479,940	12/29/2023	485	0.5%	2.57		
Federal Home LN Bks DEB	477,305	3/28/2024	575	0.5%	3.02		
Federal Home LN Corp MTN	1,414,500	6/10/2024	649	1.6%	10.12		
Federal Home LN Bks DEB	474,890	6/28/2024	667	0.5%	3.49		
Government Securities	**5,252,320**					5,252,320	
Nicolet NATL CD	244,935	9/27/2023	392	0.3%	1.06		
Preferred Bank CD	242,253	9/29/2023	394	0.3%	1.05		
Lakeside Bank CD	245,170	9/29/2023	394	0.3%	1.06		
Bank Princeton CD	240,798	12/29/2023	485	0.3%	1.29		
Raymond James CD	245,328	12/29/2023	485	0.3%	1.31		
Luana Savings Bank CD	239,503	2/14/2024	532	0.3%	1.40		
Bank Hapoalim BM CD	233,618	3/25/2024	572	0.3%	1.47		
Celtic Bank CD	242,108	4/2/2024	580	0.3%	1.55		
UBS Bank USA CD	248,480	4/3/2024	581	0.3%	1.59		
Morgan Stanley CD	247,725	5/2/2024	610	0.3%	1.67		
Evergreen Bank CD	236,975	5/28/2024	636	0.3%	1.66		
Negotiable Certificates of Deposit	**2,666,891**					2,666,891	
Klamath Trinity CA	48,043	8/1/2024	701	0.1%	0.37		
Municipal Bonds	**48,043**					48,043	
						7,967,254	**1- 2 years**

TREASURER'S REPORT

City of Upland - Successor Agency - Public Financing Authority

Investment Portfolio

For Period Ended
August 31, 2022

August 31, 2022	Market Value	Availability 08/31/22 09/01/22	No. of days until maturity	weight	days to maturity weighted average	Total by maturity	
Federal Home LN Bks DEB	1,186,425	9/30/2024	761	1.3%	9.95		
Federal Home LN Corp MTN	1,400,265	9/30/2024	761	1.5%	11.74		
Federal Farm Credit Bks DEB	1,388,820	1/27/2025	880	1.5%	13.47		
Federal Farm Credit Bks DEB	1,388,640	2/28/2025	912	1.5%	13.96		
Federal Farm Credit Bks DEB	1,019,469	3/17/2025	929	1.1%	10.44		
Federal Farm Credit Bks DEB	1,017,610	3/24/2025	936	1.1%	10.50		
Federal Farm Credit Bks DEB	1,378,485	4/7/2025	950	1.5%	14.43		
Federal Farm Credit Bks DEB	1,164,213	6/23/2025	1,027	1.3%	13.18		
Federal Farm Credit Bks DEB	920,520	6/30/2025	1,034	1.0%	10.49		
Federal Farm Credit Bks DEB	1,375,620	7/22/2025	1,056	1.5%	16.01		
Government Securities	**12,240,067**					12,240,067	
First Farmers Bank & Trust CD	227,515	9/4/2024	735	0.3%	1.84		
Bank of the CD	235,990	9/30/2024	761	0.3%	1.98		
Pentago CD	234,710	9/30/2024	761	0.3%	1.97		
Magnolia Bank INC CD	233,588	11/25/2024	817	0.3%	2.10		
State Bank of CD	242,740	11/27/2024	819	0.3%	2.19		
Webbank Salt CD	234,695	12/30/2024	852	0.3%	2.20		
Enerbank USA CD	240,665	1/29/2025	882	0.3%	2.34		
Merrick Bank CD	240,365	1/31/2025	884	0.3%	2.34		
Poppy Bk Santa CD	216,039	3/18/2025	930	0.2%	2.21		
Medallion Bk CD	237,025	3/27/2025	939	0.3%	2.45		
Industrial Coml CD	231,735	3/31/2025	943	0.3%	2.41		
Partners Bank CD	235,110	4/2/2025	945	0.3%	2.45		
1St Security CD	230,390	4/16/2025	959	0.3%	2.43		
Third Fed Svgs CD	232,958	5/23/2025	996	0.3%	2.56		
Southeast Bank CD	230,238	6/17/2025	1,021	0.3%	2.59		
Tandem Bk Tucker CD	231,833	6/23/2025	1,027	0.3%	2.62		
Live Oak Bkg Co CD	229,528	6/30/2025	1,034	0.3%	2.62		
New York CD	230,298	7/1/2025	1,035	0.3%	2.63		
Negotiable Certificates of Deposit	**4,195,419**					4,195,419	
Klamath Trinity CA	42,966	8/1/2025	1,066	0.0%	0.50		
San Bernardino CA	276,348	8/1/2025	1,066	0.3%	3.25		
Municipal Bonds	**319,314**					319,314	
						16,754,799	**2- 3 years**
Federal Farm Credit Bks DEB	1,366,515	9/8/2025	1,104	1.5%	16.62		
Federal National Mortgage Assoc	1,360,995	9/30/2025	1,126	1.5%	16.89		
Federal Home LN Corp MTN	1,814,720	10/20/2025	1,146	2.0%	22.92		
Federal Home LN Corp MTN	1,358,580	11/12/2025	1,169	1.5%	17.50		
Federal Home LN Corp	1,358,580	11/12/2025	1,169	1.5%	17.50		
Federal Home LN Corp MTN	1,379,475	12/22/2025	1,209	1.5%	18.38		
Federal Home LN Corp MTN	1,349,880	12/30/2025	1,217	1.5%	18.10		
Federal Home LN Bks DEB	1,804,060	1/28/2026	1,246	2.0%	24.77		
Federal Farm Credit Bks DEB	1,789,980	2/12/2026	1,261	2.0%	24.87		
Federal Farm Credit Bks DEB	901,130	2/26/2026	1,275	1.0%	12.66		
Federal Farm Credit Bks DEB	899,090	2/26/2026	1,275	1.0%	12.63		
Federal Farm Credit Bks DEB	1,198,587	4/29/2026	1,337	1.3%	17.66		
Federal Farm Credit Bks DEB	1,373,415	5/12/2026	1,350	1.5%	20.43		
Federal Farm Credit Bks DEB	1,838,060	5/27/2026	1,365	2.0%	27.65		
Federal Farm Credit Bks DEB	1,358,835	7/20/2026	1,419	1.5%	21.25		
Government Securities	**21,151,902**					21,151,902	
Live Oak Bkg Co CD	229,100	9/16/2025	1,112	0.3%	2.81		
Meritrust Mtn CD	224,081	6/30/2025	1,034	0.2%	2.55		
Bmw Bank North CD	228,720	9/25/2025	1,121	0.3%	2.83		
Jpmorgan Chase CD	227,898	11/10/2025	1,167	0.3%	2.93		
Greenstate Cr CD	230,568	11/24/2025	1,181	0.3%	3.00		
First Carolina CD	226,993	12/23/2025	1,210	0.3%	3.03		
USAlliance FCU	93,258	1/28/2026	1,246	0.1%	1.28		
Union Bank CD	226,293	3/19/2026	1,296	0.2%	3.23		
American Equity CD	226,010	5/27/2026	1,365	0.2%	3.40		
Toyota Financial CD	225,586	7/29/2026	1,428	0.2%	3.55		
Continental Bank CD	223,788	8/24/2026	1,454	0.2%	3.59		
First Bank of Nebraska CD	221,826	8/27/2026	1,457	0.2%	3.56		
Negotiable Certificates of Deposit	**2,584,118**					2,584,118	

TREASURER'S REPORT

City of Upland - Successor Agency - Public Financing Authority

Investment Portfolio

For Period Ended
August 31, 2022

August 31, 2022	Market Value	Availability 08/31/22 09/01/22	No. of days until maturity	weight	days to maturity weighted average	Total by maturity	
US Treasury Note	1,353,930	12/31/2025	1,218	1.5%	18.17		
US Treasury	**1,353,930**					1,353,930	
San Bernardino CA	225,255	8/1/2026	1,431	0.2%	3.55		
Municipal Bonds	**225,255**					225,255	
						25,315,205	**3- 4 years**
Federal Farm Credit Bks DEB	1,125,313	10/7/2026	1,498	1.2%	18.58		
Federal Farm Credit Bks DEB	1,447,168	10/26/2026	1,517	1.6%	24.19		
Federal Farm Credit Bks DEB	1,247,610	10/27/2026	1,518	1.4%	20.87		
Federal Farm Credit Bks DEB	1,357,125	11/24/2026	1,546	1.5%	23.12		
Federal Home LN Corp MTN	1,837,440	11/24/2026	1,546	2.0%	31.30		
Federal Home LN Bks DEB	941,500	3/30/2027	1,672	1.0%	17.35		
Federal Home LN Bks DEB	582,942	4/21/2027	1,694	0.6%	10.88		
Federal Home LN M C MTN	985,940	5/17/2027	1,720	1.1%	18.69		
Government Securities	**9,525,038**					9,525,038	
Texas Exchange CD	226,637	11/13/2026	1,535	0.2%	3.83		
Malaga BK FSB CD	224,498	11/19/2026	1,541	0.2%	3.81		
Bankunited Natl CD	228,271	12/8/2026	1,560	0.3%	3.92		
Capital One CD	228,255	12/8/2026	1,560	0.3%	3.92		
Generations Bk C D	245,833	5/6/2027	1,709	0.3%	4.63		
First C D	250,350	8/5/2027	1,800	0.3%	4.97		
Negotiable Certificates of Deposit	**1,403,843**					1,403,843	
						10,928,880	**4- 5 years**
Total Investments	**$ 90,745,807**			**100%**	**$ 770**	**88,319,437**	
	Average Maturity in Days		770.48				
	Average Maturity in Years:		2.111				

LAIF Amortized Cost		$ 226,522,474,958
LAIF Fair Value		$ 229,289,442,198
	Check:	1.012214979

TREASURER'S REPORT

City of Upland - Successor Agency - Public Financing Authority

CA Government Code Section 53607
Monthly Transaction Report
For Period Ended
August 31, 2022

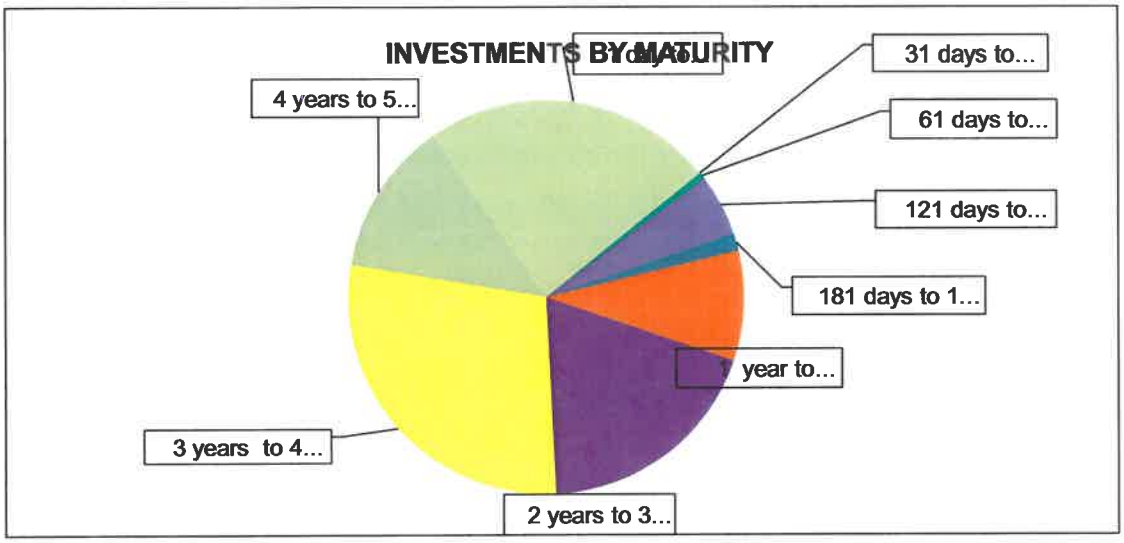
Investment Name	CUSIP Id	Issue Date	Cost	Par Value	Market Value	Maturity Date
Sales						
Texas CAP Bank N A CD	88224PLZ0	8/7/2020	99.95	250,000.00	249,862.50	8/8/2022
American Express CD	02587CFU9	8/29/2017	100.01	250,000.00	250,027.50	8/29/2022
Sales Subtotal			199.96	500,000.00	499,890.00	
Purchases						
First C D	33715LEB2	8/5/2022	100.54	249,000.00	250,349.58	8/5/2027
Purchases Subtotal			100.54	249,000.00	250,349.58	

TREASURER'S REPORT
City of Upland - Successor Agency - Public Financing Authority

Par Values Maturing by Date and Type
Maturities in Thousands of Dollars

For Period Ended
August 31, 2022

Investment Portfolio	1 day to 30 days	31 days to 60 days	61 days to 120 days	121 days to 180 days	181 days to 1 year	1 year to 2 years	2 years to 3 years	3 years to 4 years	4 years to 5 years
State Local Agency Investment Fund	12,573	-		-	-	-	-	-	-
Bank Accounts and Change Funds	8,434	-	-	-	-	-	-	-	-
Negotiable Certificates of Deposit	-	-	499	497	751	2,667	4,195	2,584	1,404
Government Securities	-	-	-	3,976	-	5,252	12,240	21,152	9,525
Money Market Fund	125	-	-	-	-	-	-	-	-
Municipal Bonds	-	-	-	-	-	48	319	-	225
Corporate Bonds	-	-	-	-	499	-	-	-	-
US Treasury	-	-	-	-	-	-	-	1,354	-
Total Cash and Investments	21,132	-	499	4,472	1,250	7,967	16,755	25,090	11,154
Percentage	23.9%	0.0%	0.6%	5.1%	1.4%	9.0%	19.0%	28.4%	12.6%



TREASURER'S REPORT

City of Upland - Successor Agency - Public Financing Authority

Bank Accounts and Change Funds

For Period Ended
August 31, 2022

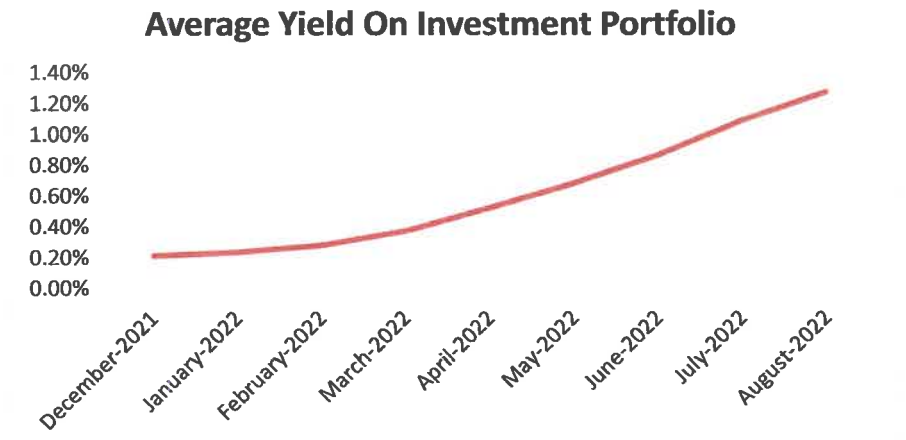
Account Name	Institution	Insured Deposits	Collateralized Deposits	Total Deposits
Petty Cash City of Upland	City of Upland	$ -	$ 12,100	$ 12,100
City of Upland Payroll Zero Balance Account	Chase	-	-	-
City of Upland Checking Account	Chase	250,000	5,333,017	5,583,017
City of Upland Successor Agency	Chase	-	2,838,440	2,838,440
	Totals	**$ 250,000**	**$ 8,183,558**	**$ 8,433,558**

TREASURER'S REPORT

City of Upland - Successor Agency - Public Financing Authority

State Local Agency Investment Fund
Average Yield On Investment Portfolio

Month	Yield
December-2021	0.21%
January-2022	0.23%
February-2022	0.28%
March-2022	0.37%
April-2022	0.52%
May-2022	0.68%
June-2022	0.86%
July-2022	1.09%
August-2022	1.28%



TREASURER'S REPORT
City of Upland • Successor Agency - Public Financing Authority

Investment Summary
12-Month Market Value Analysis

	August-2021	September-2021	October-2021	November-2021	December-2021	January-2022	February-2022	March-2022	April-2022	May-2022	June-2022	July-2022	August-2022
Investment Portfolio													
State Local Agency Investment Fund (LAI	45,846,618	45,834,677	48,799,712	45,791,988	27,788,919	32,835,448	32,835,448	33,209,366	12,249,413	17,230,078	17,186,412	17,228,239	12,298,387
California Asset Management Plan (CAM!	-	-	-	-	-	-	-	-	-	-	-	-	5,000,000
Negotiable Certificates of Deposit	13,835,545	13,836,393	13,805,860	14,987,373	15,483,200	15,449,708	15,291,471	13,580,675	12,717,588	12,689,953	12,831,519	12,822,929	12,597,170
Money Market Fund	1,547,421	1,601,770	159,433	2,300,454	104,778	40,024	67,125	623,902	1,415,423	476,042	324,485	357,383	125,329
Municipal Bonds	553,351	549,350	544,838	720,396	717,450	709,011	705,207	688,329	672,774	677,750	675,892	679,511	592,612
Government Agency Securities	48,457,576	48,353,829	47,603,229	48,955,260	55,626,069	55,064,220	54,689,615	54,496,327	53,913,915	55,218,496	54,793,447	55,079,160	54,671,196
Corporate Bonds	513,120	512,945	510,790	509,840	509,555	506,895	504,640	503,045	501,470	500,995	499,365	499,315	498,705
US Treasury	1,460,260	1,459,760	1,456,755	1,458,105	1,453,950	1,434,555	1,425,465	1,385,100	1,366,635	1,376,775	1,367,055	1,382,055	1,353,930
Total Investments	$ 110,233,890	$ 110,158,923	$ 112,880,617	$ 114,723,417	$ 101,683,921	$ 106,039,861	$ 105,518,971	$ 104,486,744	$ 82,837,218	$ 88,172,087	$ 87,678,175	$ 88,048,592	$ 87,037,329
Weighted Average Days to Maturity	608.75	553.18	588.95	625.79	902.14	702.80	705.40	681.53	768.31	732.84	675.51	703.34	770.48
Blended Yield:	0.56%	0.55%	0.55%	0.54%	0.66%	0.65%	0.67%	0.70%	0.78%	0.85%	0.89%	0.90%	1.04%
Cash													
Bank Accounts and Change of Funds	7,784,044	18,554,951	11,472,965	12,528,630	4,404,494	13,467,872	9,984,752	11,354,683	15,932,158	16,049,719	21,737,176	14,451,774	8,433,556
Total Cash	$ 7,784,044	$ 18,554,951	$ 11,472,965	$ 12,528,630	$ 4,404,494	$ 13,467,872	$ 9,984,752	$ 11,354,683	$ 15,932,158	$ 16,049,719	$ 21,737,176	$ 14,451,774	$ 8,433,556
Total Cash and Investments	$ 118,017,934	$ 128,713,875	$ 124,353,582	$ 127,821,239	$ 106,733,577	$ 119,507,733	$ 115,503,723	$ 115,841,427	$ 98,769,376	$ 104,221,806	$ 109,415,352	$ 102,500,366	$ 95,470,887
PARS Investment Portfolio													
115 Trust-OPEB Investment	1,649,355	1,601,489	1,655,288	1,631,618	1,952,826	1,870,448	1,838,095	1,847,091	1,735,014	1,742,405	1,656,027	1,741,253	1,686,706
115 Trust-Pension Investment	10,787,775	10,687,405	10,757,477	10,681,913	2,979,195	2,867,533	2,846,823	2,819,015	2,688,191	2,702,677	2,616,973	2,713,234	2,634,589
Total Restricted Funds Held in Trust	$ 12,437,130	$ 12,188,894	$ 12,412,763	$ 12,313,531	$ 4,932,022	$ 4,737,982	$ 4,684,918	$ 4,666,106	$ 4,423,205	$ 4,445,082	$ 4,272,999	$ 4,454,486	$ 4,321,295
Benchmarks:													
LAIF	0.22%	0.21%	0.20%	0.20%	0.21%	0.23%	0.28%	0.28%	0.52%	0.68%	0.86%	1.09%	1.28%
2yr U.S. Treasury	0.20%	0.28%	0.48%	0.52%	0.73%	1.18%	1.44%	2.28%	2.70%	2.53%	2.92%	2.89%	3.45%
5yr U.S. Treasury	0.77%	0.98%	1.18%	1.14%	1.27%	1.62%	1.71%	2.42%	2.92%	2.81%	3.01%	2.70%	3.30%
Restricted Funds with Fiscal Agent													
Wtr Sys Lease Rev Ref Bonds 2011	559,326	559,326	4	1	-	-	-	-	-	-	-	-	-
Wtr Sys Lease Rev Ref Bonds 2021	-	-	6,461,500	3,429	1,791	1,791	1,791	47,389	-	-	-	-	-

Prepared By: Kelly Duong
10/19/2022

TREASURER'S REPORT

City of Upland - Successor Agency - Public Financing Authority

For Period Ended
September 30, 2022

Investment Portfolio	Cost	Par Value	Market Value	% of Portfolio
State Local Agency Investment Fund	3,421,578	3,421,578	3,366,908	3.9%
California Asset Management Plan	14,007,660	14,007,660	14,007,660	16.3%
Negotiable Certificates of Deposit	13,434,943	13,390,000	12,488,864	14.5%
Money Market Fund	56,403	56,403	56,403	0.1%
Municipal Bonds	645,425	645,000	579,641	0.7%
Government Agency Securities	58,805,170	58,850,000	53,658,504	62.4%
Corporate Bonds	494,750	500,000	498,310	0.6%
US Treasury	1,476,450	1,500,000	1,326,390	1.5%
Total Investments	$ 92,342,380	$ 92,370,642	$ 85,982,681	100.0%

Weighted Average Days to Maturity	835.78
Blended Yield:	1.28%

Cash	Cost	Market Value
Bank Accounts and Change Funds	7,658,693	7,658,693
Total Cash	$ 7,658,693	$ 7,658,693

Total Cash and Investments	$ 100,001,073	$ 93,641,374

PARS Investment Portfolio	Cost	Market Value
115 Trust-OPEB Investment	1,502,000	1,572,603
115 Trust-Pension Investment	2,594,000	2,497,022
Total Restricted Funds Held in Trust	$ 4,096,000	$ 4,069,625

Benchmarks:	
LAIF	1.51%
2yr U.S. Treasury	4.22%
5yr U.S. Treasury	4.06%

Restricted Funds with Fiscal Agent	Book Value	Market Value
Water System Lease Revenue Refunding Bonds 2021	74,148	74,147.50
Water Revenue Bonds 2022	16,499,053	16,499,053
Successor Agency TAN 2013 / TAN 2016- Merged Project	2,256,080	2,256,080
Colonies CFD Area #1 2022	294,385	294,385
Colonies CFD Area #2 2015	1,547,791	1,547,791
Upland 54 CFD 2004	174,034	174,034
Sycamore Hills CFD 2015-1	1,036,435	1,036,435
Sycamore Hills CFD 2015-1-2	8,981,674	8,981,674
Harvest at Upland CFD 2016-1 Area #1	557,743	557,743
Harvest at Upland CFD 2016-1 Area #2	2,294,094	2,294,094
Total Restricted Funds	$ 33,715,437	$ 33,715,437

1. I hereby certify that the investments are in compliance with the investment policy adopted by the City Council in May 2022.
2. The City has the ability to meet its budgeted expenditures for the next six months.
3. The market values for funds held in banking institutions do not change. The amounts listed as market values for these items are the same as their book values.
4. The book value for the State Pool is the withdrawal value provided by the State Treasurer. The market value of funds held by the State Treasurer equates to the City's pro-rata share of the market value of the entire State Pool.
5. Sources for current market valuation are Account Statements and the Wall Street Journal GNMA Mortgage rates on the last trading day of the month.
6. This report meets the requirements of Government Code Section 53646.

Assistant City Manager (Finance Director) — Date: 10/19/22

City Treasurer — Date: 10/19/22

Prepared By: Kelly Duong
10/19/2022

TREASURER'S REPORT

City of Upland - Successor Agency - Public Financing Authority

State Local Agency Investment Fund

For Period Ended
September 30, 2022

Fund or Account		Account Balance	
City	98-36-942	3,421,578	
			Market Value (See Note 4)
	Totals	**$ 3,421,578**	**$ 3,366,908**
Yield for Period Ended	**9/30/2022**	**1.51%**	

TREASURER'S REPORT

City of Upland - Successor Agency - Public Financing Authority

California Asset Management Plan

For Period Ended
September 30, 2022

Fund or Account		Account Balance	
City of Upland	6113-001	14,007,660	
			Market Value
	Totals	**$ 14,007,660**	**$ 14,007,660**
Yield for Period Ended	**9/30/2022**	**2.97%**	

TREASURER'S REPORT
City of Upland - Successor Agency - Public Financing Authority

US Bank Investments
For Period Ended
September 30, 2022

Investment Name		Cost	Par Value	Market Value	Stated	Maturity Date
Negotiable Certificates of Deposit						
Cross Riv Bank CD	227563BJ1	250,000	250,000	249,705	1.85%	11/07/2022
Flagstar Bank FSB CD	33847E2V8	250,000	250,000	249,610	1.80%	11/15/2022
Wells Fargo Natl CD	949495AF2	250,000	250,000	249,095	1.86%	12/30/2022
Texas CAP Bank N A CD	88224PLY3	250,000	250,000	247,088	0.30%	02/07/2023
Goldman Sachs CD	38148PYQ4	250,000	250,000	249,045	2.81%	02/28/2023
Sallie Mae Bank CD	795450P66	250,000	250,000	248,925	3.21%	05/09/2023
Discover Bank Greenwood Del CD	254673RF5	250,000	250,000	248,718	3.32%	07/11/2023
Nicolet NATL CD	654062JS8	250,000	250,000	242,985	1.28%	09/27/2023
Preferred Bank CD	740367NX1	250,000	250,000	240,473	0.26%	09/29/2023
Lakeside Bank CD	51210SSA6	250,000	250,000	243,160	1.39%	09/29/2023
Bank Princeton CD	064520BB4	250,000	250,000	238,515	0.42%	12/29/2023
Raymond James CD	75472RAT8	250,000	250,000	242,738	1.85%	12/29/2023
Luana Savings Bank CD	549104RT6	250,000	250,000	237,033	0.32%	02/14/2024
Bank Hapoalim BM CD	06251AW48	246,233	235,000	230,559	2.96%	03/25/2024
Celtic Bank CD	15118RUQ8	250,000	250,000	239,168	1.31%	04/02/2024
UBS Bank USA CD	90348JJQ4	260,650	250,000	245,163	2.96%	04/03/2024
Morgan Stanley CD	61760AZR3	250,000	250,000	244,325	2.82%	05/02/2024
Evergreen Bank CD	300185KL8	250,000	250,000	233,995	0.27%	05/28/2024
First Farmers Bank & Trust CD	320165JK0	246,682	235,000	223,979	1.84%	09/04/2024
Pentago CD	70962LAJ1	250,000	250,000	232,528	0.54%	09/30/2024
Bank of the CD	06543PCN3	250,000	250,000	231,108	0.38%	09/30/2024
Magnolia Bank INC CD	559582AP6	250,000	250,000	229,695	0.38%	11/25/2024
State Bank of CD	856285RS2	252,625	250,000	238,463	2.15%	11/27/2024
Webbank Salt CD	947547NT8	248,000	248,000	230,543	1.08%	12/30/2024
Enerbank USA CD	29278TMR8	250,000	250,000	236,060	1.91%	01/29/2025
Merrick Bank CD	59013KFH4	250,000	250,000	235,765	1.86%	01/31/2025
Poppy Bk Santa CD	73319FAF6	235,893	229,000	211,761	1.19%	03/18/2025
Medallion Bk CD	58404DGK1	250,000	250,000	232,303	1.40%	03/27/2025
Industrial Coml CD	45581ECJ8	250,000	250,000	227,230	0.50%	03/31/2025
Partners Bank CD	70212YAZ5	250,000	250,000	230,460	1.09%	04/02/2025
1St Security CD	33625CDR7	250,000	250,000	225,785	0.33%	04/16/2025
Third Fed Svgs CD	88413QDE5	250,000	250,000	228,093	0.88%	05/23/2025
Southeast Bank CD	84133PFC7	250,000	250,000	225,355	0.50%	06/17/2025
Tandem Bk Tucker CD	87537YAB0	250,000	250,000	226,765	0.61%	06/23/2025
Live Oak Bkg Co CD	538036QH0	250,000	250,000	224,525	0.45%	06/30/2025
New York CD	649447UY3	250,000	250,000	225,333	0.56%	07/01/2025
Ideal CR CD	45157PAY6	125,000	125,000	123,820	4.05%	08/29/2025
Live Oak Bkg Co CD	538036NV2	250,000	250,000	223,663	0.62%	09/16/2025
Meritrust Mtn CD	59001PAR0	225,000	225,000	218,372	3.31%	06/30/2025
Bmw Bank North CD	05580AXF6	250,000	250,000	223,300	0.56%	09/25/2025
Jpmorgan Chase CD	48128URC5	250,000	250,000	222,253	0.56%	11/10/2025
Greenstate Cr CD	39573LCC0	250,000	250,000	224,653	1.00%	11/24/2025
First Carolina CD	31944MBJ3	250,000	250,000	221,040	0.57%	12/23/2025
USAlliance FCU	90352RCD5	100,000	100,000	93,183	1.45%	01/28/2026
Union Bank CD	90520VAX1	250,000	250,000	219,860	0.68%	03/19/2026
American Equity CD	02568KAJ4	250,000	250,000	219,190	0.80%	05/27/2026
Toyota Financial CD	89235MLE9	249,860	248,000	218,500	1.08%	07/29/2026
Continental Bank CD	211163MG2	250,000	250,000	216,635	0.70%	08/24/2026
First Bank of Nebraska CD	32116PAR9	248,000	248,000	214,629	0.70%	08/27/2026
Texas Exchange CD	88241TMG2	249,000	249,000	218,921	1.31%	11/13/2026
Malaga BK FSB CD	56102ABK1	250,000	250,000	216,828	0.98%	11/19/2026
Bankunited Natl CD	066519RW1	249,000	249,000	220,387	1.53%	12/08/2026

TREASURER'S REPORT
City of Upland - Successor Agency - Public Financing Authority

US Bank Investments
For Period Ended
September 30, 2022

Investment Name		Cost	Par Value	Market Value	Stated	Maturity Date
Capital One CD	14042RQN4	250,000	250,000	220,445	1.42%	12/08/2026
Generations Bk C D	37149CAV9	250,000	250,000	236,515	3.29%	05/06/2027
First C D	33715LEB2	249,000	249,000	240,629	3.79%	08/05/2027
Negotiable Certificates of Deposit Fund Subtotal		$ 13,434,943	$ 13,390,000	$ 12,488,864		
Money Market Fund						
First American Govt OB Fund-Y	31846V203	56,403	56,403	56,403		N/A
Money Market Fund Subtotal		56,403	56,403	56,403		
Municipal Bond Fund						
Klamath Trinity CA	498422JN5	50,200	50,000	47,771		08/01/2024
Klamath Trinity CA	498422JJ4	45,225	45,000	42,555	1.62%	08/01/2025
San Bernardino CA	796720PA2	300,000	300,000	270,168	0.93%	08/01/2025
San Bernardino CA	796720PB0	250,000	250,000	219,148	1.26%	08/01/2026
Municipal Bond Fund Subtotal		645,425	645,000	579,641		
Government Securities						
Federal Farm Credit Bks DEB	3133EMKH4	2,000,000	2,000,000	1,987,160	0.16%	12/15/2022
Federal Farm Credit Bks DEB	3133ELFS8	1,999,000	2,000,000	1,992,700	1.67%	12/27/2022
Federal Farm Credit Bks DEB	3133EMKG6	1,000,000	1,000,000	970,330	0.21%	06/15/2023
Federal National Mortgage Assoc	3135G05R0	1,500,000	1,500,000	1,449,450	0.31%	08/10/2023
Federal Farm Credit Bks DEB	3133EL6U3	1,500,000	1,500,000	1,440,465	0.29%	09/14/2023
Federal Farm Credit Bks DEB	3133EMHL9	1,000,000	1,000,000	952,760	0.33%	11/30/2023
Federal Home LN Bks DEB	3130AQD26	500,000	500,000	476,670	0.76%	12/29/2023
Federal Home LN Bks DEB	3130AQD34	500,000	500,000	472,965	0.87%	03/28/2024
Federal Home LN Corp MTN	3134GWJ64	1,500,000	1,500,000	1,399,455	0.43%	06/10/2024
Federal Home LN Bks DEB	3130AQD42	500,000	500,000	469,495	0.98%	06/28/2024
Federal Home LN Bks DEB	3130AQD59	1,250,000	1,250,000	1,170,088	1.07%	09/30/2024
Federal Home LN Corp MTN	3134GWUX2	1,500,000	1,500,000	1,383,840	0.41%	09/30/2024
Federal Farm Credit Bks DEB	3133EMER9	1,500,000	1,500,000	1,367,295	0.52%	01/27/2025
Federal Farm Credit Bks DEB	3130AMZP0	1,500,000	1,500,000	1,366,275	0.72%	02/28/2025
Federal Farm Credit Bks DEB	3133EMTQ5	1,100,000	1,100,000	1,002,683	0.77%	03/17/2025
Federal Farm Credit Bks DEB	3130ALN34	1,100,000	1,100,000	1,000,725	0.77%	03/24/2025
Federal Farm Credit Bks DEB	3133EMBK7	1,500,000	1,500,000	1,355,535	0.50%	04/07/2025
Federal Farm Credit Bks DEB	3133ENHW3	1,250,000	1,250,000	1,142,975	1.29%	06/23/2025
Federal Farm Credit Bks DEB	3130ALPJ7	1,000,000	1,000,000	903,740	0.91%	06/30/2025
Federal Farm Credit Bks DEB	3136G4A45	1,500,000	1,500,000	1,350,270	0.79%	07/22/2025
Federal Farm Credit Bks DEB	3134GWH82	1,500,000	1,500,000	1,340,280	0.70%	09/08/2025
Federal National Mortgage Assoc	3134GWWT9	1,500,000	1,500,000	1,334,070	0.62%	09/30/2025
Federal Home LN Corp MTN	3134GWZG4	2,000,000	2,000,000	1,778,140	0.68%	10/20/2025
Federal Home LN Corp MTN	3134GXAP9	1,500,000	1,500,000	1,330,710	0.68%	11/12/2025
Federal Home LN Corp	3134GXBM5	1,500,000	1,500,000	1,330,710	0.68%	11/12/2025
Federal Home LN Corp MTN	3130AQ5D1	1,500,000	1,500,000	1,350,015	1.34%	12/22/2025
Federal Home LN Corp MTN	3130AKLH7	1,500,000	1,500,000	1,334,805	0.23%	12/30/2025
Federal Home LN Bks DEB	3130AKQX7	2,000,000	2,000,000	1,764,460	0.80%	01/28/2026
Federal Farm Credit Bks DEB	3130AKWK8	2,000,000	2,000,000	1,750,380	0.59%	02/12/2026
Federal Farm Credit Bks DEB	3130AL6A7	1,000,000	1,000,000	881,150	0.46%	02/26/2026
Federal Farm Credit Bks DEB	3130AL6L3	1,000,000	1,000,000	879,030	0.57%	02/26/2026
Federal Farm Credit Bks DEB	3130ALZ80	1,300,000	1,300,000	1,172,717	0.84%	04/29/2026
Federal Farm Credit Bks DEB	3130AMBD3	1,500,000	1,500,000	1,342,575	0.56%	05/12/2026
Federal Farm Credit Bks DEB	3130AMET5	2,000,000	2,000,000	1,796,900	0.56%	05/27/2026
Federal Farm Credit Bks DEB	3130AN3R9	1,500,000	1,500,000	1,325,145	1.29%	07/20/2026
Federal Farm Credit Bks DEB	3133ENAF7	1,235,150	1,250,000	1,095,875	1.15%	10/07/2026
Federal Farm Credit Bks DEB	3130APJ55	1,600,000	1,600,000	1,409,104	1.43%	10/26/2026

TREASURER'S REPORT

City of Upland - Successor Agency - Public Financing Authority

US Bank Investments
For Period Ended
September 30, 2022

Investment Name		Cost	Par Value	Market Value	Stated	Maturity Date
Federal Farm Credit Bks DEB	3134GW4C7	1,379,420	1,400,000	1,212,274	0.93%	10/27/2026
Federal Farm Credit Bks DEB	3130APU37	1,500,000	1,500,000	1,320,720	1.49%	11/24/2026
Federal Home LN Corp MTN	3130APV51	2,000,000	2,000,000	1,794,900	1.12%	11/24/2026
Federal Home LN Bks DEB	3130ARCL3	1,000,000	1,000,000	916,570	2.75%	03/30/2027
Federal Home LN Bks DEB	3130ARKL4	591,600	600,000	572,298	2.37%	04/21/2027
Federal Home LN M C MTN	3134GXSB1	1,000,000	1,000,000	970,800	3.11%	05/17/2027
Government Securities Subtotal		58,805,170	58,850,000	53,658,504		
Corporate Bonds						
Apple Inc	037833DE7	494,750	500,000	498,310	2.41%	01/13/2023
Corporate Bonds Subtotal		494,750	500,000	498,310		
US Treasury						
US Treasury Note	91282CBC4	1,476,450	1,500,000	1,326,390	0.43%	12/31/2025
US Treasury Subtotal		1,476,450	1,500,000	1,326,390		
Total Portfolio		**$ 74,913,141**	**$ 74,941,403**	**$ 68,608,112**		

TREASURER'S REPORT

City of Upland - Successor Agency - Public Financing Authority

Investment Portfolio

For Period Ended
September 30, 2022

September 30, 2022	Market Value	Availability 09/30/22 10/01/22	No. of days until maturity	weight	days to maturity weighted average	Total by maturity	
Petty Cash	12,100	9/30/2022	-	0.0%	-		
Checking Account	4,808,153	10/1/2022	1	6.0%	0.06		
Successor Agency	2,838,440	10/1/2022	1	3.6%	0.04		
Total Bank Accounts	**7,658,693**					7,658,693	
State Local Agency Investment Fund	**3,366,908**	10/1/2022	1	4.2%	0.04	3,366,908	
First American Govt OB Fund-Y	56,403	10/1/2022	1	0.1%	0.00		
Total Money Market Accounts	**56,403**					56,403	
						11,082,005	**1 - 30 days**
Federal Farm Credit Bks DEB	1,987,160	12/15/2022	76	2.5%	1.90		
Federal Farm Credit Bks DEB	1,992,700	12/27/2022	88	2.5%	2.20		
Government Securities	**3,979,860**					3,979,860	
Cross Riv Bank CD	249,705	11/7/2022	38	0.3%	0.12		
Flagstar Bank FSB CD	249,610	11/15/2022	46	0.3%	0.14		
Wells Fargo Natl CD	249,095	12/30/2022	91	0.3%	0.28		
Negotiable Certificates of Deposit	**748,410**					748,410	
Apple Inc	498,310	1/13/2023	105	0.6%	0.66		
Corporate Bonds	**498,310**					498,310	
						5,226,580	**61 - 120 days**
Texas CAP Bank N A CD	247,088	2/7/2023	130	0.3%	0.40		
Goldman Sachs CD	249,045	2/28/2023	151	0.3%	0.47		
Negotiable Certificates of Deposit	**496,133**					496,133	
						10,949,293	**121 - 180 days**
Federal Farm Credit Bks DEB	970,330	6/15/2023	258	1.2%	3.14		
Federal National Mortgage Assoc	1,449,450	8/10/2023	314	1.8%	5.72		
Federal Farm Credit Bks DEB	1,440,465	9/14/2023	349	1.8%	6.31		
Government Securities	**3,860,245**					3,860,245	
Sallie Mae Bank CD	248,925	5/9/2023	221	0.3%	0.69		
Discover Bank Greenwood Del CD	248,718	7/11/2023	284	0.3%	0.89		
Nicolet NATL CD	242,985	9/27/2023	362	0.3%	1.10		
Preferred Bank CD	240,473	9/29/2023	364	0.3%	1.10		
Lakeside Bank CD	243,160	9/29/2023	364	0.3%	1.11		
Negotiable Certificates of Deposit	**1,224,260**					1,224,260	
						5,084,505	**181 - 1 year**
Federal Farm Credit Bks DEB	952,760	11/30/2023	426	1.2%	5.10		
Federal Home LN Bks DEB	476,670	12/29/2023	455	0.6%	2.72		
Federal Home LN Bks DEB	472,965	3/28/2024	545	0.6%	3.24		
Federal Home LN Corp MTN	1,399,455	6/10/2024	619	1.8%	10.88		
Federal Home LN Bks DEB	469,495	6/28/2024	637	0.6%	3.76		
Government Securities	**3,771,345**					3,771,345	
Bank Princeton CD	238,515	12/29/2023	455	0.3%	1.36		
Raymond James CD	242,738	12/29/2023	455	0.3%	1.39		
Luana Savings Bank CD	237,033	2/14/2024	502	0.3%	1.49		
Bank Hapoalim BM CD	230,559	3/25/2024	542	0.3%	1.57		
Celtic Bank CD	239,168	4/2/2024	550	0.3%	1.65		
UBS Bank USA CD	245,163	4/3/2024	551	0.3%	1.70		
Morgan Stanley CD	244,325	5/2/2024	580	0.3%	1.78		
Evergreen Bank CD	233,995	5/28/2024	606	0.3%	1.78		
First Farmers Bank & Trust CD	223,979	9/4/2024	705	0.3%	1.98		
Negotiable Certificates of Deposit	**2,135,472**					2,135,472	

TREASURER'S REPORT

City of Upland - Successor Agency - Public Financing Authority

Investment Portfolio

For Period Ended
September 30, 2022

September 30, 2022	Market Value	Availability 09/30/22 10/01/22	No. of days until maturity	weight	days to maturity weighted average	Total by maturity	
Klamath Trinity CA	47,771	8/1/2024	671	0.1%	0.40		
Municipal Bonds	**47,771**					47,771	
						16,123,598	**1- 2 years**
Federal Home LN Bks DEB	1,170,088	9/30/2024	731	1.5%	10.74		
Federal Home LN Corp MTN	1,383,840	9/30/2024	731	1.7%	12.70		
Federal Farm Credit Bks DEB	1,367,295	1/27/2025	850	1.7%	14.59		
Federal Farm Credit Bks DEB	1,366,275	2/28/2025	882	1.7%	15.13		
Federal Farm Credit Bks DEB	1,002,683	3/17/2025	899	1.3%	11.32		
Federal Farm Credit Bks DEB	1,000,725	3/24/2025	906	1.3%	11.39		
Federal Farm Credit Bks DEB	1,355,535	4/7/2025	920	1.7%	15.66		
Federal Farm Credit Bks DEB	1,142,975	6/23/2025	997	1.4%	14.31		
Federal Farm Credit Bks DEB	903,740	6/30/2025	1,004	1.1%	11.39		
Federal Farm Credit Bks DEB	1,350,270	7/22/2025	1,026	1.7%	17.40		
Federal Farm Credit Bks DEB	1,340,280	9/8/2025	1,074	1.7%	18.08		
Government Securities	**13,383,706**					13,383,706	
Bank of the CD	232,528	9/30/2024	731	0.3%	2.13		
Pentago CD	231,108	9/30/2024	731	0.3%	2.12		
Magnolia Bank INC CD	229,695	11/25/2024	787	0.3%	2.27		
State Bank of CD	238,463	11/27/2024	789	0.3%	2.36		
Webbank Salt CD	230,543	12/30/2024	822	0.3%	2.38		
Enerbank USA CD	236,060	1/29/2025	852	0.3%	2.53		
Merrick Bank CD	235,765	1/31/2025	854	0.3%	2.53		
Poppy Bk Santa CD	211,761	3/18/2025	900	0.3%	2.39		
Medallion Bk CD	232,303	3/27/2025	909	0.3%	2.65		
Industrial Coml CD	227,230	3/31/2025	913	0.3%	2.61		
Partners Bank CD	230,460	4/2/2025	915	0.3%	2.65		
1St Security CD	225,785	4/16/2025	929	0.3%	2.63		
Third Fed Svgs CD	228,093	5/23/2025	966	0.3%	2.77		
Southeast Bank CD	225,355	6/17/2025	991	0.3%	2.80		
Tandem Bk Tucker CD	226,765	6/23/2025	997	0.3%	2.84		
Live Oak Bkg Co CD	224,525	6/30/2025	1,004	0.3%	2.83		
Meritrust Mtn CD	218,372	6/30/2025	1,004	0.3%	2.75		
New York CD	225,333	7/1/2025	1,005	0.3%	2.84		
Ideal CR CD	123,820	8/29/2025	1,064	0.2%	1.65		
Live Oak Bkg Co CD	223,663	9/16/2025	1,082	0.3%	3.04		
Bmw Bank North CD	223,300	9/25/2025	1,091	0.3%	3.06		
Negotiable Certificates of Deposit	**4,680,923**					4,680,923	
Klamath Trinity CA	42,555	8/1/2025	1,036	0.1%	0.55		
San Bernardino CA	270,168	8/1/2025	1,036	0.3%	3.51		
Municipal Bonds	**312,723**					312,723	
						18,377,352	**2- 3 years**
Federal National Mortgage Assoc	1,334,070	9/30/2025	1,096	1.7%	18.36		
Federal Home LN Corp MTN	1,778,140	10/20/2025	1,116	2.2%	24.92		
Federal Home LN Corp MTN	1,330,710	11/12/2025	1,139	1.7%	19.03		
Federal Home LN Corp	1,330,710	11/12/2025	1,139	1.7%	19.03		
Federal Home LN Corp MTN	1,350,015	12/22/2025	1,179	1.7%	19.99		
Federal Home LN Corp MTN	1,334,805	12/30/2025	1,187	1.7%	19.90		
Federal Home LN Bks DEB	1,764,460	1/28/2026	1,216	2.2%	26.94		
Federal Farm Credit Bks DEB	1,750,380	2/12/2026	1,231	2.2%	27.06		
Federal Farm Credit Bks DEB	881,150	2/26/2026	1,245	1.1%	13.78		
Federal Farm Credit Bks DEB	879,030	2/26/2026	1,245	1.1%	13.74		
Federal Farm Credit Bks DEB	1,172,717	4/29/2026	1,307	1.5%	19.25		
Federal Farm Credit Bks DEB	1,342,575	5/12/2026	1,320	1.7%	22.25		
Federal Farm Credit Bks DEB	1,796,900	5/27/2026	1,335	2.3%	30.12		
Federal Farm Credit Bks DEB	1,325,145	7/20/2026	1,389	1.7%	23.11		
Government Securities	**19,370,807**					19,370,807	

TREASURER'S REPORT

City of Upland - Successor Agency - Public Financing Authority

Investment Portfolio

For Period Ended
September 30, 2022

September 30, 2022	Market Value	Availability 09/30/22 10/01/22	No. of days until maturity	weight	days to maturity weighted average	Total by maturity	
Jpmorgan Chase CD	222,253	11/10/2025	1,137	0.3%	3.17		
Greenstate Cr CD	224,653	11/24/2025	1,151	0.3%	3.25		
First Carolina CD	221,040	12/23/2025	1,180	0.3%	3.28		
USAlliance FCU	93,183	1/28/2026	1,216	0.1%	1.42		
Union Bank CD	219,860	3/19/2026	1,266	0.3%	3.50		
American Equity CD	219,190	5/27/2026	1,335	0.3%	3.67		
Toyota Financial CD	218,500	7/29/2026	1,398	0.3%	3.84		
Continental Bank CD	216,635	8/24/2026	1,424	0.3%	3.87		
First Bank of Nebraska CD	214,629	8/27/2026	1,427	0.3%	3.85		
Negotiable Certificates of Deposit	**1,849,942**					1,849,942	
Municipal Bonds						-	
US Treasury Note	1,326,390	12/31/2025	1,188	1.7%	19.79		
US Treasury	**1,326,390**					1,326,390	
San Bernardino CA	219,148	8/1/2026	1,401	0.3%	3.86		
Municipal Bonds	**219,148**					219,148	
						22,766,287	**3- 4 years**
Federal Farm Credit Bks DEB	1,095,875	10/7/2026	1,468	1.4%	20.20		
Federal Farm Credit Bks DEB	1,409,104	10/26/2026	1,487	1.8%	26.31		
Federal Farm Credit Bks DEB	1,212,274	10/27/2026	1,488	1.5%	22.65		
Federal Farm Credit Bks DEB	1,320,720	11/24/2026	1,516	1.7%	25.14		
Federal Home LN Corp MTN	1,794,900	11/24/2026	1,516	2.3%	34.17		
Federal Home LN Bks DEB	916,570	3/30/2027	1,642	1.2%	18.90		
Federal Home LN Bks DEB	572,298	4/21/2027	1,664	0.7%	11.96		
Federal Home LN M C MTN	970,800	5/17/2027	1,690	1.2%	20.60		
Government Securities	**9,292,541**					9,292,541	
Texas Exchange CD	218,921	11/13/2026	1,505	0.3%	4.14		
Malaga BK FSB CD	216,828	11/19/2026	1,511	0.3%	4.11		
Bankunited Natl CD	220,387	12/8/2026	1,530	0.3%	4.23		
Capital One CD	220,445	12/8/2026	1,530	0.3%	4.24		
Generations Bk C D	236,515	5/6/2027	1,679	0.3%	4.99		
First C D	240,629	8/5/2027	1,770	0.3%	5.35		
Negotiable Certificates of Deposit	**1,353,724**					1,353,724	
						10,646,265	**4- 5 years**
Total Investments	**$ 79,633,714**			**100%**	**$ 836**	**100,255,884**	
	Average Maturity in Days		835.78				
	Average Maturity in Years:		2.290				

LAIF Amortized Cost		$ 222,851,378,049
LAIF Fair Value		$ 219,290,648,123
	Check:	0.984021952

TREASURER'S REPORT

City of Upland - Successor Agency - Public Financing Authority

CA Government Code Section 53607
Monthly Transaction Report
For Period Ended
September 30, 2022

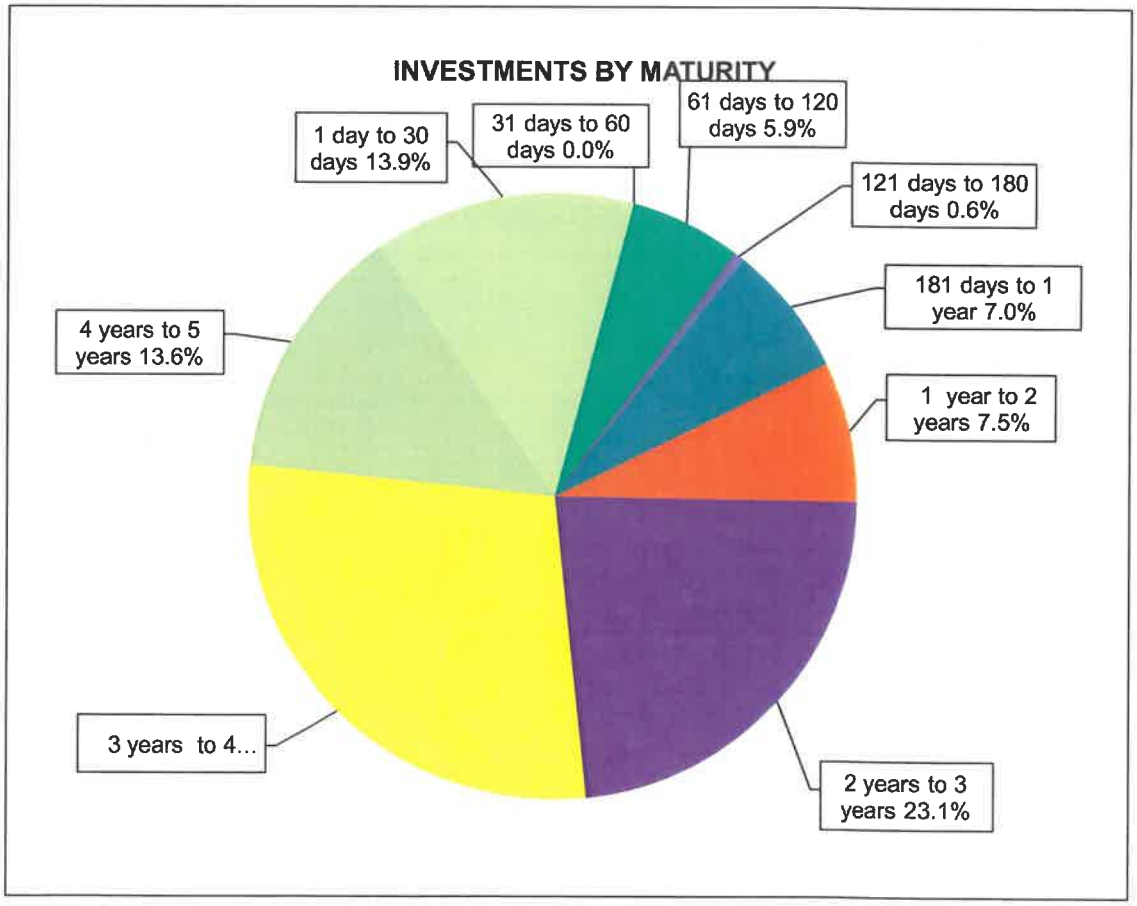
Investment Name	CUSIP Id	Issue Date	Cost	Par Value	Market Value	Maturity Date
Sales						
			No Sales in this month			
Sales Subtotal			-	-	-	
Purchases						
Ideal CR CD	45157PAY6	09/29/2022	99.06	125,000.00	123,820.00	08/29/2025
Purchases Subtotal			99.06	125,000.00	123,820.00	

TREASURER'S REPORT
City of Upland - Successor Agency - Public Financing Authority

Par Values Maturing by Date and Type
Maturities in Thousands of Dollars

For Period Ended
September 30, 2022

Investment Portfolio	1 day to 30 days	31 days to 60 days	61 days to 120 days	121 days to 180 days	181 days to 1 year	1 year to 2 years	2 years to 3 years	3 years to 4 years	4 years to 5 years
State Local Agency Investment Fund	3,367	-		-	-	-	-	-	-
Bank Accounts and Change Funds	7,659	-	-	-	-	-	-	-	-
Negotiable Certificates of Deposit	-	-	748	496	1,224	2,135	4,681	1,850	1,354
Government Securities	-	-	3,980	-	3,860	3,771	13,384	19,371	9,293
Money Market Fund	56	-	-	-	-	-	-	-	-
Municipal Bonds	-	-	-	-	-	48	313	-	219
Corporate Bonds	-	-	-	-	498	-	-	-	-
US Treasury	-	-	-	-	-	-	-	1,326	-
Total Cash and Investments	11,082	-	4,728	496	5,583	5,955	18,377	22,547	10,865
Percentage	13.9%	0.0%	5.9%	0.6%	7.0%	7.5%	23.1%	28.3%	13.6%



TREASURER'S REPORT

City of Upland - Successor Agency - Public Financing Authority

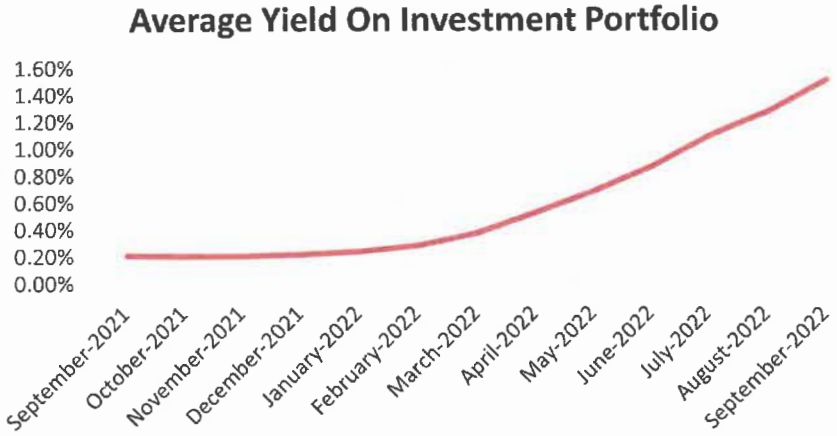
Bank Accounts and Change Funds

For Period Ended
September 30, 2022

Account Name	Institution	Insured Deposits	Collateralized Deposits	Total Deposits
Petty Cash City of Upland	City of Upland	$ -	$ 12,100	$ 12,100
City of Upland Payroll Zero Balance Account	Chase	-	-	-
City of Upland Checking Account	Chase	250,000	4,558,153	4,808,153
City of Upland Successor Agency	Chase	-	2,838,440	2,838,440
	Totals	**$ 250,000**	**$ 7,408,693**	**$ 7,658,693**

State Local Agency Investment Fund
Average Yield On Investment Portfolio

Month	Yield
September-2021	0.21%
October-2021	0.20%
November-2021	0.20%
December-2021	0.21%
January-2022	0.23%
February-2022	0.28%
March-2022	0.37%
April-2022	0.52%
May-2022	0.68%
June-2022	0.86%
July-2022	1.09%
August-2022	1.28%
September-2022	1.51%



TREASURER'S REPORT
City of Upland - Successor Agency - Public Financing Authority

Investment Summary
12-Month Market Value Analysis

	September-2021	October-2021	November-2021	December-2021	January-2022	February-2022	March-2022	April-2022	May-2022	June-2022	July-2022	August-2022	September-2022
Investment Portfolio													
State Local Agency Investment Fund (LAI	45,834,877	46,799,712	45,791,988	27,788,919	32,835,448	32,835,448	33,209,366	12,249,413	17,230,076	17,186,412	17,226,239	12,296,387	3,366,908
California Asset Management Plan (CAMI	-	-	-	-	-	-	-	-	-	-	-	5,000,000	14,007,660
Negotiable Certificates of Deposit	13,836,393	13,805,860	14,987,373	15,463,200	15,449,708	15,291,471	13,580,675	12,717,586	12,669,953	12,631,519	12,622,929	12,597,170	12,486,864
Money Market Fund	1,601,770	159,433	2,300,454	104,778	40,024	67,126	623,902	1,416,423	478,042	324,485	357,383	125,329	56,403
Municipal Bonds	549,350	544,838	720,396	717,450	709,011	705,207	688,329	672,774	677,750	675,892	679,511	592,612	579,641
Government Agency Securities	46,353,829	47,603,229	48,955,260	55,626,089	55,064,220	54,689,515	54,498,327	53,913,915	55,218,496	54,793,447	55,079,180	54,671,196	53,658,504
Corporate Bonds	512,945	510,790	509,640	509,555	508,895	504,840	503,045	501,470	500,995	499,365	499,315	498,705	498,310
US Treasury	1,469,760	1,456,755	1,458,105	1,453,950	1,434,555	1,425,465	1,385,100	1,366,635	1,376,775	1,367,055	1,382,055	1,353,930	1,326,390
Total Investments	$ 110,158,923	$ 112,880,617	$ 114,723,417	$ 101,663,921	$ 106,039,861	$ 105,518,971	$ 104,488,744	$ 82,837,218	$ 88,172,087	$ 87,676,175	$ 88,046,592	$ 87,037,329	$ 85,982,681
Weighted Average Days to Maturity	553.18	588.95	625.79	902.14	702.80	705.40	681.53	766.31	732.54	675.51	703.34	770.48	835.78
Blended Yield:	0.55%	0.55%	0.54%	0.66%	0.65%	0.67%	0.70%	0.78%	0.85%	0.89%	0.90%	1.04%	1.26%
Cash													
Bank Accounts and Change of Funds	16,554,951	11,472,965	12,528,630	4,404,494	13,467,872	9,984,752	11,354,683	15,932,158	16,049,719	21,737,176	14,451,774	8,433,556	7,658,693
Total Cash	$ 16,554,951	$ 11,472,965	$ 12,528,630	$ 4,404,494	$ 13,467,872	$ 9,984,752	$ 11,354,683	$ 15,932,158	$ 16,049,719	$ 21,737,176	$ 14,451,774	$ 8,433,556	$ 7,658,693
Total Cash and Investments	$ 126,713,875	$ 124,353,582	$ 127,821,239	$ 106,733,577	$ 119,507,733	$ 115,503,723	$ 115,841,427	$ 98,769,376	$ 104,221,806	$ 109,413,352	$ 102,500,366	$ 95,470,887	$ 93,641,374
PARS Investment Portfolio													
115 Trust-OPEB Investment	1,601,489	1,655,286	1,631,618	1,952,826	1,870,448	1,838,095	1,847,091	1,735,014	1,742,405	1,656,027	1,741,253	1,686,706	1,572,603
115 Trust-Pension Investment	10,587,405	10,757,477	10,681,913	2,979,196	2,887,533		2,819,015	2,688,191	2,702,677	2,616,973	2,713,234	2,634,589	2,497,022
Total Restricted Funds Held in Trust	$ 12,188,894	$ 12,412,763	$ 12,313,531	$ 4,932,022	$ 4,757,982	$ 4,684,918	$ 4,666,106	$ 4,423,205	$ 4,445,082	$ 4,272,999	$ 4,454,486	$ 4,321,295	$ 4,069,625
Benchmarks:													
LAIF	0.21%	0.20%	0.20%	0.21%	0.23%	0.28%	0.28%	0.52%	0.68%	0.86%	1.09%	1.28%	1.51%
2yr U.S. Treasury	0.28%	0.48%	0.52%	0.73%	1.16%	1.44%	2.28%	2.70%	2.53%	2.92%	2.89%	3.45%	4.22%
5yr U.S. Treasury	0.95%	1.18%	1.14%	1.27%	1.62%	1.71%	2.42%	2.92%	2.81%	3.01%	2.70%	3.30%	4.06%
Restricted Funds with Fiscal Agent													
Wtr Sys Lease Rev Ref Bonds 2011	559,326	4	1	-	-	-	-	-	-	-	-	-	-
Wtr Sys Lease Rev Ref Bonds 2021	-	6,481,500	3,429	1,791	1,791	1,791	47,389	-	-	-	-	-	74,148
Wtr Revenue Bonds 2022	-	-	-	-	-	-	15,550,000	15,544,309	15,520,435	15,520,501	15,520,565	15,520,631	16,499,053
Successor Agency TAN 2013 / TAN 2016	2,255,969	2,255,978	2,255,987	2,255,997	2,256,006	2,604,506	2,256,023	2,256,033	2,256,042	2,256,052	2,256,061	5,084,562	2,256,080
Colonies CFD Area #1 2012	2,284,021	2,284,031	2,284,040	2,284,050	2,284,059	3,129,069	2,733,772	2,733,784	3,440,037	13	15	15	-
Colonies CFD Area #1 2022	-	-	-	-	-	-	-	-	-	17,890,794	17,886,949	17,886,951	294,385
Colonies CFD Area #2 2015	1,572,238	1,572,245	1,572,252	1,572,258	1,572,265	2,247,271	1,996,043	1,996,052	2,623,983	2,623,992	2,624,003	2,624,014	1,547,791
Upland 54 CFD 2004	186,640	186,641	186,642	186,642	186,643	251,644	220,145	220,146	265,529	265,530	265,531	265,533	174,034
Sycamore Hills CFD 2015-1	2,185,904	2,185,913	2,185,922	2,185,931	2,185,945	1,199,760	1,012,658	1,012,663	1,363,523	1,363,528	1,363,533	1,363,539	1,036,435
Sycamore Hills CFD 2015-1-2	-	-	-	-	-	-	-	8,997,860	8,997,871	8,997,909	8,989,424	9,343,975	8,981,674
Harvest at Upland CFD 2016-1 Area #1	555,472	555,475	555,478	555,481	555,484	805,486	626,067	626,071	873,714	873,824	874,219	890,947	557,743
Harvest at Upland CFD 2016-1 Area #2	7,597,273	2,308,961	2,308,978	2,308,988	2,308,998	2,309,008	2,154,576	2,154,586	2,698,489	2,698,500	2,698,511	2,698,522	2,294,094
Total Restricted Funds	$ 17,196,844	$ 17,810,747	$ 11,352,729	$ 11,351,138	$ 11,351,190	$ 12,548,537	$ 11,048,675	$ 26,543,642	$ 29,041,751	$ 43,492,732	$ 43,489,388	$ 55,678,669	$ 33,715,437

Prepared By: Kelly Duong
10/19/2022

STAFF REPORT

ITEM NO. 10.N.

DATE:	October 24, 2022
TO:	MAYOR AND CITY COUNCIL
FROM:	MICHAEL BLAY, CITY MANAGER
PREPARED BY:	BRADEN YU, PUBLIC WORKS DIRECTOR JOHN ROBLES, ACTING UTILITIES OPERATIONS MANAGER
SUBJECT:	ANNUAL MEETING OF THE POMONA VALLEY PROTECTIVE ASSOCIATION (PVPA)

RECOMMENDED ACTION

It is recommended that the City Council appoint Braden Yu as proxy to vote all shares at the annual shareholder's meeting of the Pomona Valley Protective Association.

GOAL STATEMENT

The proposed action supports the City's goal to maintain reasonable water rates that allow for recovery of costs by implementing management and financial controls.

BACKGROUND

The Pomona Valley Protective Association (PVPA) is a private non-profit company dedicated to water conservation that was incorporated in 1910 to protect the rights of the water producers in the Claremont, Pomona, Upland, and La Verne areas. PVPA owns and operates spreading facilities on approximately 800 acres of association owned land located along the San Antonio and Thompson Creeks for the purpose of recharging groundwater basins.

PVPA spreading facilities receive runoff from several canyons in the San Gabriel Mountains, including San Antonio, Thompson, and Live Oak Canyons, in addition to a number of smaller canyons. Captured runoff percolates into the ground and replenishes the Six Basins groundwater aquifer. PVPA is identified in the Six Basins judgment as the party responsible for spreading and recharge operations to replenish the Six Basins groundwater basin. In the fall of 1998, the parties and PVPA entered into a stipulated judgement. Since the

implementation of the judgment PVPA has recharged over 20,000 million gallons of water in the Six Basins for use as a local water supply.

The City of Upland owns 939.47 shares (1.6% of all shares) of PVPA and the PVPA has a nine-member Board of Directors that governs the Association.

ISSUES/ANALYSIS

Each year the Association holds an annual shareholder's meeting in November to elect the Board of Directors for the upcoming year and conduct other annual business. The city must authorize a person to carry the City's proxy and to vote at the annual meeting.

Staff recommends the City Council appoint Braden Yu as proxy to vote all shares at the annual shareholder's meeting of the Pomona Valley Protective Association.

FISCAL IMPACTS

There is no fiscal impact associated with this action.

ALTERNATIVES

Provide alternative direction to staff.

ATTACHMENTS:

PVPA Proxy

PROXY TO THE POMONA VALLEY PROTECTIVE ASSOCIATION

CITY OF UPLAND

DOES HEREBY APPOINT

Appointee: Braden Yu

As its authorized representative or agent to represent said organization and its 939.47 shares of PVPA stock at any and all meetings of the **shareholders of the Pomona Valley Protective Association,** the annual meeting of said Shareholders to be held November 10, 2022 which will address the items identified in the attached agenda, and any adjourned or specially called meetings thereof. The above-mentioned organization also appoints the above-mentioned individual to act as its agent or representative for any and all meetings of PVPA's consumers on the above-mentioned date.

By _____

Dated _____

Please return proxy to:

Stephen M. Yoss, Secretary/Treasurer
Pomona Valley Protective Association
300 W. Foothill Blvd.
Claremont, Ca. 91711

STAFF REPORT

ITEM NO. 11.A.

DATE:	October 24, 2022
TO:	MAYOR AND CITY COUNCIL
FROM:	MICHAEL BLAY, CITY MANAGER
PREPARED BY:	ROBERT D. DALQUEST, DEVELOPMENT SERVICES DIRECTOR JOSHUA WINTER, SENIOR PLANNER
SUBJECT:	CONSIDERATION OF SPECIFIC PLAN AMENDMENT NO. 22-0001, AMENDING THE HISTORIC DOWNTOWN UPLAND SPECIFIC PLAN

RECOMMENDED ACTION

It is recommended that the City Council conduct a public hearing, hold first reading by title only, waive further reading, and introduce an Ordinance adopting Specific Plan Amendment No. 21-0002, amending the Historic Downtown Upland Specific Plan to prohibit storage uses and internet-only businesses that are not open to the public and allow for and adopt regulations pertaining to outdoor display of merchandise for retail businesses (Attachment A – Draft Ordinance).

GOAL STATEMENT

The ordinance supports the City's overarching goal of supporting growth in Downtown Upland by attracting retail uses to the ground floor level in Downtown and creating a vital shopping destination that is economically successful and meets the consumer needs and preferences of Upland residents.

BACKGROUND

Currently, the Historic Downtown Upland Specific Plan (HDUSP) prohibits "outdoor display of merchandise" across the entirety of the specific plan area. During the COVID-19 pandemic, the City Manager authorized an executive order temporarily allowing for outdoor display of merchandise within downtown Upland as a means of safely promoting business activity. Due to the popularity of the program during the pandemic, several downtown Upland businesses have requested permitting outdoor display permanently. The displays, when appropriately utilized, provide an active storefront in the downtown and promote an engaging pedestrian

experience. As such, the Planning Division has initiated proceedings to amend the Specific Plan to allow for outdoor display of merchandise subject to meeting specific conditions.

Concurrently, staff has been made aware of certain land uses that are occurring within the Old Town District that are not in keeping with the pedestrian-friendly orientation of uses allowed within the Old Town District. Staff identified two uses, "Storage as a Primary Use" and "Internet-based businesses not open to the public" to be included as prohibited uses within the HDUSP.

The proposed amendments will only apply in the "Old Town District" shown in Attachment B. The "Old Town District" is the commercial core of downtown Upland and contains restaurant, retail and office uses. "Internet-based businesses not open to the public" would be prohibited on the ground floor only, but would be permitted on upper floors. "Storage as a Primary Use" would be prohibited on all floors.

Planning Commission

At the September 28, 2022 meeting, the Planning Commission considered the project, heard public comment, and engaged in discussion regarding the proposed regulations, and the effects on Downtown Upland. Ultimately, the Planning Commission recommended that the City Council adopt an Ordinance amending the HDUSP. (See Attachment C – Planning Commission Resolution).

ISSUES/ANALYSIS

Outdoor Display

In establishing guidelines for outdoor display within the HDUSP, staff relied on the Outdoor Display requirements contained within Upland Municipal Code (UMC) Chapter 17.16 (Property Maintenance and Use Standards), as well as the previous executive order that was in place during the COVID-19 pandemic. The regulations are intended to ensure that the public safety, health and welfare is maintained within the specific plan area, while also giving businesses within downtown the ability to increase sales with the promotion of goods to provide a pedestrian-oriented storefront.

The proposed regulations are broken into two (2) sections, Section "a" and Section "b". Section "a" provides the permitted display items, which includes retail items typical within Downtown Upland. Section "a" also gives authority to the Development Services Director to allow similar uses if a particular business sells products that are not listed.

Section "b" lists the regulatory and permit requirements for the establishment of an outdoor display. This section indicates that the outdoor display area will require a permit. The type of permit approval will depend on the location of the outdoor display area, and the language within the ordinance provides staff the ability to apply the permit requirement appropriately. Businesses that display items on private property will need a permit from the Planning Division. Businesses that display items in the public right-of-way, such as within the sidewalk area, will require an encroachment license agreement. This is necessary as some storefronts are inset and have an area in front of the store that is within private property.

The other regulations within Section "b" essentially regulate time, place and manner for outdoor display. Regulations include preserving access to the building, preserving ADA accessibility across the storefront and ensuring the display area does not cause any hazards. In addition, the display area is limited to 75% of the building frontage and limited to one storefront, and the display area cannot be in front of other businesses. Furthermore, the displayed items must be placed inside the building when the business is closed, and must be kept in an orderly and neat condition. Finally, liability insurance is required to ensure the City is protected.

The proposed regulations are as follows:

"9. Outdoor Display of Merchandise

a. Outdoor display of the following merchandise shall be allowed subject to the requirements in Subsection b of this section

- Flowers and plants;
- Clothing and apparel;
- Handcrafted products and goods;
- Artwork and pottery;
- Antiques;
- Recreational equipment (e.g., bicycles, roller skates, skateboards, etc.);
- Other merchandise that the Development Services Director finds to be similar in character, type, or nature to the merchandise listed above.

b. Outdoor display/sales areas shall comply with all of the following development standards:

i. Permit Required. All applicants shall submit for a permit on such form as the Development Services Director prescribes, which shall include the information herein below, in addition to all other information determined necessary by the Director.

ii. The display area shall be located adjacent to the storefront of the building within which business is located. The display area shall not extend past the business storefront.

iii. Display area is limited to 1 (one) public facing storefront and shall not exceed 75% of the tenant's storefront.

iv. Displayed merchandise shall not obstruct traffic sight areas; encroach upon landscaped areas, driveways, parking spaces, access ways, or pedestrian walkways; or otherwise create hazards for vehicle or pedestrian traffic. ADA accessibility shall be preserved at all times.

v. Ingress/egress to/from the building shall be preserved at all times.

vi. Items shall only be displayed while the business is open and operating. Displayed items shall not be stored outside of the building. All displayed items shall be stored inside the building when the business is closed.

vii. The display area shall be maintained in an orderly and neat condition at all times.

viii. Businesses shall maintain a Certificate of Insurance for a minimum determined by the Development Services Director, indicating the City of Upland as a "Certificate Holder" and "Additional Insured.""

Internet-based businesses and storage uses

As mentioned above, staff has been made aware by merchants of buildings within the Old Town District that are being used for internet-based business and storage uses. These uses, while may be appropriate in certain areas of the HDUSP, are not appropriate in the Old Town District because the uses are not open to pedestrian interaction. Similarly for this reason, office uses are currently prohibited on the Ground Floor within the Historic Core of the Old Town District. Staff has identified the specific locations in which the uses are prohibited. The proposed amendment prohibits the following:

1. Indoor storage as a primary use (within the Old Town District). Staff has proposed to prohibit this use within the entirety of the Old Town District. These uses contain indoor storage and their primary or sole activity and are not open to the public for business.
2. Internet-based businesses that are not open to the public (within the Old Town District, Ground floor, on 2nd Avenue from D street to A Street and 9th Street from 1st Avenue to 3rd Avenue). Staff has proposed prohibiting this use on the ground floor of the areas identified above. The areas identified are the primary pedestrian commercial areas that support restaurants and retail uses within downtown Upland. That said, this use is appropriate on the second floor within these areas as business on the second floor do not typically need a pedestrian connection. Staff has specifically identified this use because Internet-based businesses could otherwise identify as a retail land use, but said retail is only online and the storefronts are not activated.

These land uses have been specifically identified to assist staff in the review of land use applications, as well as the enforcement tasks related to the operation of uses that are not permitted. A representative of the Downtown Merchant Board (HDU) spoke in support of the amendment at the Planning Commission meeting.

Environmental Review

The action is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000, et seq.), pursuant to State CEQA Regulation §15061(b)(3) (14 Cal. Code Regs. § 15061(b)(3)), the "common sense" exemption covering activities with no possibility of having a significant effect on the environment because the Ordinance merely updates regulatory guidelines in the Specific Plan for storage and internet-only uses, as well as ancillary outdoor display of merchandise for retail businesses.

FISCAL IMPACTS

No fiscal impacts are anticipated as a result of this Ordinance.

ALTERNATIVES

Provide alternative direction to staff.

ATTACHMENTS:

Attachment A - Ordinance
Exhibit A to Attachment A - Proposed changes
Attachment B - HDUSP Map
Attachment C - PC Resolution No. 4974

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UPLAND, CALIFORNIA, ADOPTING SPECIFIC PLAN AMENDMENT NO. SP-22-0001, AMENDING THE HISTORIC DOWNTOWN UPLAND SPECIFIC PLAN TO PROHIBIT STORAGE USES AND INTERNET-ONLY BUSINESSES THAT ARE NOT OPEN TO THE PUBLIC AND TO ADOPT REGULATIONS PERTAINING TO OUTDOOR DISPLAY OF MERCHANDISE FOR RETAIL BUSINESSES

WHEREAS, the City of Upland Planning Division has initiated proceedings to modify the Historic Downtown Upland Specific Plan; and

WHEREAS, for Specific Plan Amendments, Upland Municipal Code (UMC) Table 17.43-1 identifies the decision-making authority as the City Council; and

WHEREAS, the proposed Specific Plan Amendment No. 22-0001 will not conflict with the goals, policies, and implementation measures set forth in the General Plan and Historic Downtown Upland Specific Plan; and

WHEREAS, the Specific Plan Amendment application is for a text change only, no physical development is proposed; and

WHEREAS, the project is considered a project as defined by the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq.; and

WHEREAS, the specific plan amendment is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000, et seq.), pursuant to State CEQA Regulation §15061(b)(3) (14 Cal. Code Regs. § 15061(b)(3)), the common sense exemption covering activities with no possibility of having a significant effect on the environment; and

WHEREAS, on August 24, 2022 and September 28, 2022, the Planning Commission held a duly noticed public hearing to consider the Project, made the necessary findings, and adopted Planning Commission Resolution No. 4974 recommending the City Council adopt an Amendment to the Historic Downtown Upland Specific Plan; and

WHEREAS, on October 24, 2022, the City Council conducted a duly noticed public hearing introducing the first reading of the Ordinance; and

WHEREAS, all legal prerequisites for the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UPLAND DOES ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated herein by reference.

Section 2. Ordinance: Specific Plan Amendment. The Historic Downtown Upland Specific Plan is hereby amended as set forth in Exhibit A, attached hereto and incorporated herein by reference.

Section 3. The proposal is in conformity with the following General Plan Land Use Policies.

1. Policy FA 8.2 Economic Development. Focus economic development efforts on the retention and attraction of viable and desirable commercial uses in Downtown.

   Fact: The amendment will attract new retail uses that wish to have outdoor display within downtown Upland. Furthermore, the amendment will retain existing businesses and assist in their efforts to increase sales.

2. Policy ES-3.8 Ground-floor Retail. Attract retail uses to the ground floor level in Downtown in coordination with policies and standards in the Historic Downtown Upland Specific.

   Fact: The amendment will attract and retain viable retailers for ground floor level storefronts and will set up standards to ensure retailers have options for outdoor display of merchandise. In addition, uses in downtown will be further limited, which will result in additional opportunities and leasable space being available for retail or restaurant uses that can thrive in a downtown environment.

Section 4. The proposal is consistent with the following Specific Plan Objectives and Policies.

1. Objective 1.2 Ensure new development maintains the pedestrian scale and historic grid pattern of Downtown and contributes to a pedestrian-friendly walking environment.

   Fact: The outdoor display of merchandise will be located adjacent to pedestrian walkways, maintaining the pedestrian scale and orienting retail towards pedestrians. Furthermore, the prohibition of storage and internet-only businesses will ensure pedestrian oriented uses are established in the Old Town District at the pedestrian level.

2. Policy 3.2.3 Ground floor uses along 2nd Avenue, between C and 8th Streets, and along 9th Street, between 1st and 3rd Avenues, shall be commercially-oriented only and create a continuous building frontage along the street edge.

   Fact: This amendment will prohibit uses within the Old Town District that are not friendly to pedestrians, ensuring that commercial buildings within the Old

Town District are reserved for pedestrian oriented uses, where appropriate, such as retail and restaurant uses.

Section 5. California Environmental Quality Act (CEQA). Project is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000, et seq.), pursuant to State CEQA Regulation §15061(b)(3) (14 Cal. Code Regs. § 15061(b)(3)), the common sense exemption covering activities with no possibility of having a significant effect on the environment.

Section 6. Severability. If any section, subsection, subdivision, sentence, or clause or phrase in this Ordinance or any part thereof is for any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that is would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

Section 7. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption.

Section 8. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published in a newspaper of general circulation printed and published within the City of Upland, pursuant to all legal requirements.

PASSED, APPROVED, AND ADOPTED this 14th day of November, 2022.

_____
Bill Velto, Mayor

I, Keri Johnson, City Clerk of the City of Upland, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Upland held on the 24th day of October, 2022, and was adopted at a regular meeting of the City Council of the City of Upland held on the 14th day of November, 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

ATTEST: _____
Keri Johnson, City Clerk

EXHIBIT A

Amendments to the Historic Downtown Upland Specific Plan

1 Euclid District 5-11
2 Old Town District 5-16
3 Arrow Highway District 5-21
4 Civic Center District 5-24
5 Pleasant View District 5-26
6 Multi-Family/Senior District 5-29
7 Citrus Transportation District 5-32
8 Residential Transit District 5-35
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C. Permitted and Conditionally Permitted Uses

Permitted and conditionally permitted uses allowed in each district are provided in Table 5-1. In some cases there are specific requirements for ground-floor and upper-floor uses, which are also indicated in the table. "P" designates permitted land uses, "m" designates a use requiring a minor conditional use permit, and "M" designates a use that requires a major conditional use permit. All uses are defined in Section H, Definitions.

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The following uses are expressly prohibited in all districts in Downtown Upland:

i. Ambulance service, excepting offices;
ii. Automotive sales, including brokerages;
iii. Automotive repair (minor and major);
iv. Lodges, fraternity or sorority houses or similar places of regular, long-term, or frequent high-occupancy lodging;
v. Drive-thru establishments;
~~vi. Outdoor Display of Merchandise~~;
vi. Outdoor rental or storage yards;
vii. Pawnshops;
viii. Indoor storage as a primary use (within the Old Town District);
ix. Internet-based businesses that are not open to the public (within the Old Town District, ground floor, on 2nd Avenue from D street to A Street and 9th Street from 1st Avenue to 3rd Avenue); and
x. Any other uses that, after evaluation by the Planning Commission, may have characteristics that are adverse to the intent and purpose of the Specific Plan.

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Land Uses	Permitted Uses by District																			
Key to Permit Requirements P = Permitted Use C = Conditional Use Permit Required m = Minor Conditional Use Permit Required	Euclid[1]		Old Town[1]		Historic Core		Arrow Highway		Civic Center		Pleasant View		Multi-Family/ Senior Housing		Citrus Transportation		Residential Transit		Olivedale	
	Ground	Upper	Ground	Upper	Ground	Upper	Ground	Upper	Ground	Upper	Ground	Upper	Ground	Upper	Ground	Upper	Ground	Upper	Ground	Upper
Residential																				
Multi-family Residential	P	P	P[2]	P		P	P	P					P	P	P	P	P	P	P	P
Residential Care Facility	P	P											P	P						
Second Dwelling Unit											P	P								
Senior Housing	P	P		P		P	P	P					P	P	P	P	P	P	P	P
Single-Family Residential	P	P									P	P					P[3]	P[3]	P	P
Institutional																				
Cultural Use (Assembly)	m	m	m	m	m	m	m	m	m	m	m	m			m	m				
Cultural Use (Non-Assembly)	P	P	P	P	P	P	P	P	P	P	P	P			P	P				
Government Office	P	P	P	P	P	P	P	P	P	P					P	P				
Park or Recreational Facility	P		P		P		P		P		P		P		P		P		P	
Public Facility	P	P	P	P	P	P	P	P	P	P			P	P	P	P				
School	C	C	C	C	C	C	C	C					C	C	C	C	C	C		
Commercial																				
Adult Business	Subject to Chapter 17.20~~122~~ of the Municipal Code																			
Alcoholic Beverage Sales (Off-Site, <25% GFA devoted to sale of alcohol)	m	m	m	m	m	m	m	m							m	m				
Alcoholic Beverage Sales (Off-Site, >25% GFA devoted to sale of alcohol)	C	C	C	C	C	C	C	C							C	C				
Animal Sales & Services (boarding)	P	P					P	P							P	P				
Animal Sales & Services (non-boarding)	P	P	P	P	P	P	P	P							P	P				
ATM	P	P	P	P	P	P	P	P					P	P	P	P				
Bank or Financial Services	P	P	P	P	P	P	P	P							P	P				
Bar or Night Club	C	C	m	m	m	m	C	C							m	m				
Commercial Recreation/Entertainment (indoor)	P	P	P	P	P	P	P	P							P	P				
Commercial Recreation/Entertainment (outdoor)							P	P			P	P			P	P				
Convenience Store	P	P	P	P	P	P	P	P							P	P				
Grocery Store	P	P	P	P	P		P	P							P	P				
Health/Fitness Facility	P	P	P	P	P	P	P	P					P	P	P	P				
Instructional or Production Studio	P	P	P	P	P	P	P	P							P	P				
Live Entertainment/Dancing[4]	C	C	C	C	C	C	C	C							C	C				
Personal Services (excluding salon/barbershop)	P	P	P	P	P	P	P	P							P	P				
Restaurant (fast food, excluding drive-through)	P	P	P	P	m	m	P	P							P	P				
Restaurant (full service, sit-down, serving no alcohol)	P	P	P	P	P	P	P	P							P	P				

Table 5-1 **Permitted Land Uses** (Continued)

Land Uses	Permitted Uses by District																			
Key to Permit Requirements P = Permitted Use C = Conditional Use Permit Required m = Minor Conditional Use Permit Required	Euclid[1]		Old Town[1]		Historic Core		Arrow Highway		Civic Center		Pleasant View		Multi-Family/ Senior Housing		Citrus Transportation		Residential Transit		Olivedale	
	Ground	Upper	Ground	Upper	Ground	Upper	Ground	Upper	Ground	Upper	Ground	Upper	Ground	Upper	Ground	Upper	Ground	Upper	Ground	Upper
Commercial (Continued)																				
Restaurant (full service, sit-down, serving alcohol)	m	m	m	m	m	m	m	m							m	m				
Retail Store, General	P	P	P	P	P	P	P	P							P	P				
Salon/Barbershop	m	m	m	m	m	m	m	m							m	m				
Sidewalk Café[5]	P		P		P										P					
Specialty Food Store	P	P	P	P	P	P	P	P							P	P				
Office/Professional																				
Business Support Services	P	P	P	P		P	P	P	P	P					P	P				
Medical or Dental Laboratory	P	P	m	P		P	P	P							C	C				
Medical or Dental Office	P	P	P	P		P	P	P							P	P				
Urgent Care Facility	P	P					P	P												
Home Occupation[6]	P	P		P		P	P	P			P	P	P	P	P	P	P	P	P	P
Professional Office	P	P	P	P		P	P	P							P	P				
Other																				
Accessory Uses (habitable)	P	P	P		P		P		P		P	P	P		P		P		P	
Accessory Uses (nonhabitable)	P	P	P		P		P		P		P	P	P		P		P		P	
Bed & Breakfast[6]	P	P	P	P		P									P	P				
Day Care Center - Small	C		C				C						C		C		C		C	
Day Care Center - Large	C		C				C						C		C					
Hotel (limited stay)	P	P	P	P		P	P	P							P	P				
Motel (limited stay)	P	P																		
Light Industrial	P						P								P					
Live/Work[7]	P	P	P	P	P	P	P	P							P	P				
Mixed-Use[8]	P	P	P	P	P	P	P	P							P	P				
Outdoor Display of Merchandise[9]			P		P															
Parking-Surface	P		P				P		P	P			P		P		P		P	
Parking-Structured	P	P	P	P			P	P	P	P			P	P	P	P	P	P	P	P
Wireless Communication Facilities[10]	P	P	P	P			P	P	P	P			P	P	P	P				

[1]Includes 1st Avenue Overlay

~~*~~[2]1st Avenue Overlay only

[3]Single-Family Residential in the Residential Transit District is subject to the Multi-Family Residential standards in Section E.2. Detached Single-Family Residential shall comprise no more than 1/3 of total development in the Residential Transit District.

[4]Either as the sole use or in conjunction with a permitted or conditionally permitted use.

[5]Per Chapter 17.32~~44~~ of Municipal Code

[6]Per Chapter 17.27~~24~~ of Municipal Code

[7]Per Chapter 17.28~~54~~ of Municipal Code

[8]All habitable areas of the ground floor shall be devoted to and constructed to accommodate non-residential uses as permitted in Table 5-1. Residential uses shall be on upper floors only.

[9]Per development standards within HDUSP Section (5)(F)(9) ~~Per Chapter 17.156 of Municipal Code~~

[10]Per Chapter 17.40 of Municipal Code

- Reestablished after damage or destruction of more than 50 percent of its value, as determined by the Building Department.

No new sign shall be approved for a site, structure, building, or use that contains non- conforming signs unless such nonconforming signs are removed or modified to conform with the provisions of this chapter.

No building permit shall be issued for any structures, building expansions, or new building construction on a site which contains nonconforming signs, unless all signs on the site are brought into conformance with this chapter. This does not include interior alterations which do not substantially change the character or intensity of the site.

All nonconforming signs shall be removed at such time as the use of any site, building, or structure is changed. A change in business ownership shall not be deemed a change of use pursuant to this section.

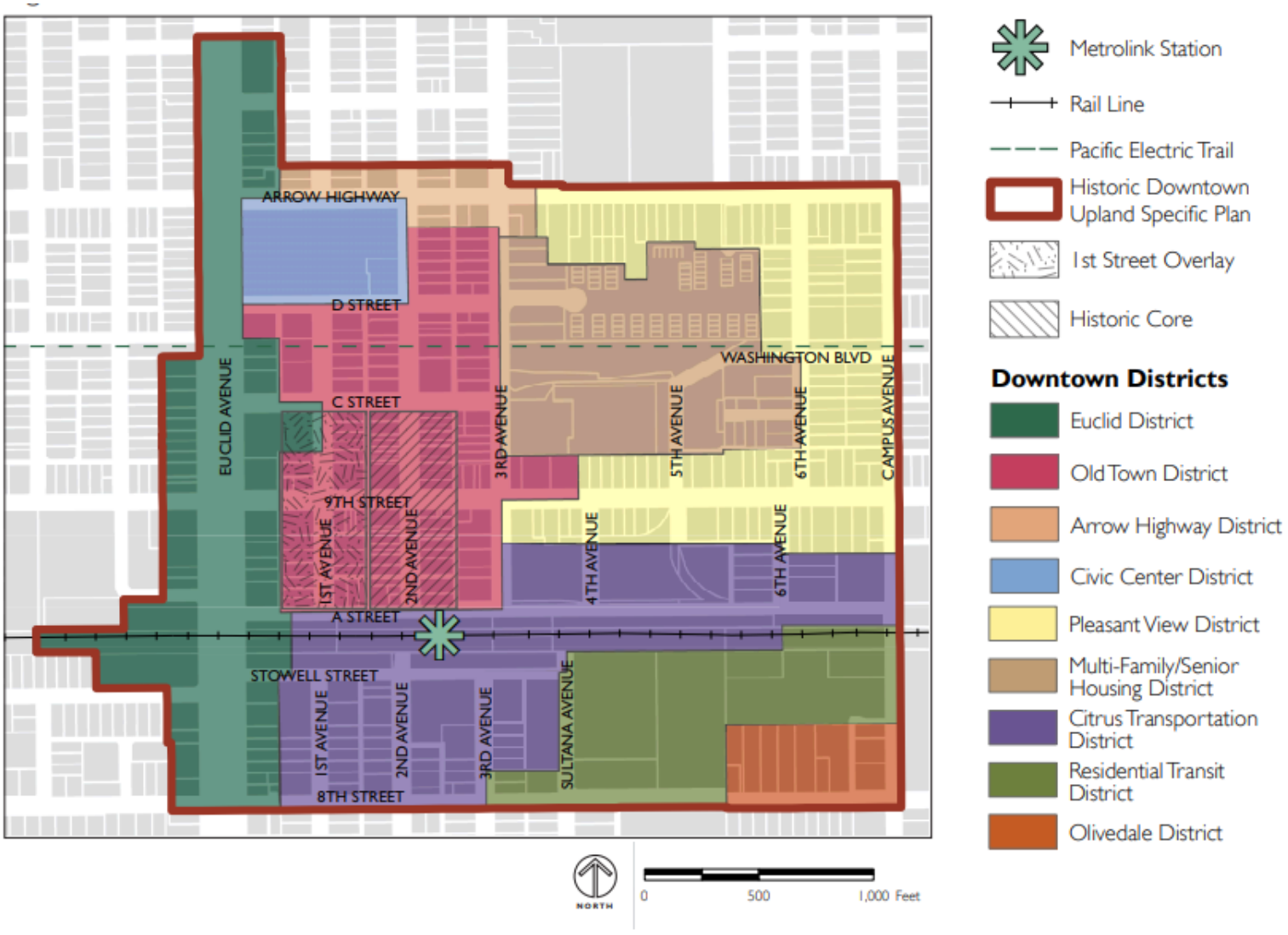
9. Outdoor Display of Merchandise

a. Outdoor display of the following merchandise shall be allowed subject to the requirements in Subsection b of this section:
   - Flowers and plants;
   - Clothing and apparel;
   - Handcrafted products and goods;
   - Artwork and pottery;
   - Antiques;
   - Recreational equipment (e.g., bicycles, roller skates, skateboards, etc.);
   - Other merchandise that the Development Services Director finds to be similar in character, type, or nature to the merchandise listed above.

b. Outdoor display/sales areas shall comply with all of the following development standards;

   i. Permit Required. All applicants shall submit for a permit on such form as the Development Services Director prescribes, which shall include the information herein below, in addition to all other information determined necessary by the Director.
   ii. The display area shall be located adjacent to the storefront of the building within which the business is located. The display area shall not extend past the business storefront.
   iii. Display area is limited to 1 (one) public facing storefront and shall not exceed 75% of the tenant's storefront.
   iv. Displayed merchandise shall not obstruct traffic sight areas; encroach upon landscaped areas, driveways, parking spaces, access ways, or pedestrian walkways; or otherwise create hazards for vehicle or pedestrian traffic. ADA accessibility shall be preserved at all times.
   v. Ingress/egress to/from the building shall be preserved at all times.
   vi. Items shall only be displayed while the business is open and operating. Displayed items shall not be stored outside of the building. All displayed items shall be stored inside the building when the business is closed.
   vii. The display area shall be maintained in an orderly and neat condition at all times.
   viii. Businesses shall maintain a Certificate of Insurance for a minimum determined by the Development Services Director, indicating the City of Upland as a "Certificate Holder" and "Additional Insured."

Attachment B - HDUSP Map



RESOLUTION NO. 4974

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UPLAND, CALIFORNIA RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE FOR SPECIFIC PLAN AMENDMENT NO. SP-22-0001, AMENDING THE HISTORIC DOWNTOWN UPLAND SPECIFIC PLAN TO PROHIBIT STORAGE USES AND INTERNET-ONLY BUSINESSES THAT ARE NOT OPEN TO THE PUBLIC AND TO ESTABLISH REGULATIONS PERTAINING TO OUTDOOR DISPLAY OF MERCHANDISE FOR RETAIL BUSINESSES.

Intent of the Parties and Findings

WHEREAS, The City of Upland Planning Division has initiated proceedings to modify the Historic Downtown Upland Specific Plan; and

WHEREAS, For Specific Plan Amendments, Upland Municipal Code (UMC) Table 17.43-1 identifies the decision-making authority as the City Council, with the Planning Commission being a recommendation body; and

WHEREAS, the proposed Specific Plan Amendment No. 22-0001 will not conflict with the goals, policies, and implementation measures set forth in the General Plan and Zoning Ordinance; and

WHEREAS, the Specific Plan Amendment application is for a text change only, no physical development is proposed; and

WHEREAS, This Specific Plan Amendment is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000, et seq.), pursuant to State CEQA Regulation §15061(b)(3) (14 Cal. Code Regs. § 15061(b)(3)), the common sense exemption covering activities with no possibility of having a significant effect on the environment; and

WHEREAS, the City of Upland Planning Division on August 11, 2022, posted two (2) true and correct copies of the legal notice at the Upland City Hall Bulletin Board and at the Upland Public Library in accordance with the Upland Municipal Code Section 17.46.020; and

WHEREAS, the City of Upland Planning Division on August 11, 2022, mailed the public hearing notice to each property owner within the Historic Downtown Upland Specific Plan Area indicating the date and time of the public hearing in compliance with state law concerning the Project; and

WHEREAS, the City of Upland Planning Division on August 12, 2022, published a legal notice in the Inland Valley Daily Bulletin, a local paper of general circulation, indicating the date and time of the public hearing in compliance with state law concerning the Project; and

WHEREAS, on August 24, 2022, the Planning Commission continued the Public Hearing to September 28, 2022; and

WHEREAS, The City of Upland Planning Commission conducted a duly noticed public hearing on August 24, 2022 and September 28, 2022, at which time it received public testimony concerning the Project, and considered the CEQA for the proposed project; and

NOW, THEREFORE, the Planning Commission hereby finds, determines and resolves and recommends as follows:

Section 1. FINDINGS. The Planning Commission hereby makes the following findings and determinations in connection with the approval of the Project:

A. The above Recitals are true and correct and are incorporated herein by this reference.

B. The Specific Plan Amendment is consistent with the Following General Plan Goals and Policies.

1. Policy FA 8.2 Economic Development. Focus economic development efforts on the retention and attraction of viable and desirable commercial uses in Downtown.

   Fact: These amendments will attract new retail uses that wish to have outdoor display within downtown Upland. Furthermore, this amendment will retain existing businesses and assist in their efforts to increase sales.

2. Policy ES-3.8 Ground-floor Retail. Attract retail uses to the ground floor level in Downtown in coordination with policies and standards in the Historic Downtown Upland Specific.

   Fact: These amendments will attract and retain viable retailers for ground floor level storefronts and will set up standards to ensure retailers have options for outdoor display of merchandise. In addition, uses in downtown will be further limited, which will encourage additional opportunities and leasable space is available for retail or restaurant uses that can thrive in a downtown environment.

C. The Specific Plan Amendment is consistent with the following Specific Plan Objectives and Policies.

1. Objective 1.2 Ensure new development maintains the pedestrian scale and historic grid pattern of Downtown and contributes to a pedestrian-friendly walking environment.

   Fact: The outdoor display of merchandise will be located adjacent to pedestrian walkways, maintaining the pedestrian scale and orienting retail towards

pedestrians. Furthermore, the prohibition of storage and internet-only businesses will ensure pedestrian oriented uses are established in the Old Town District at the pedestrian level.

2. Policy 3.2.3 Ground floor uses along 2nd Avenue, between C and 8th Streets, and along 9th Street, between 1st and 3rd Avenues, shall be commercially-oriented only and create a continuous building frontage along the street edge.

   Fact: These amendments will prohibit uses within the Old Town District that are not oriented to pedestrians, ensuring that commercial buildings are reserved for pedestrian friendly uses, such as retail and restaurant uses.

Section 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). Project is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000, et seq.), pursuant to State CEQA Regulation §15061(b)(3) (14 Cal. Code Regs. § 15061(b)(3)), the common sense exemption covering activities with no possibility of having a significant effect on the environment.

Section 3. DETERMINATION. Based on the findings above, the Planning Commission recommends the City Council of the City of Upland adopt an ordinance approving the amendments to the Historic Downtown Specific Plan as shown in Exhibit A, attached hereto and incorporated herein by reference.

Section 4. SEVERABILITY. If any section, subsection, subdivision, sentence, or clause or phrase in this Resolution or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Resolution or any part thereof. The Planning Commission hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

Section 5. CERTIFICATION. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this Resolution, and shall cause this Resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Section 6. EFFECTIVE DATE. This Resolution shall become effective ten (10) days after its passage and adoption unless appealed prior to that time.

PASSED, APPROVED and ADOPTED this 28th day of September, 2022.

Robin Aspinall

Robin Aspinall, CHAIR

ATTEST:

_____

Robert D. Dalquest, SECRETARY

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of Upland at a regular adjourned meeting thereof held on the 28th day of September, 2022 by the following vote:

AYES: Chair Aspinall, Vice Chair Grahn, Commissioners Caldwell, Johnson, Marotte, Mayer, and Staton.

NAYS: none

ABSENT: none

ABSTAIN: none



Robert D. Dalquest, SECRETARY

EXHIBIT A

Amendments to the Historic Downtown Upland Specific Plan

1 Euclid District 5-11
2 Old Town District 5-16
3 Arrow Highway District 5-21
4 Civic Center District 5-24
5 Pleasant View District 5-26
6 Multi-Family/Senior District 5-29
7 Citrus Transportation District 5-32
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Residential																				
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Second Dwelling Unit											P	P								
Senior Housing	P	P		P		P	P	P					P	P	P	P	P	P	P	P
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Institutional																				
Cultural Use (Assembly)	m	m	m	m	m	m	m	m	m	m	m	m			m	m				
Cultural Use (Non-Assembly)	P	P	P	P	P	P	P	P	P	P	P	P			P	P				
Government Office	P	P	P	P	P	P	P	P	P	P					P	P				
Park or Recreational Facility	P		P		P		P		P		P		P		P		P		P	
Public Facility	P	P	P	P	P	P	P	P	P	P			P	P	P	P				
School	C	C	C	C	C	C	C	C					C	C	C	C	C	C		
Commercial																				
Adult Business	Subject to Chapter 17.20~~22~~ of the Municipal Code																			
Alcoholic Beverage Sales (Off-Site, <25% GFA devoted to sale of alcohol)	m	m	m	m	m	m	m	m							m	m				
Alcoholic Beverage Sales (Off-Site, >25% GFA devoted to sale of alcohol)	C	C	C	C	C	C	C	C							C	C				
Animal Sales & Services (boarding)	P	P					P	P							P	P				
Animal Sales & Services (non-boarding)	P	P	P	P	P	P	P	P							P	P				
ATM	P	P	P	P	P	P	P	P					P	P	P	P				
Bank or Financial Services	P	P	P	P	P	P	P	P							P	P				
Bar or Night Club	C	C	m	m	m	m	C	C							m	m				
Commercial Recreation/Entertainment (indoor)	P	P	P	P	P	P	P	P							P	P				
Commercial Recreation/Entertainment (outdoor)							P	P			P	P			P	P				
Convenience Store	P	P	P	P	P	P	P	P							P	P				
Grocery Store	P	P	P	P	P		P	P							P	P				
Health/Fitness Facility	P	P	P	P	P	P	P	P					P	P	P	P				
Instructional or Production Studio	P	P	P	P	P	P	P	P							P	P				
Live Entertainment/Dancing[4]	C	C	C	C	C	C	C	C							C	C				
Personal Services (excluding salon/barbershop)	P	P	P	P	P	P	P	P							P	P				
Restaurant (fast food, excluding drive-through)	P	P	P	P	m	m	P	P							P	P				
Restaurant (full service, sit-down, serving no alcohol)	P	P	P	P	P	P	P	P							P	P				

Table 5-1 **Permitted Land Uses** (Continued)

Land Uses	Permitted Uses by District																			
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Commercial (Continued)																				
Restaurant (full service, sit-down, serving alcohol)	m	m	m	m	m	m	m	m							m	m				
Retail Store, General	P	P	P	P	P	P	P	P							P	P				
Salon/Barbershop	m	m	m	m	m	m	m	m							m	m				
Sidewalk Cafés	P		P		P										P					
Specialty Food Store	P	P	P	P	P	P	P	P							P	P				
Office/Professional																				
Business Support Services	P	P	P	P		P	P	P	P	P					P	P				
Medical or Dental Laboratory	P	P	m	P		P	P	P							C	C				
Medical or Dental Office	P	P	P	P		P	P	P							P	P				
Urgent Care Facility	P	P					P	P												
Home Occupations[6]	P	P		P		P	P	P			P	P	P	P	P	P	P	P	P	P
Professional Office	P	P	P	P		P	P	P							P	P				
Other																				
Accessory Uses (habitable)	P	P	P		P		P		P		P	P	P		P		P		P	
Accessory Uses (nonhabitable)	P	P	P		P		P		P		P	P	P		P		P		P	
Bed & Breakfast[6]	P	P	P	P		P									P	P				
Day Care Center - Small	C		C				C						C		C		C		C	
Day Care Center - Large	C		C				C						C		C					
Hotel (limited stay)	P	P	P	P		P	P	P							P	P				
Motel (limited stay)	P	P																		
Light Industrial	P						P								P					
Live/Work[7]	P	P	P	P	P	P	P	P							P	P				
Mixed-Uses[8]	P	P	P	P	P	P	P	P							P	P				
Outdoor Display of Merchandise[9]			P		P															
Parking-Surface	P		P				P		P	P			P		P		P		P	
Parking-Structured	P	P	P	P			P	P	P	P			P	P	P	P	P	P	P	P
Wireless Communication Facilities[10]	P	P	P	P			P	P	P	P			P	P	P	P				

[1]Includes 1st Avenue Overlay

~~[2]~~1st Avenue Overlay only

[3]Single-Family Residential in the Residential Transit District is subject to the Multi-Family Residential standards in Section E.2. Detached Single-Family Residential shall comprise no more than 1/3 of total development in the Residential Transit District.

[4]Either as the sole use or in conjunction with a permitted or conditionally permitted use.

[5]Per Chapter 17.32~~44~~ of Municipal Code

[6]Per Chapter 17.27~~24~~ of Municipal Code

[7]Per Chapter 17.28~~54~~ of Municipal Code

[8]All habitable areas of the ground floor shall be devoted to and constructed to accommodate non-residential uses as permitted in Table 5-1. Residential uses shall be on upper floors only.

[9]Per development standards within HDUSP Section (5)(F)(9) ~~Per Chapter 17.156 of Municipal Code~~

[10]Per Chapter 17.40 of Municipal Code

- Reestablished after damage or destruction of more than 50 percent of its value, as determined by the Building Department.

No new sign shall be approved for a site, structure, building, or use that contains non- conforming signs unless such nonconforming signs are removed or modified to conform with the provisions of this chapter.

No building permit shall be issued for any structures, building expansions, or new building construction on a site which contains nonconforming signs, unless all signs on the site are brought into conformance with this chapter. This does not include interior alterations which do not substantially change the character or intensity of the site.

All nonconforming signs shall be removed at such time as the use of any site, building, or structure is changed. A change in business ownership shall not be deemed a change of use pursuant to this section.

9. Outdoor Display of Merchandise

a. Outdoor display of the following merchandise shall be allowed subject to the requirements in Subsection b of this section:
   - Flowers and plants;
   - Clothing and apparel;
   - Handcrafted products and goods;
   - Artwork and pottery;
   - Antiques;
   - Recreational equipment (e.g., bicycles, roller skates, skateboards, etc.);
   - Other merchandise that the Development Services Director finds to be similar in character, type, or nature to the merchandise listed above.

b. Outdoor display/sales areas shall comply with all of the following development standards:

   i. Permit Required. All applicants shall submit for a permit on such form as the Development Services Director prescribes, which shall include the information herein below, in addition to all other information determined necessary by the Director.
   ii. The display area shall be located adjacent to the storefront of the building within which the business is located. The display area shall not extend past the business storefront.
   iii. Display area is limited to 1 (one) public facing storefront and shall not exceed 75% of the tenant's storefront.
   iv. Displayed merchandise shall not obstruct traffic sight areas; encroach upon landscaped areas, driveways, parking spaces, access ways, or pedestrian walkways; or otherwise create hazards for vehicle or pedestrian traffic. ADA accessibility shall be preserved at all times.
   v. Ingress/egress to/from the building shall be preserved at all times.
   vi. Items shall only be displayed while the business is open and operating. Displayed items shall not be stored outside of the building. All displayed items shall be stored inside the building when the business is closed.
   vii. The display area shall be maintained in an orderly and neat condition at all times.
   viii. Businesses shall maintain a Certificate of Insurance for a minimum determined by the Development Services Director, indicating the City of Upland as a "Certificate Holder" and "Additional Insured."

STAFF REPORT

ITEM NO. 11.B.

DATE:	October 24, 2022
TO:	MAYOR AND CITY COUNCIL
FROM:	MICHAEL BLAY, CITY MANAGER
PREPARED BY:	ROBERT D. DALQUEST, DEVELOPMENT SERVICES DIRECTOR
SUBJECT:	CONSIDERATION OF A RESOLUTION TO ADOPT GENERAL PLAN AMENDMENT NO. 22-0001 FOR THE 2021-2029 HOUSING ELEMENT UPDATE TO THE UPLAND GENERAL PLAN PURSUANT TO ARTICLE 10.6 OF THE PLANNING AND ZONING LAWS

RECOMMENDED ACTION

It is recommended that the City Council take the following actions:

1. Conduct public hearing and adopt a Resolution approving General Plan Amendment No. GPA-22-0001, approving the 2021-2029 Housing Element Update. (See Attachment A – GPA Resolution), and

2. Find that GPA 22-0001 is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3), Section 15162(a) and Section 15283 of the California Environmental Quality Act (CEQA) Guidelines.

GOAL STATEMENT

The proposed Housing Element Update supports the City's goal to encourage new, balanced growth with a range of housing choices for its residents, including households of all income levels and persons with special needs.

BACKGROUND

State law requires every city and county within the Southern California Association of Governments ("SCAG") region to update its Housing Element for the 2021-2029 planning period. The City has conducted five previous public meetings regarding the Housing Element Update. Reports and other materials from those meetings are posted on the City's Housing Element web page at: https://www.uplandca.gov/2021-2029-housing-element-update

At its meeting of October 5, 2022, the Planning Commission conducted a public hearing and adopted a resolution recommending that the City Council approve the Housing Element update. Attachment E provides the Planning Commission Resolution.

ISSUES/ANALYSIS

Overview

State law requires comprehensive updates to Housing Elements on 8-year cycles. The 2021-2029 Housing Element update is referred to as the 6th planning cycle. The City of Upland began work on the Housing Element Update in December 2020.

The Housing Element is the most complex and highly regulated component of the General Plan. An important difference between the Housing Element and other elements of the General Plan is the extent of State oversight. The State legislature has declared that an adequate supply of housing is a matter of statewide importance and has delegated authority to the California Department of Housing and Community Development ("HCD") to review Housing Elements and issue opinions regarding their compliance with State law. A finding of compliance by HCD is referred to as "certification" of the Housing Element. Certification is important to enhance cities' eligibility for grant funds and to support local land use authority. Cities are required to submit their Housing Elements to HCD for review both prior to and after adoption, and HCD must issue opinions as to whether the Housing Element fully complies with State requirements.

During 2021, the City conducted three public meetings to review housing issues and State Housing Element requirements. Based on comments from the City Council, Planning Commission and interested parties, staff prepared a draft Housing Element, which was submitted to HCD for review on September 24, 2021. On November 22nd HCD issued a letter (Attachment B) finding that the draft element addresses many statutory requirements; however revisions will be necessary to comply with State Housing Element Law.

After receiving HCD's letter, a revised draft Housing Element was prepared addressing HCD's comments and on March 23, 2022, the Planning Commission conducted a public meeting to review HCD's comments and the proposed revisions to the draft Housing Element. After that meeting, staff submitted a revised draft Housing Element to HCD for review.

On May 23, 2022, HCD issued a second letter (Attachment C) finding that the revised draft element addresses some statutory requirements described in HCD's November 22, 2021, review; however, additional revisions are necessary to fully comply with State Housing Element Law.

In response to HCD's comments, additional revisions were made to the draft Housing Element as summarized in Attachment D. The revised draft Housing Element showing tracked changes with ~~strikeout~~/underline is provided in Attachment F.

Key Issues

HCD Comments and Proposed Responses

In this 6th Housing Element Update cycle, all cities are receiving far more extensive comments from HCD than was typical in previous Housing Element Update cycles. The State Legislature has declared that a "housing crisis" exists in California and many new laws have been adopted in recent years imposing more stringent requirements on local land use plans and regulations with the intent of stimulating housing production. The comments in HCD's letter are very similar to those received by other cities throughout the SCAG region. At the

time this report was prepared, only 9 of the 25 jurisdictions in San Bernardino County have received HCD certification.

State law requires cities to consider HCD's comments in the preparation and adoption of Housing Element updates. As discussed in previous meetings, when HCD issues an opinion that a Housing Element substantially complies with State law, cities' eligibility for grant funds is enhanced and a legal "presumption of validity" is conveyed on the Housing Element, which helps to support local land use control.

Many of HCD's comments only require technical or clerical revisions, such as additional data and information. Other comments raise substantive issues such as the City's development standards, but do not explicitly state that those requirements must be revised; therefore, additional analysis has been provided. Some comments state that current policies or regulations are a constraint on housing and must be revised. These more substantive comments include the following:

Definition of a "Family". Most cities include a definition of "family" in their zoning regulations to distinguish between residential uses and commercial or institutional facilities such as boardinghouses or hotels. HCD stated "*The current definition is a constraint, and the element must include a program to revise the definition to remove the characteristic of having to "chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease". Requiring a single written lease can be a constraint to shared housing and other types of living arrangements for persons with disabilities*."

In response to this HCD comment, Program 18 has been revised to include a commitment to review the current definition of "family" and process a zoning code amendment as necessary to ensure conformance with fair housing law. This area of law is highly technical and is subject to differing interpretations and court decisions. No changes to the Municipal Code are proposed at this time. Subsequent to adoption of the Housing Element, staff will prepare a draft zoning code amendment addressing this issue in consultation with the City Attorney for future review by the Planning Commission and City Council.

Housing for persons with disabilities. Local regulation of certain types of group homes and care facilities is related to the definition of "family" discussed above. HCD states "*The element excludes group homes for seven or more persons from some residential zones and subjects the use to a conditional use permit, unlike other similar uses. The element should specifically analyze these constraints for impacts on housing supply and choices and approval certainty and objectivity for housing for persons with disabilities and include programs as appropriate. The element must include a program to review and revise procedural requirements to permit group homes for seven or more persons in all zones allowing residential uses based on objective criteria to facilitate approval certainty by a specified date.*"

For many years State law has required cities to allow small licensed residential care facilities for up to 6 residents subject only to the same standards and procedures as apply to other residential uses of the same type in the same zone; however, there is currently no such requirement in State law for larger group homes for more than 6 persons. In this planning cycle, HCD expressed the opinion that large group homes must be allowed without a conditional use permit in any zone where residential uses are allowed. Program 18 has been revised to include a commitment to review and amend regulations for large (7+) residential care facilities to ensure that they do not pose an unreasonable constraint to such facilities consistent with State law. No changes to the Municipal Code are proposed at this time. Subsequent to adoption of the Housing Element, staff will prepare a draft zoning code amendment addressing this issue in consultation with the City Attorney for future review by the Planning Commission and City Council.

ADUs. In the past few years, the State Legislature has made extensive changes to laws limiting local regulation of accessory dwelling units. HCD states "*programs should commit to*

additional incentives and strategies, frequent monitoring (every other year) and specific commitment to adopt alternative measures such as rezoning or amending the element within a specific time (e.g., 6 months) if ADU assumptions for the number of units and affordability are not met."

In response to this comment, Program 8 has been revised to include annual monitoring and if permits fall short of projections, the City will implement additional incentives and strategies to further encourage ADU construction. No changes to the City's ADU regulations are proposed at this time. Staff is currently working on the development of an ADU workbook (Online and hard copy) which is a manual to guide homeowners from initial interest to construction, as well as information on being a landlord. The ADU workbook also includes an online calculator to guide homeowners through the process and cost of building an ADU.

Emergency shelters, transitional housing, supportive housing. In recent years several new laws have been adopted regarding local regulation of "special needs housing." Program 16 has been revised to address these new requirements to ensure consistency with State laws. No changes to the Municipal Code are proposed at this time. Subsequent to adoption of the Housing Element, staff will prepare a draft zoning code amendment addressing this issue in consultation with the City Attorney for future review by the Planning Commission and City Council.

Local Processing and Permitting Procedures. The development review process can have a major effect on housing production. HCD states "*Specifically, based on the permitted uses in zones allowing residential uses in Table H-12, it appears that multifamily housing is not allowed as a permitted use without an administrative use permit (AUP) or conditional use permit (CUP) anywhere in the City. … the element must analyze the AUP process and the requirement that all projects larger than 15 units apply for a CUP, which requires a public hearing as a constraint on housing supply and affordability. The analysis should identify findings of approval for the use permits and their potential impact on development approval certainty, timing, and cost. The City should add a program to revise this process to remove or mitigate*."

In response to this comment, Program 7 has been revised to include a zoning code amendment to eliminate the use permit requirement for multi-family residential development. No changes to the Municipal Code are proposed at this time. Subsequent to adoption of the Housing Element staff will prepare a draft zoning code amendment addressing this issue in consultation with the City Attorney for future review by the Planning Commission and City Council.

Parking standards. HCD states "*The analysis should specifically address parking requirements for multifamily development, particularly smaller bedroom types for impacts on cost, supply, housing choice and affordability and include programs to address identified constraints. For example, the City should analyze whether it is a constraint to require a two-car garage per unit for multifamily projects (studio, one-, and two-bedroom units), including infill projects and add a program as appropriate*."

In response to this comment, the element was revised to include additional analysis of parking requirements for multi-family housing and Program 7 was revised to include elimination of the garage requirement for multi-family housing. No changes to the Municipal Code are proposed at this time. Subsequent to adoption of the Housing Element staff will prepare a draft zoning code amendment addressing this issue in consultation with the City Attorney for future review by the Planning Commission and City Council.

Adequate sites to accommodate the RHNA. One of the major requirements of State law is that the Housing Element must demonstrate that land use plans and zoning regulations provide adequate opportunities for housing development commensurate with the RHNA allocation. As discussed in previous meetings, the City's potential for additional housing development based

on current zoning is not sufficient to fully accommodate the RHNA allocation of 5,686 dwelling units; therefore, rezoning and up-zoning is required. HCD raised a number of questions regarding the realistic capacity of the City's inventory of potential sites to accommodate housing development. The Housing Element has been revised to provide additional analysis of the sites inventory, and Program 5 has been revised to address the specific requirements of State law that apply when rezoning is needed to address a RHNA shortfall. Appendix B, Tables B7 and B8 list the parcels to be considered for upzoning (i.e., increasing the allowable residential density) or rezoning (i.e., amending regulations to allow residential or mixed-use in zones where residential is not currently allowed). Those zoning amendments are not under consideration at this time and will be processed subsequent to adoption of the Housing Element Update with additional public hearings held by the Planning Commission and City Council.

Next Steps

If adopted by the City Council, the Housing Element Update must be submitted to HCD for additional review and certification. Following the adoption of the Housing Element Update, public hearings must also be held by the Planning Commission and City Council to consider approval of the specific zoning code amendments described above and in the programs described in Section 5 of the Housing Element.

ENVIRONMENTAL ASSESSMENT

Staff has determined that the Housing Element update is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000, et seq.), pursuant to State CEQA Guidelines §15061(b)(3) (14 Cal. Code Regs. § 15061(b)(3)), the common sense exemption covering activities with no possibility of having a significant effect on the environment because the Housing Element would not approve any development project or other physical change to the environment. The Project is further exempt pursuant to 14 Cal. Code. Regs Section 15162(a) of the CEQA Guidelines. Further, to the extent the Regional Housing Needs determinations are made, the Project is further exempt from the CEQA Guidelines 14 Cal. Code. Regs Section 15283, which provides, "CEQA does not apply to regional housing needs determinations made by the Department of Housing and Community Development, a council of governments, or a city or county pursuant to Section 65584 of the Government Code.

PUBLIC COMMENTS

A summary of the Housing Element public participation process is included in Section 1.C of the Housing Element and comment letters received to date are provided in Appendix D.

At the October 5, 2022, Planning Commission hearing, one speaker commented on potential environmental impacts and CEQA compliance for the Housing Element. Staff has reviewed CEQA requirements for the Housing Element update and has concluded that a "common sense exemption" is appropriate because no development project or physical change to the environment would be approved by approval of the Housing Element. The Housing Element proposes future zoning code amendments to land use regulations, which would facilitate future housing development as required by State law. Prior to approval of any specific development project, appropriate CEQA analysis and findings will be required at that time.

State law provides that some housing development projects are fully exempted from CEQA analysis. It is also important to note that many if not most potential environmental impacts from development are now routinely addressed through State and Federal laws, local building codes and other regulations outside of the CEQA review process. Such laws and regulations require analysis and mitigation of potential impacts to air quality, greenhouse gases, biological and cultural resources, water quality, noise, safety hazards including flood zones, geological

conditions, toxic materials, and wildland fires, etc. A CEQA exemption for the Housing Element would have no effect on the requirement for future housing development projects to comply with all applicable environmental regulations.

The Draft Housing Element Update is a policy document that contains State-mandated requirements regarding policies and programs to facilitate the provision of housing opportunities for a range of housing choices for its residents, including households of all income levels and persons with special needs in Upland. It also contains a series of actions that will require either rezoning or up-zoning of property and several zoning code amendments to address HCD's comments. These actions are not before the City Council with adoption of the Housing Element Update at this time and will be processed subsequently with additional public hearings held by the Planning Commission and City Council. CEQA will be addressed at the time when these actions are up for consideration. For all of these reasons staff believes adoption of the Housing Element is exempt from detailed CEQA analysis.

FISCAL IMPACTS

The Housing Element Update includes implementation programs requiring staff time and outside consultant assistance. This project is funded by the SB 2 Grant and the LEAP Grant and has already been budgeted in Fund 217. No additional appropriations are necessary at this time.

ALTERNATIVES

Provide alternative direction to staff.

ATTACHMENTS:

Attachment A: City Council Resolution for GPA No. 22-0001
Exhibit A to City Council Resolution
Attachment B: HCD Letter of November 22, 2021
Attachment C: HCD Letter of May 23, 2022
Attachment D: Summary of HCD Comments and Proposed Responses
Attachment E: Copy of Planning Commission Resolution
Attachment F: Revised Draft 2021-2029 Housing Element Update (Tracked Changes)

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UPLAND, CALIFORNIA APPROVING GENERAL PLAN AMENDMENT NO. GPA-22-0001 FOR THE 2021-2029 HOUSING ELEMENT UPDATE.

WHEREAS, local governments are authorized by Government Code section 65350 et seq. to prepare, adopt and amend general plans; and

WHEREAS, Government Code Section 65580 et seq. requires cities to update their Housing Elements on a regular basis; and

WHEREAS, a comprehensive update to the Housing Element of the Upland General Plan for the 2021-2029 planning period has been initiated and prepared by the City of Upland; and

WHEREAS, the staff report and supporting materials accompanying this resolution are found to be true, are adopted as Facts and Findings, and are incorporated by reference in this resolution; and

WHEREAS, pursuant to State Law, the draft 2021-2029 Housing Element was submitted to the California Department of Housing and Community Development ("HCD") for review in September 2021; and

WHEREAS, on November 22, 2021 HCD issued a letter finding that the draft 2021-2029 Housing Element addressed many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law; and

WHEREAS, a revised draft 2021-2029 Housing Element addressing HCD's November 22, 2021 comments was prepared and submitted to HCD for review in March 2022; and

WHEREAS, on May 23, 2022 HCD issued a letter finding that the revised draft 2021-2029 Housing Element addressed some statutory requirements; however, additional revisions will be necessary to fully comply with State Housing Element Law; and

WHEREAS, additional revisions to the draft 2021-2029 Housing Element have been made to address the issues raised in HCD's review letters, as summarized in the Planning Commission and City Council staff reports; and

WHEREAS, this General Plan amendment is exempt from the CEQA Guidelines 14 Cal. Code. Regs Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Project may have a significant effect on the environment. The Project is further exempt pursuant to 14 Cal. Code. Regs Section 15162(a) of the CEQA Guidelines. Further, to the extent the Regional Housing Needs determinations are made, the Project is further exempt from the CEQA Guidelines 14 Cal. Code. Regs Section 15283, which provides, "CEQA does not apply to regional housing needs determinations made by the Department of Housing and Community

Development, a council of governments, or a city or county pursuant to Section 65584 of the Government Code."; and

WHEREAS, the City of Upland conducted public meetings on February 25, 2021, June 22, 2021, September 23, 2021, March 23, 2022, October 5, 2022, and October 24, 2022 to discuss the 2021-2029 Housing Element Update and all interested persons were invited to offer testimony concerning the Housing Element; and

WHEREAS, the City of Upland City Clerk on October 10, 2022 posted a true and correct copy of the legal notice of the October 24, 2022 City Council public hearing on the City's website in accordance with the Upland Municipal Code; and

WHEREAS, the City of Upland City Clerk on October 14, 2022, published a 1/8-page Display Ad of the legal notice of the October 24, 2022 City Council public hearing in the Inland Valley Daily Bulletin, a local paper of general circulation, indicating the date and time of the public hearing in compliance with Chapter 17.46 of the Upland Municipal Code and state law; and

WHEREAS, Upland Municipal Code Section 17.49.050 requires that the City Council take action on General Plan Amendments, and UMC Section 17.49.060 requires that the Planning Commission make a recommendation to the City Council on such amendments; and

WHEREAS, the City of Upland Planning Commission conducted a duly noticed public hearing on October 5, 2022, at which time it received public testimony concerning the Housing Element Update, and at the conclusion of the public hearing the Planning Commission adopted a resolution recommending City Council approval of General Plan Amendment No. GPA No. 22-0001 for the 2021-2029 Housing Element update; and

WHEREAS, the Upland City Council conducted a duly noticed public hearing on October 24, 2022, at which time it received public testimony concerning the Project, and considered CEQA compliance for the proposed Housing Element amendment.

NOW, THEREFORE, the City Council of the City of Upland hereby finds, determines and resolves as follows:

Section 1. Findings. Pursuant to Upland Municipal Code Section 17.49.060 the City Council hereby makes the following findings and determinations in connection with the approval of General Plan Amendment No. 22-0001:

A. Finding: The proposed General Plan Amendment is in the public interest.

   Evidence: The 2021-2029 Housing Element amendment is in the public interest because the Housing Element includes policies and programs to facilitate the provision of housing opportunities for all economic segments of the community, including persons with special needs.

B. Finding: The proposed General Plan Amendment is consistent and compatible with the rest of the General Plan.

   Evidence: The 2021-2029 Housing Element amendment identifies land use policies to accommodate the City's assigned share of regional housing needs as required by State law and includes programs to ensure consistency between the Land Use Element and the Housing Element.

C. Finding: The potential effects of the proposed General Plan Amendment have been evaluated and have been determined not to be detrimental to the public health, safety, or welfare.

   Evidence: The 2021-2029 Housing Element amendment furthers the public health, safety and welfare by facilitating the production of housing to address the needs of all Upland residents, including those of all ages, incomes, household sizes and persons with disabilities.

D. Finding: The proposed General Plan Amendment has been processed in accordance with the applicable provisions of the California Government Code and CEQA.

   Evidence: The 2021-2029 Housing Element amendment has been processed in accordance with the applicable provisions of the California Government Code, including Government Code §65352.3 which regulates tribal consultation requirements for General Plan Amendments and Government Code §65358 which regulates amendments to General Plans. The project is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000, et seq.), pursuant to State CEQA Guidelines §15061(b)(3), §15162(a) and §15283 because the Housing Element would not approve any development project or other physical change to the environment.

Section 2. Compliance with California Environmental Quality Act. The General Plan amendment is exempt from the CEQA Guidelines 14 Cal. Code. Regs Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Project may have a significant effect on the environment. The Project is further exempt pursuant to 14 Cal. Code. Regs Section 15162(a) of the CEQA Guidelines. Further, to the extent the Regional Housing Needs determinations are made, the Project is further exempt from the CEQA Guidelines 14 Cal. Code. Regs Section 15283, which provides, "CEQA does not apply to regional housing needs determinations made by the Department of Housing and Community Development, a council of governments, or a city or county pursuant to Section 65584 of the Government Code."

Section 3. Determination. The City Council adopts General Plan Amendment No. 22-0001, a comprehensive update to the Upland Housing Element for the 2021-2029 planning period as shown in Exhibit A, attached hereto and incorporated herein

by reference. In adopting the Housing Element amendment the City Council has considered the comments of HCD and determines that the Housing Element has been revised to address each HCD comment and substantially complies with the requirements of State law. Pursuant to Government Code Section 65583.2(g) the City Council finds and determines that the Housing Element's analysis of underutilized sites identified to accommodate the City's assigned share of lower-income regional housing needs is based upon substantial evidence that the existing uses do not constitute an impediment to additional residential development during the planning period.

Section 4. The City Manager is directed to transmit the adopted Housing Element to HCD in conformance with Government Code Section 65585(g). The City Manager is further directed to make any technical or clerical revisions to the Housing Element that may be necessary to address the concerns of HCD and obtain a finding of substantial compliance.

Section 4. Certification. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

Section 5. Severability. If any section, subsection, subdivision, sentence, or clause or phrase in this Resolution or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Resolution or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

Section 6. Effective Date. This Resolution shall become effective immediately.

PASSED, APPROVED and ADOPTED this 24th day of October, 2022.

_____
Bill Velto, Mayor

I, Keri Johnson, City Clerk of the City of Upland, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 24th day of October, 2022, by the following vote:

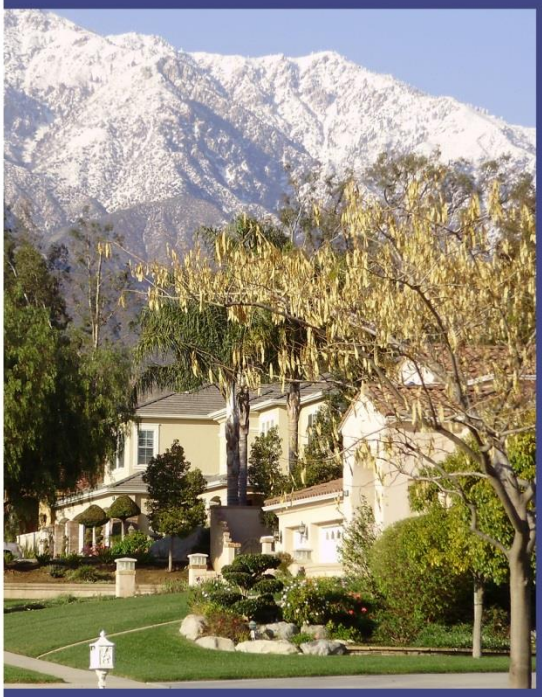
AYES:
NOES:
ABSENT:
ABSTAINED:

ATTEST: _____
Keri Johnson, City Clerk

Exhibit A

Upland 2021-2029 Housing Element

CITY OF UPLAND









City of Upland
Housing Element

Revised Draft | October 2022

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Appendix B Sites Inventory
Appendix C Fair Housing Assessment
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1. INTRODUCTION

A. Background

The State of California recognizes that an adequate supply of affordable housing for all income levels is a fundamental need for all communities. To achieve that goal, it is critical that all local governments share in the responsibility of implementing solutions to address local and regional housing needs. To that end, all California local governments are required to prepare a Housing Element that specifies how the community will plan for its housing needs.

The detailed statutory requirements for Housing Elements are codified in the California Government Code (§§65580–65589). The Housing Element must contain an identification and analysis of its existing and projected housing needs; an analysis of governmental and nongovernmental constraints to meeting those needs; and goals, policies, programs and objectives to further the development, improvement, and preservation of housing.

This Housing Element includes the following six sections:

- *Chapter 1, Introduction* provides an introduction to the statutory authority and requirements for the Housing Element, related planning efforts, and a description of the public outreach process.
- *Chapter 2, Community Profile* provides an analysis of demographic and housing characteristics; current and future housing needs; and analysis of fair housing issues.
- *Chapter 3, Constraints Analysis* provides an analysis of the governmental and nongovernmental constraints that affect the development, maintenance, and improvement of housing for all income groups.
- *Chapter 4, Housing Resources* provides an analysis of the available land for housing, as well as the financial resources and administrative capacity to manage housing programs.
- *Chapter 5, Program Evaluation* provides a review of the City's accomplishments relative to the programs and objectives established in the prior Housing Element.
- *Chapter 6, Housing Plan* establishes goals, policies, and implementation programs to address the development, improvement, and conservation of housing to address housing needs in Upland for the next 8 years.

B. Related Plans

This Housing Element is related to several other local planning efforts, some of which are mandated by the State of California or the federal government. The most important of these related plans and programs are summarized below.

- **General Plan Consistency.** The Housing Element is a component of the City's General Plan and must be consistent with other General Plan elements. The sites identified in this Housing Element for future housing development are correlated with the Land Use Plan shown in the Land Use Element. The City will maintain consistency between General Plan elements by ensuring that any proposed changes in this Housing Element that would result in an inconsistency with another element will be reconciled through amendments to other elements. As an example, a Housing Element program calling for changes to land

use designations to create additional capacity for future housing development would be implemented through amendments to the Land Use Element.

- **Water and Sewer Services.** The Water Division of the Public Works Department, San Antonio Water Company, West End Consolidated Water Company, and Water District of Southern California provide water to Upland residents. The Inland Empire Utilities Agency (IEUA) and the City provide wastewater services in Upland. In accordance with State law, the City provides a copy of its Housing Element to each water and wastewater service agency. These agencies are required to establish a priority system for water and sewer services to housing projects serving lower-income households in accordance with Section 65589.7 of the Government Code.

- **City of Upland Consolidated Plan.** The City of Upland is an entitlement jurisdiction and receives housing and community development funds directly from the federal government. Upland's Consolidated Plan was last revised for the 2021–2024 period. The housing, community development, and economic needs identified in the Consolidated Plan have been evaluated as part of the 2021 Housing Element update process to ensure that these efforts work together to address the community's needs. The Housing Element also reflects the public housing agency plan prepared by the Upland Housing Authority.

C. Public Outreach

The Housing Element Update process provided numerous opportunities for Upland residents and other stakeholders to be involved in shaping the City's housing policies and programs. From the outset, diligent efforts were made to involve all economic segments of the community and persons with special needs in the development of the housing element. A list of community stakeholders was compiled based upon City knowledge and previous projects including the Upland Consolidated Plan, and direct mail notice was sent to all parties inviting them to participate. As an entitlement city, Upland also conducts an extensive public outreach process every four years as part of the Consolidated Plan process.

The following is a summary of the outreach activities that were held over the course of the Housing Element update. Table H-1 below provides a summary of public comments received during preparation of the Housing Element and how those comments are addressed in the Housing Element. Written correspondence received during the course of the Housing Element update is provided in Appendix D. Copies of HCD's review letters and summaries of the City's revisions to the Housing Element in response to HCD comments are also available as part of the Planning Commission and City Council meeting materials posted on the City's Housing Element website (https://www.uplandca.gov/2021-2029-housing-element-update).

- **Housing Element Interest List**. At the beginning of the Housing Element update process the City compiled a list of agencies, organizations and other stakeholders with expertise in housing issues, particularly those that provide or advocate for lower-income households and persons with special needs. The City distributed notices of public meetings to these parties by direct mail or email prior to each meeting.

- **Housing Element Website.** At the beginning of the update process a web page was created on the City's website where background information, meeting notices, draft documents, and other relevant materials regarding the Housing Element update were posted. The website was updated throughout the course of the project.

- **Frequently Asked Questions.** The City prepared an FAQ containing background information regarding Housing Element requirements, including the RHNA process and assessment of housing needs, which was posted on the Housing Element web page.

- **Public Workshops**. The City held two public workshops with the City Council and Planning Commission in February and June 2021 prior to the preparation of the draft Housing Element to provide decision-makers and interested stakeholders with background information on Housing Element requirements and to solicit comments regarding housing needs and policy options. Public comments were considered in the preparation of the draft Housing Element, which was posted for public review on September 16, 2021.

- **Joint Study Session**. After preparing the draft Housing Element and prior to submitting the draft to the Department of Housing and Community Development (HCD), a joint study session was held on September 23, 2021 with the Planning Commission and City Council to review the draft Housing Element and its goals, policies, and implementation programs. Stakeholders on the Housing Element interest list were invited to attend and offer comments on the draft Housing Element. The draft Housing Element was then revised to incorporate comments received at this meeting.

  Comments on the draft Housing Element focused on housing affordability and the challenges faced by local governments in addressing those needs. Specific comments included the following:

  - ✓ The elimination of the redevelopment agency has diminished the City's ability to address housing problems
  - ✓ ADUs provide opportunities for affordable housing but also bring challenges such as adequate parking
  - ✓ More housing also increases the City's cost of providing adequate services such as infrastructure and public safety

- **HCD Review**. The draft Housing Element was submitted to HCD for review on September 24, 2021. On November 22, 2021 HCD issued a letter finding that the draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law.

- **Planning Commission Review**. After receiving HCD's November 22, 2021 review, a revised draft Housing Element was prepared addressing HCD's comments. The revised draft Housing Element was posted for public review on March 16, 2022 and a public meeting was held by the Planning Commission on March 23, 2022 to review HCD comments, other public comments and the revised draft Housing Element. An agenda and invitation to attend the meeting was sent to all parties on the Housing Element interest list. Comments offered at the meeting included whether changes to parking requirements would result in adequate parking for new housing developments. A letter dated February 28, 2022 was also submitted by YIMBY Law (see Appendix D).

- **HCD Review #2**. Following the March 23, 2022 Planning Commission meeting the revised draft Housing Element was submitted to HCD for review on March 24, 2022. On May 23, 2022 HCD issued a letter finding that the draft element addresses some statutory requirements described in HCD's November 22, 2021 review; however, additional revisions are necessary to fully comply with State Housing Element Law.

- **Planning Commission Public Hearing**. After receiving HCD's May 23, 2022 comments a revised draft Housing Element was prepared addressing HCD's comments. The revised draft Housing Element was posted for public review on September 29, 2022 and on October 5, 2022 the Planning Commission conducted a public hearing to review the revised draft Housing Element. At the conclusion of the hearing

the Planning Commission adopted a recommendation for City Council approval of the Housing Element. In addition to the formal public hearing notice, direct notice of the hearing was provided to all parties on the Housing Element stakeholder list.

- **City Council Public Hearing**. TBD

Chapter 5, the Housing Plan, describes the City's goals, policies and specific program actions over the next 8 years to address issues raised during the public outreach process (see also **Table H-1**).

Table H-1 Public Comment Summary

Comment	Response
There is a limited amount of vacant land remaining for housing development in Upland. The RHNA goals assigned to the city are far higher than in the past. How can the city achieve these goals?	The availability of vacant land suitable for housing development is a significant problem in most cities in Southern California, particularly those that are near major employment centers. Over the past several decades, most of the vacant properties in the urban areas without major development constraints such as steep slopes, floodplains, or wildland fire hazards have already been developed. Therefore, a large component of new housing development is occurring through redevelopment of previously developed properties that are economically or physically underutilized. Appendix B of the Housing Element identifies underutilized properties that are suitable for redevelopment and the following programs encourage the redevelopment of those properties for housing or mixed use: Program 5: Adequate Sites to Accommodate Regional Housing Needs; Program 6: Specific Plans; Program 7: Reduce Potential Constraints to Housing Development; Program 8: Accessory Dwelling Units; Program 10. Neighborhood Improvements; Program 13. Housing Incentives.
Accessory dwelling units (ADUs) can provide additional housing opportunities.	ADUs are an important strategy for meeting housing needs, especially for single persons and small households. The City encourages production of ADUs through a variety of methods as described in Program 8: Accessory Dwelling Units.
Past underproduction of housing has resulted in higher prices and rents that make it difficult for younger persons to live in the community. A market-based solution is needed to provide more housing.	Many factors contribute to high housing cost, and the problem is not unique to California. While cities play an important role in housing production, there are also many factors that are beyond the City's control, such as housing speculators and investors, State environmental regulations, private business decisions, the cost of labor and materials, federal economic policies, interest rates, etc. The following programs are intended to facilitate housing production in Upland: Program 5: Adequate Sites to Accommodate Regional Housing Needs; Program 6: Specific Plans; Program 7: Reduce Potential Constraints to Housing Development; Program 8: Accessory Dwelling Units; Program 10. Neighborhood Improvements; Program 13. Housing Incentives.
How will the City pay for the additional cost of providing public services to new housing?	California cities face major fiscal challenges in providing public services. After the passage of Proposition 13 in 1978 and its limitation on local governments' property tax revenues, local governments have faced increased difficulty in providing and financing appropriate public services and

Comment	Response
	facilities to serve residents. One of the main consequences of Proposition 13 has been the shift in funding of new infrastructure from general tax revenues to development impact fees and improvement requirements on developers, which has contributed to increased housing costs. The Housing Element addresses this issue by encouraging efficient housing development patterns and provision of infrastructure as described in Program 5: Adequate Sites to Accommodate Regional Housing Needs; Program 6: Specific Plans; Program 7: Reduce Potential Constraints to Housing Development; Program 8: Accessory Dwelling Units; Program 9. Water Priority System; Program 10. Neighborhood Improvements; Program 13. Housing Incentives; and Program 17: Administrative Capacity.
Prioritize rezoning in high resource, historically exclusionary neighborhoods. Many of the highest resource neighborhoods with the best access to jobs, good schools, and other amenities have histories of exclusion which are still reflected in their zoning. Cities should rezone to allow more housing opportunities in those neighborhoods, particularly those with low Vehicle Miles Traveled, as part of their Housing Elements.	It is important to recognize that the residential areas of the city are nearly built-out, and State laws already facilitate more housing opportunities in existing residential areas through ADUs and SB 9 lot splits. Redevelopment in residential areas also could lead to displacement of existing occupants. Commercial and industrial areas have the greatest opportunity for additional housing. The following programs are intended to facilitate housing production in all areas of Upland: Program 5: Adequate Sites to Accommodate Regional Housing Needs; Program 6: Specific Plans; Program 7: Reduce Potential Constraints to Housing Development; Program 8: Accessory Dwelling Units; Program 10. Neighborhood Improvements; Program 13. Housing Incentives.
Establish a strong tenant protection ordinance so that new housing benefits everyone. Development should not permanently displace current residents. Housing replacement programs, temporary housing vouchers, right of return, and demolition controls will create stability for renters while allowing new homes to be built for new households and to accommodate the growth associated with RHNA. In your sites inventory and rezoning programs, you should prioritize development on sites with owner-occupied housing & commercial uses over those with existing rent-controlled apartments or other rental housing with lower income residents.	Strong tenant protections are already provided under State and Federal law. The City helps to facilitate tenant protection through partnerships with fair housing organizations and enforcement of existing laws. The following programs address this comment: Program 2: HOME Improvement; Program 4. Rental Acquisition and Rehabilitation; Program 5: Adequate Sites to Accommodate Regional Housing Needs; Program 12: Rental Housing Assistance; Program 13. Housing Incentives; Program 14: Mobile Home Rent Stabilization; Program 15: Affordable Housing at Risk of Conversion to Market Rate; Program 17: Administrative Capacity; Program 18: Housing for People with Disabilities or other Special Needs; Program 19: Affirmatively Furthering Fair Housing.
Support homeownership opportunities for historically excluded groups. Homeownership continues to be a path to building financial security and inter-generational wealth, which has been systematically denied to many Americans. As a society, we need to make this right by intentionally offering opportunities to communities who have been excluded. The housing element should identify opportunities to create a variety of for-sale housing types and create programs to facilitate property ownership among excluded groups.	The City helps to facilitate homeownership for all segments of the community through the following programs: Program 2: HOME Improvement; Program 3: Emergency Repairs for Homeowners; Program 5: Adequate Sites to Accommodate Regional Housing Needs; Program 11. Homeownership Assistance; Program 13. Housing Incentives; Program 17: Administrative Capacity; Program 19: Affirmatively Furthering Fair Housing.

Comment	Response
Adequately plan for density. Ensure that a site's density will accommodate the number of homes that are projected to be built. In addition, make sure height limits, setback requirements, FAR, and other controls allow for adequate density and the ability to achieve a site's realistic capacity. Housing will not be feasible if you have a high density paired with low height limits. This density should be emphasized around jobs and transit and should go beyond the Mullin density in those areas.	The following programs are intended to facilitate housing production at appropriate densities in Upland: Program 5: Adequate Sites to Accommodate Regional Housing Needs; Program 6: Specific Plans; Program 7: Reduce Potential Constraints to Housing Development; Program 13. Housing Incentives.
Provide sufficient zoned capacity to accommodate all income levels, including a minimum No Net Loss buffer of 30%. Not every site will be developed at maximum density during the eight-year planning period. Identify an ample amount of opportunity sites and zone the sites to accommodate lower-income housing types (usually a statutory minimum of 30 dwelling units per acre) to give the city the best chance at meeting its RHNA.	The Housing Plan identifies sites and zoning strategies to accommodate all income levels as assigned through the RHNA. State law (Government Code 65583.2(h)) requires zoning to accommodate 100% (not 130%) of the RHNA allocation for lower-income households. The following programs are intended to facilitate housing production at appropriate densities in Upland: Program 5: Adequate Sites to Accommodate Regional Housing Needs; Program 6: Specific Plans; Program 7: Reduce Potential Constraints to Housing Development; Program 13. Housing Incentives.
Use data from the 5th Cycle to calculate the likelihood of development for your 6th Cycle site inventory Likelihood of development is a measure of the probability of an inventory site being developed during the planning period. The median likelihood of development across the state is 25%, meaning only one of every four sites will likely be developed during the planning period for the median city. Incorporating the likelihood of development into the zoned capacity will set the city up to successfully achieve their RHNA, making the housing element less of a paper exercise and more of an actionable, functional document.	Calculating the likelihood of development on the basis of development during the previous housing cycle is not a valid methodology for estimating current potential for development due to significant changes in market conditions over the past decade. The "Great Recession" that began in 2007-08 resulted in an near-catastrophic collapse in property values and housing construction, particularly in the Inland Empire. The RHNA is a planning goal, and cities are required to identify adequate sites that could accommodate the RHNA allocation. State law recognizes that cities do not have control over many aspects of the development process, and therefore achieving the RHNA is not a legal mandate. Many strategies have been suggested that the State Legislature could adopt to stimulate housing production, such as CEQA reform and real estate tax policy, but it has declined to do so. To address this comment, the following programs identify actions the City intends to take to facilitate additional housing development: Program 5: Adequate Sites to Accommodate Regional Housing Needs; Program 6: Specific Plans; Program 7: Reduce Potential Constraints to Housing Development; Program 8: Accessory Dwelling Units; Program 10. Neighborhood Improvements; Program 13. Housing Incentives.
Commit to an automatic mid-cycle adjustment if ADU permitting activity is lower than estimated in the housing element. We highly recommend complying with HCD's standards of using one of its "safe harbor" methodologies to anticipate future ADU production. However, if the city is optimistic about ADU growth, then creating an automatic mid-cycle adjustment will automatically facilitate alternative housing options (i.e., a rezoning program, removing	The Housing Element utilizes HCD "safe harbor" methodology in estimating future potential for ADU production. This comment is addressed in Program 8: Accessory Dwelling Units.

Comment	Response
development constraints, ADU incentives, etc.) if the city falls behind the estimated ADU production.	
Incentivize new ADUs, including those that are rent-restricted for moderate or lower-income households or that are prioritized for households with housing choice vouchers. Consider offering low- or no-interest loans, forgivable loans, impact fee waivers for ADUs that are 750 square feet or larger, allowances to facilitate two-story and second-story ADU construction, etc.	It should be noted that ADU regulations beyond those authorized in State law is prohibited. Also, after the State's dissolution of redevelopment agencies a significant source of City funding for housing was eliminated. Many worthwhile housing activities now compete for scarce public subsidies such as CDBG and HOME funds. This comment is also addressed in Program 8: Accessory Dwelling Units.
Allow residential to be built in areas that are zoned for commercial use. There are a myriad of ways to do this, but a housing overlay is one common policy. Additionally, consider eliminating new commercial space in mixed-use developments where there is not a strong demand or there is otherwise a glut of commercial space that is unused or frequently vacant.	The following programs are intended to facilitate housing production in areas currently zoned for commercial use: Program 5: Adequate Sites to Accommodate Regional Housing Needs; Program 6: Specific Plans; Program 7: Reduce Potential Constraints to Housing Development; Program 8: Accessory Dwelling Units; Program 10. Neighborhood Improvements; Program 13. Housing Incentives.
Allow flexibility in inclusionary zoning. Cities should require different percentages for different AMI levels. Additionally, we urge cities to incentivize land dedication to affordable developers in order for market-rate developers to meet their inclusionary requirements. Avoid getting trapped into thinking that the affordable units must be "sprinkled throughout" the market-rate units, or require the market-rate units to look exactly the same as the affordable ones. This should be balanced against not locating all of the affordable units in one place and ghettoizing neighborhoods by creating or perpetuating racially concentrated areas of poverty.	"Inclusionary housing" refers to a requirement that a portion of new housing is made available at affordable rents or prices. There are valid arguments among experts for and against such policies, and each city must evaluate whether inclusionary requirements are appropriate. There are currently no inclusionary requirements in Upland, and inclusionary housing is not a requirement of State housing law.
Ensure that the city has a ministerial process for housing permitting, especially multi-family housing, and remove impact fees for deed-restricted housing. A discretionary process for housing development creates uncertainty and adds to the cost of construction. For example, multi-family housing should not require a conditional use permit or city council approval unless the builder is asking for unique and extraordinary concessions. Right-sizing governmental constraints, entitlement processes, and impact fees will help the city successfully meet its RHNA.	This comment is addressed in Program 7: Reduce Potential Constraints to Housing Development. With regard to impact fees, the elimination of such fees for affordable housing would need to be backfilled from another source or there would be insufficient funds to provide the public facilities paid for by impact fees. There are limited sources of funding that could be used to offset that loss.
Reduce parking standards and eliminate parking minimums. Minimum parking requirements are a major constraint on housing, especially for lower cost housing types. They can cost in excess of $30,000 per spot and can raise rents by as much as 17%, and eliminating them is particularly important for smaller & other spatially constrained sites. Consider adopting a parking maximum.	This comment is addressed in Program 7: Reduce Potential Constraints to Housing Development.
Cap fees on all new housing. Most construction costs are outside the City's control, but reducing impact fees can demonstrate that a city is serious about building new housing. At a minimum, cities should delay the collection of impact fees until the issuance of the certificate of occupancy to reduce financial impacts on new housing and make the	The City is serious about facilitating the construction of new housing. However, this comment disregards the fact that impact fees are determined by the cost of providing public services and facilities, and cannot be reduced without rendering the services financially infeasible.

Comment	Response
units cheaper by not asking the developer to carry impact fee charges or debt throughout the construction phase.	
Provide local funding. One of the largest barriers to building new affordable homes is the lack of city/county funds available to assemble sites, provide gap funding, and to pay for dedicated staff. Without new funding, especially at the local level, we will not be able to build more affordable homes. There are three new revenue streams that should be considered: 1) Transfer tax, a one-time payment levied by a jurisdiction on the sale of a home, may be utilized to raise much needed revenue to fund affordable homes; 2) Vacancy tax may be collected on vacant land to convince landowners to sell their underutilized properties and be used to fund the construction of affordable homes; 3) Commercial linkage fees should be adopted or revisited for increases on new commercial developments.	This comment correctly notes that public funding is a major limiting factor on affordable housing development. However, increased taxes on real estate is not a universally accepted strategy for raising additional funding. A statewide real estate transfer tax of $1.10 per $1,000 is assessed on transactions. In addition, SB 2 of 2017 (the Building Homes and Job Act) requires County Recorders to charge an additional $75 fee at the time of recording every real estate instrument, paper, or notice, except those expressly exempted from payment of recording fees, per each transaction per parcel of real property, not to exceed $225 per single transaction. Funds raised by this fee are used to support affordable housing.

Upland Housing Element Stakeholders

Pacific Lifeline
315 N. San Antonio Avenue
Upland, CA 91786

Foothill Family Shelter
1501 W. 9th Street, Suite D
Upland, CA 91786

Inland Regional Center
1365 S. Waterman Avenue
San Bernardino, CA 92408

San Bernardino County Housing Authority
1200 N. Campus Avenue
Upland, CA 91786

Inland Valley Hope Partners
1753 N. Park Avenue
Pomona, CA 91786

Inland Valley Recovery Services
1260 E. Arrow Hwy
Upland, CA 91786

Time for Change Foundation
2164 N. Mountain View Ave
San Bernardino, CA 92405
info@timeforchangefoundation.org

Linc Housing
3590 Elm Avenue.
Long Beach, CA 90807

National CORE
9421 Haven Avenue
Rancho Cucamonga, CA 91730

Inland Fair Housing and Mediation Board
1500 South Haven Avenue, Suite 100
Ontario, CA 91761

Neighborhood Partnership Housing Services
9551 Pittsburgh Avenue
Rancho Cucamonga, CA 91730

Neighborhood Housing Services of The Inland Empire
1845 Business Center Drive South, Suite 120
San Bernardino, CA 92408

Building Industry Association
3891 11th Street
Riverside, CA 92501

Apartment Association Greater Inland Empire
8250 White Oak Avenue, Suite 00
Rancho Cucamonga, CA 91730

County of San Bernardino Economic Development Agency
385 N. Arrowhead Avenue
San Bernardino, CA 92455

Lewis Land Developers
1156 N. Mountain Avenue
Upland, CA 91786

KB Homes
36310 Inland Valley Drive
Wildomar, CA 92595

Lennar Homes
980 Montecito Drive, Suite 302
Corona, CA 92879

RC Homes, Inc.
Ridge Crest Real Estate, LLC
550 N. Larchmont Blvd., Suite 201
Los Angeles, CA 90004

GFR Homes
434 N. 2nd Avenue
Upland, CA 91786

Williams Homes
21080 Centre Pointe Pkwy.
Santa Clarita, CA 91350

Diversified Pacific
10621 Civic Center Drive
Rancho Cucamonga, CA 91730

Taylor Morrison
4695 MacArthur Court
8th Floor
Newport Beach, CA 92660

Century Communities
4695 MacArthur Court, Suite #350
Newport Beach, CA 92660

Frontier Communities
2151 E. Convention Center Way
Suite 114
Ontario, CA 91764

San Bernardino Association of Governments
1170 W. 3rd Street, Suite 140
San Bernardino, CA 92410

Upland Chamber of Commerce
215 N. 2nd Ave Suite D
Upland, CA 91786

OmniTrans
1700 W. Fifth Street
San Bernardino, CA 92411

Community Action Partnership of San Bernardino County
696 S. Tippecanoe Avenue
San Bernardino, CA 92408

Upland Unified School District
390 N. Euclid Avenue
Upland, CA 91786

Habitat for Humanity California
2200 Ritchey Street
Santa Ana, CA 92705

Pomona Valley Habitat for Humanity
2111 Bonita Ave
La Verne, CA 91750-4927
ed@habitatpv.org

San Bernardino Area Habitat for Humanity
25948 Business Center Dr
Redlands, CA 92374
dhahn@habitatsb.org

Southern California Association of Non-Profit Housing
340 E. 2nd Street, Suite 406
Los Angeles, CA 90012

Jamboree Housing Corporation
17701 Cowan Suite 200
Irvine, CA 92614

2. HOUSING NEEDS

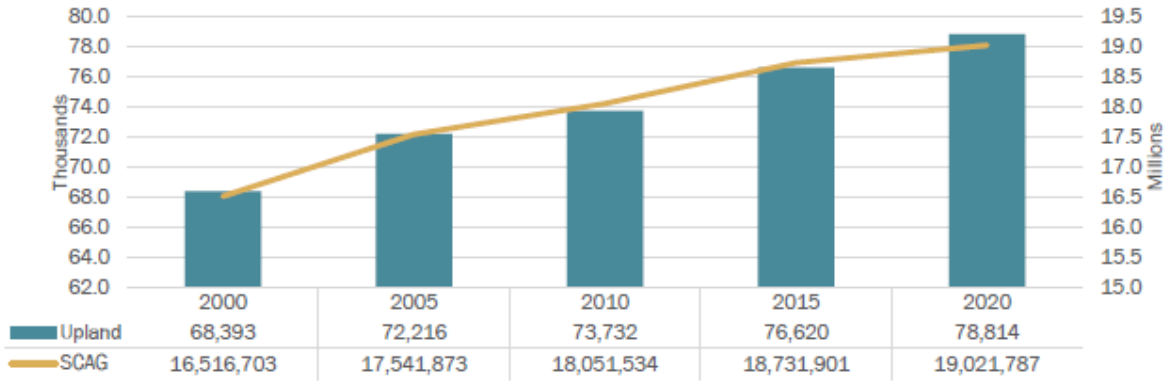
This chapter provides an overview of Upland's demographic, economic, housing, and special needs characteristics and trends and identifies issues that affect the city's existing and future housing needs.

A. Demographic Trends

Population Growth

Upland had an estimated 2020 total population of 78,814 including 682 living in group quarters according to the California Department of Finance. **Figure H-1** shows population growth trends in Upland from 2000 to 2020. Over this period Upland's annual growth rate of 0.7% was the same as the region as a whole.

Figure H-1 Population Growth 2000-2020 – Upland vs. SCAG Region



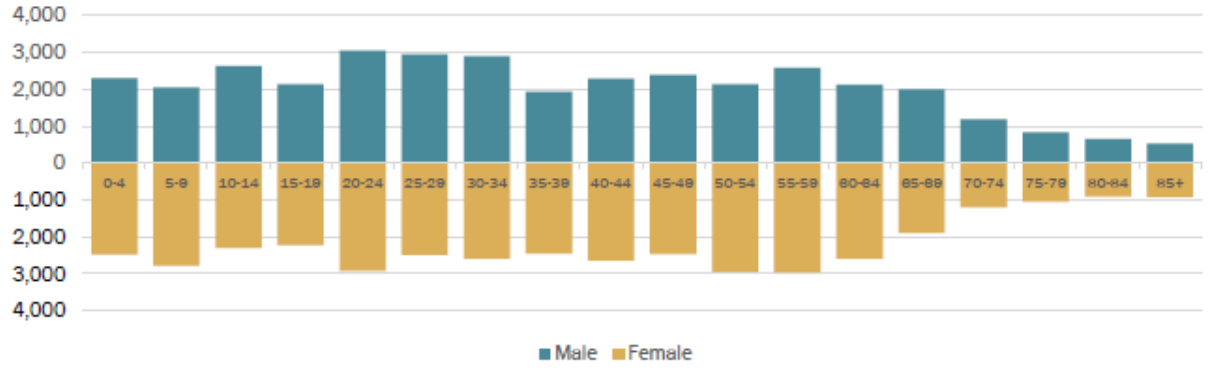
CA DOF E-5 Population and Housing Unit Estimates

Population Age and Gender

Different age groups have different housing needs based on lifestyles, family types, income levels, and housing preference. Typically, younger households seek affordable rental housing opportunities as they begin their careers. As adults spend more time in the workforce and form families, they may seek larger homes and opportunities to build equity through home ownership. Seniors may eventually choose to trade down larger homes that once accommodated children to smaller and more affordable homes.

The population of Upland is 48% male and 52% female. The share of the population of Upland that is under 18 years of age is approximately 22%, which is slightly lower than the regional share of 23%. Upland's seniors (65 and above) make up about 15% of the population compared to 13% for the regional as a whole (**Figure H-2**).

Figure H-2 Population by Age and Gender – Upland

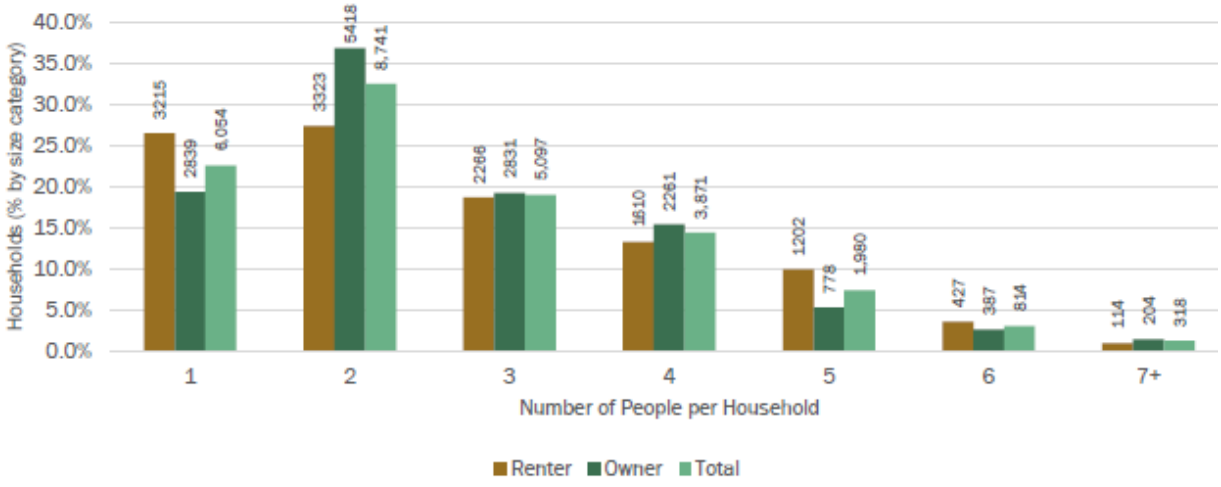


American Community Survey 2014-2018 5-year estimates

Household Size

Figure H-3 illustrates the range of household sizes in Upland for homeowners, renters, and overall. The most commonly occurring household size is of two people (33%) and the second-most commonly occurring household is of one person (23%). Upland has a similar share of single-person households as the SCAG region overall (23%) and a smaller share of large households with 7+ persons than the SCAG region overall (1% vs. 3%).

Figure H-3 Household Size by Tenure - Upland

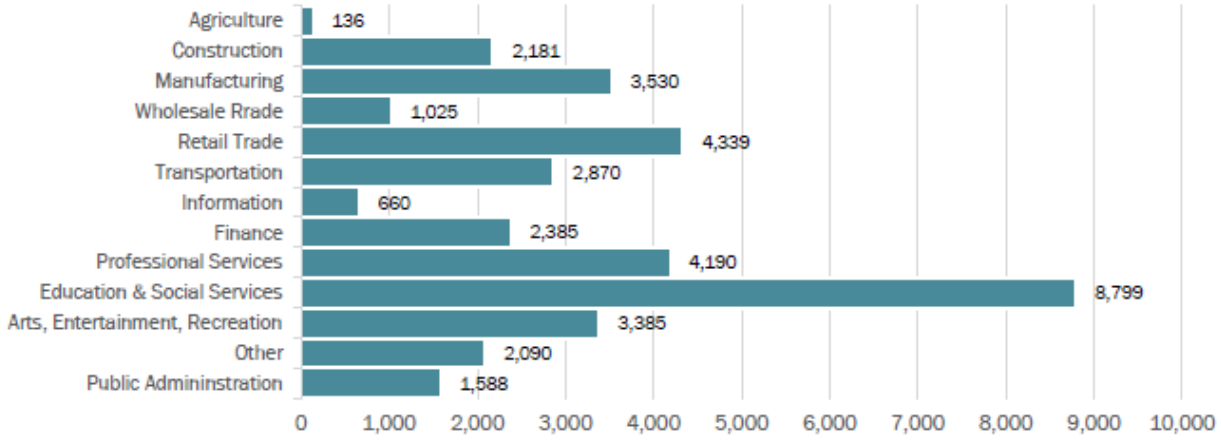


American Community Survey 2014-2018 5-year estimates.

Employment Characteristics

According to recent Census estimates, Upland has 37,178 workers living within its borders who work across 13 major industrial sectors. **Figure H-4** shows that most prevalent industry for Upland residents is Education & Social Services with approximately 24% of the total while the second most prevalent industry is Retail trade with 12% of employed residents. The largest employers in Upland are San Antonio Community Hospital, Upland Unified School District, Home Depot and Upland Rehabilitation and Care Center.

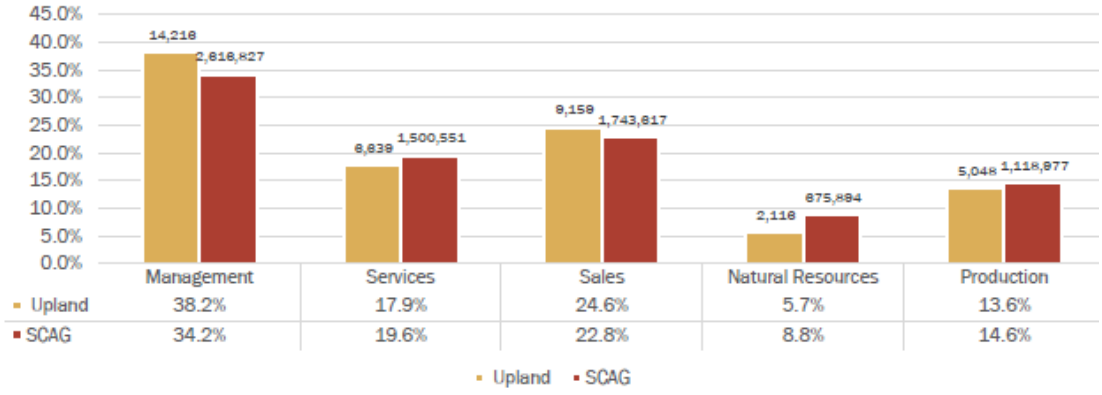
Figure H-4 Employment by Industry - Upland



American Community Survey 2014-2018 5-year estimates using groupings of 2-digit NAICS codes.

As shown in **Figure H-5**, the most prevalent occupational category in Upland is Management, in which about 38% of employees work. The second-most prevalent type of work is in Sales, which employs about 25% of residents.

Figure H-5 Employment by Occupation - Upland

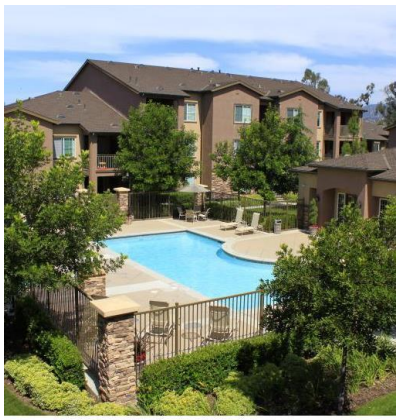


American Community Survey 2014-2018 5-year estimates using groupings of SOC codes.

B. Housing Characteristics

This section describes housing characteristics and trends including housing type, tenure (owner vs. renter), vacancy, age and condition, housing prices and rents, and homeownership rates.

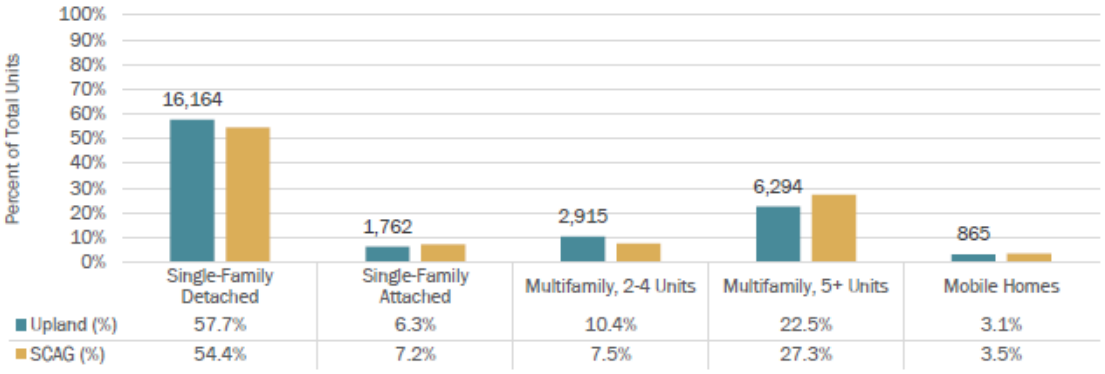
Housing Type



A range in housing types and prices allows residents of all ages and incomes the opportunity to find adequate housing in Upland. As shown in **Figure H-6**, the most prevalent housing type in Upland is single-family detached homes. According to recent Department of Finance estimates, the share of all single-family housing units in Upland is approximately 64%, which is higher than the 62% share for the SCAG region as a whole. The estimated vacancy rate is 2.8% and the average household size (as expressed by the population to housing unit ratio) is approximately 2.9.

Looking forward, the City of Upland anticipates continued residential growth in several focus areas and specific plan areas such as the Foothill Boulevard corridor, College Heights, and Downtown.

Figure H-6 Housing Units by Type – Upland vs. SCAG Region

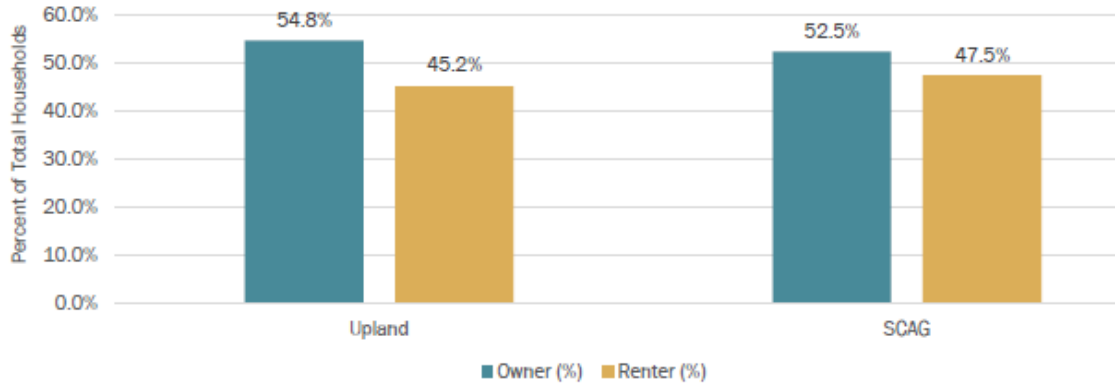


CA DOF E-5 Population and Housing Unit Estimates

Housing Tenure

Tenure refers to whether a household owns or rents a home. Ample homeownership and rental opportunities allow people of all incomes and household sizes to choose the type of housing and location best suited to their needs and preferences. Vacancy rates, in combination with housing tenure, also affect the prices and rents charged for housing. Recent Census data estimated that Upland's housing stock consists of 26,875 total units, 14,718 of which are owner-occupied and 12,157 of which are renter-occupied (**Figure H-7**). The home ownership rate in Upland is slightly higher than in the SCAG region overall.

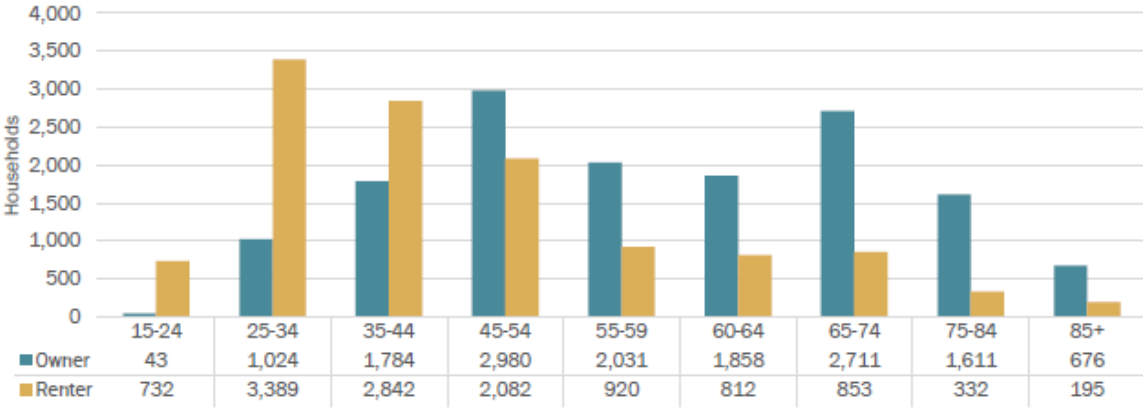
Figure H-7 Housing Tenure – Upland vs. SCAG Region



American Community Survey 2014-2018 5-year estimates.

Figure H-8 shows recent Census estimated of housing tenure for different age groups. As may be expected, younger residents are more likely to be renters while those over age 45 are more often homeowners.

Figure H-8 Housing Tenure by Age – Upland



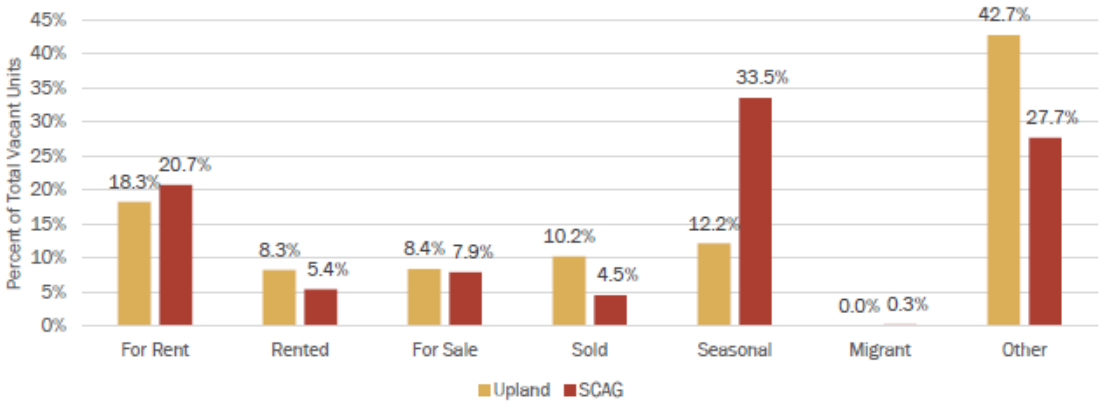
American Community Survey 2014-2018 5-year estimates.

Vacancy Rates

Housing vacancies are one measure of how well the supply of housing matches the demand. Typically, housing vacancy rates of 5% for apartments and 1% to 2% for owner-occupied homes are considered to be a healthy housing market with enough vacancies to provide consumers with sufficient choices for different types of housing products, and that developers have a financial incentive to continue building housing. Higher vacancy rates may lead to price depreciation while lower vacancy rates indicate a tight market and generally cause housing rents and prices to increase.

According to recent Census estimates, Upland's overall vacancy rate is approximately 2.8%. The various categories of vacant units for Upland and the entire SCAG region are shown in **Figure H-9**. In Upland the highest number of reported vacant units was "other" while "seasonal" vacant units were most common throughout the region. The estimated vacancy rate in 2019 was 0% for owner-occupied units and 5.7% for rental units.

Figure H-9 Vacant Units by Type – Upland vs. SCAG Region



American Community Survey 2014-2018 5-year estimates.

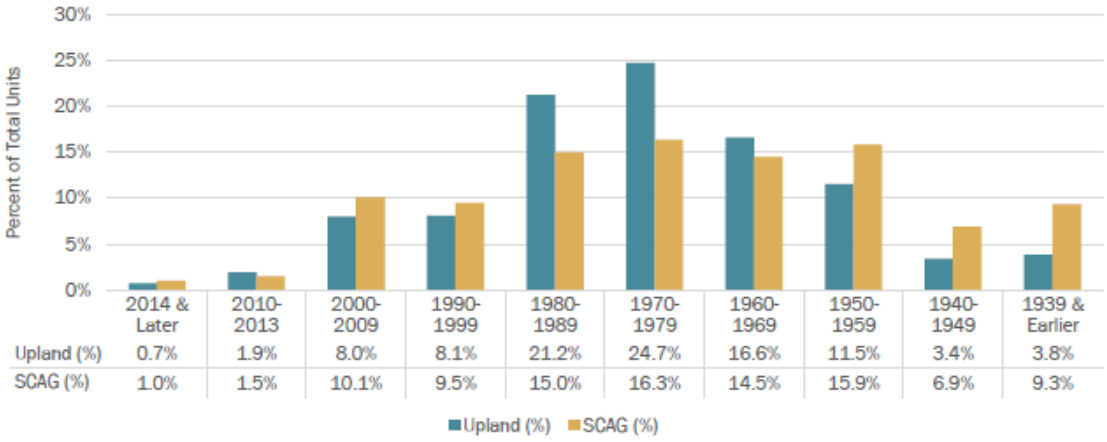
Housing Age and Condition

Well-maintained housing is important for maintaining property values and neighborhood stability. However, the majority of homes in Upland are over 50 years old, indicating a need for ongoing maintenance and rehabilitation such as roof repair, painting, landscaping, and exterior finishes. Homes between 30 and 50 years typically require more significant maintenance and even renovation. Generally, homes built 50 or more years ago (unless well maintained) are more likely to require substantial repairs or need renovation.

Another concern related to the age of housing is That homes built prior to 1978 typically contain lead-based paint, which can cause hazardous health conditions for children (specifically, developmental delays). Health hazards occur when the paint chips and is inhaled by residents, particularly children. Since 1978, the federal government has banned the use of lead-based paint.

Figure H-10 shows the age of Upland's housing stock. City staff estimates that approximately 70-80% of housing units (approximately 21,000 units) may be in need of minor repair while one-third (approximately 9,000 units) may require more substantial rehabilitation. Most of the homes in need of repair are located in the older southern portions of the city, while the majority of newer housing is located in the northern area. The City's code enforcement activities are primarily based on complaints. When violations are noted, City staff directs residents to programs that may be available to assist lower-income residents with needed repairs.

Figure H-10 Age of Housing Stock – Upland vs. SCAG Region



American Community Survey 2014-2018 5-year estimates.

Housing Cost and Affordability

Housing Affordability Criteria

State law establishes five income categories for purposes of housing programs based on the area (i.e., County) median income (AMI): extremely-low (30% or less of AMI), very-low (31-50% of AMI), low (51-80% of AMI), moderate (81-120% of AMI) and above moderate (over 120% of AMI). Housing affordability is based on the relationship between household income and housing expenses. According to HUD and the California Department of Housing and Community Development, housing is considered "affordable" if the monthly payment is no more than 30% of a household's gross income. In some areas, these income limits may be increased to adjust for high housing costs.

Table H-2 shows affordable rent levels and estimated affordable purchase prices for housing in San Bernardino County by income category for on a 4-person family. Based on 2022 State standards, the maximum affordable monthly rent for extremely-low-income households is $694, while the maximum affordable rent for very-low-income households is $1,100. The maximum affordable rent for low-income households is $1,760, while the maximum for moderate-income households is $2,623.

Affordable purchase prices are more difficult to determine due to variations in conditions such as mortgage interest rates and qualifying procedures, down payments, special tax assessments, homeowner association fees, and property insurance rates. With this caveat, the maximum home purchase prices by income category shown in **Table H-2** have been estimated based on typical current conditions.

Table H-2 Affordable Housing Costs – San Bernardino County

Income Category	Maximum Income	Affordable Rent	Affordable Price (est.)
Extremely low	$27,750	$694	*
Very low	$44,000	$1,100	*
Low	$70,400	$1,760	*
Moderate	$104,900	$2,623	$400,000
Above moderate	Over $104,900	Over $2,623	Over $400,000

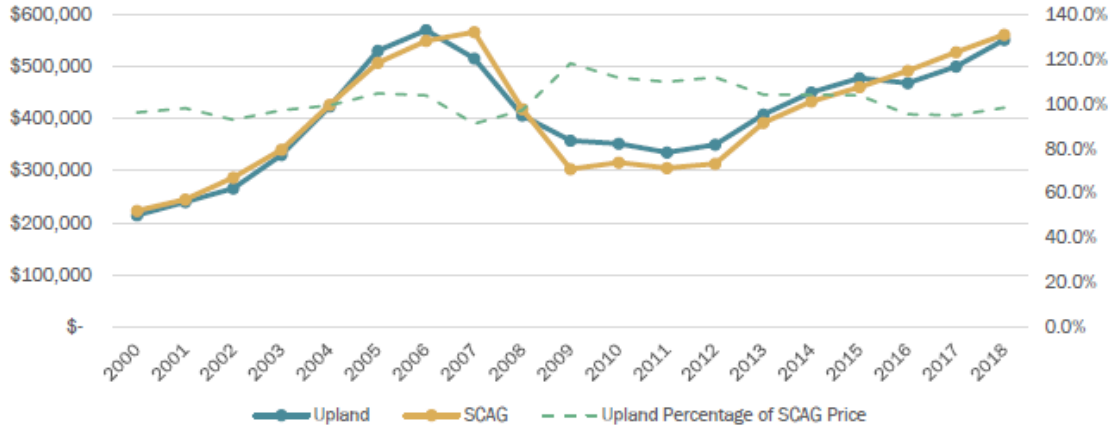
Assumptions:
- Based on a family of 4 and 2022 State income limits
- 30% of gross income for rent or principal, interest, taxes & insurance plus utility allowance
- 10% down payment, 5.5% interest, 1.25% taxes & insurance, $300 HOA dues

* For-sale affordable housing is typically at the moderate-income level
Source: Cal. HCD; JHD Planning LLC

For-Sale Housing Cost

Between 2000 and 2018, median home sales prices in Upland increased 157% while prices in the SCAG region increased 151%. 2018 median home sales prices in Upland were $551,000 and the highest experienced since 2000 was $569,500 in 2006. Prices in Upland have ranged from a low of 91% of the SCAG region median in 2007 and a high of 118% in 2009 (**Figure H-11**).

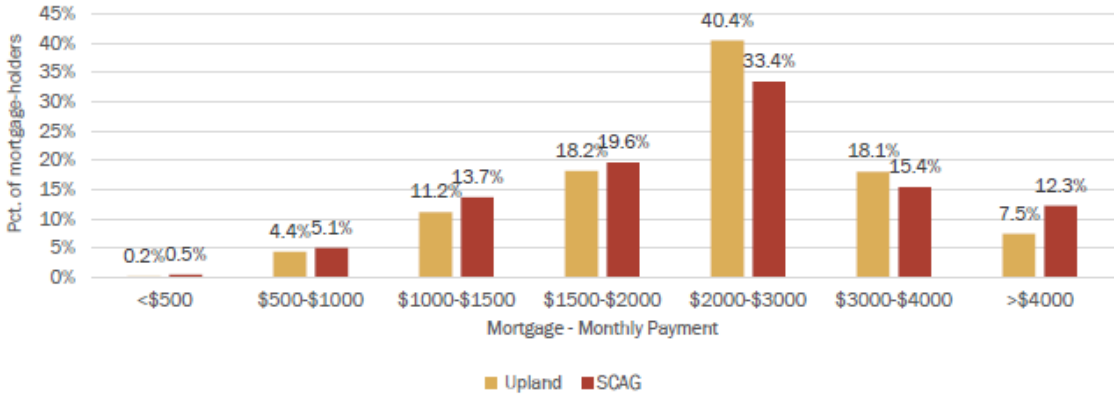
Figure H-11 Median Sale Price for Existing Homes – Upland vs. SCAG Region



SCAG Local Profiles, Core Logic/Data Quick. SCAG median home sales price calculated as household-weighted average of county medians.

Recent data for monthly homeowner housing costs are shown in **Figure H-12**. The most common amount paid is $2,000 to $3,000 in Upland and in the SCAG region as a whole.

Figure H-12 Monthly Owner Cost for Mortgage Holders – Upland vs. SCAG Region

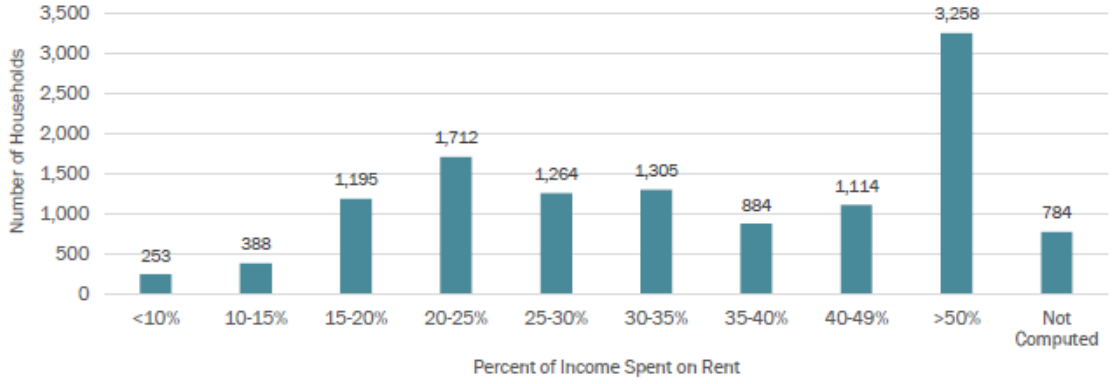


American Community Survey 2014-2018 5-year estimates.

Rental Housing Cost

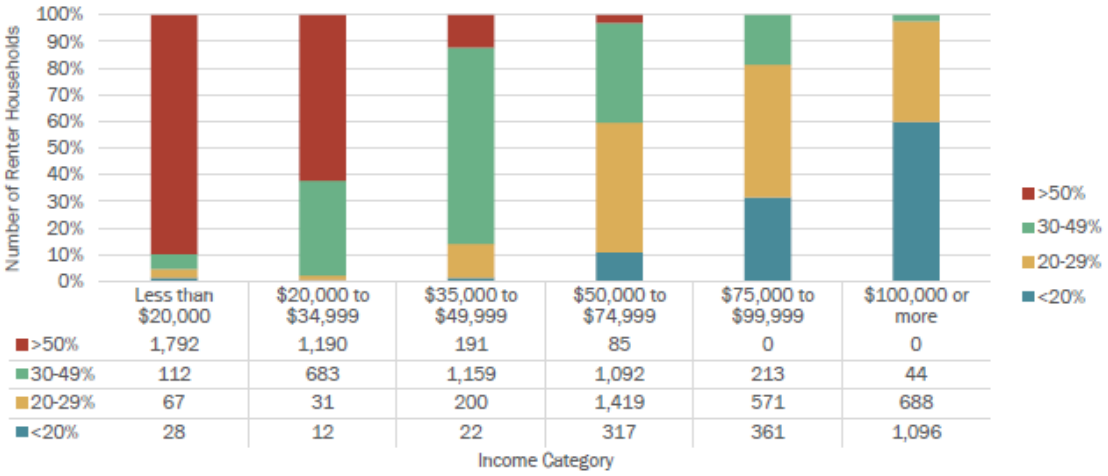
Across Upland's 12,157 renter households, about 54% spend 30% or more of gross income on housing cost, compared to 55% in the SCAG region. About 27% of Upland renters spend 50% or more of gross income on housing cost, compared to 29% in the SCAG region (**Figure H-13**). According to 2019 Census estimates the median rent in Upland was $1,600 per month. An August 2022 internet survey of apartments offered for rent found typical rents for 2-bedroom units in Upland ranging from $1,845 to $2,840 per month.

Figure H-13 Percentage of Income Spent on Rent – Upland



As illustrated in **Figure H-14**, lower-income households typically pay a higher proportion of their incomes for rent.

Figure H-14 Rental Cost by Income Category – Upland



	Less than $20,000	$20,000 to $34,999	$35,000 to $49,999	$50,000 to $74,999	$75,000 to $99,999	$100,000 or more
>50%	1,792	1,190	191	85	0	0
30-49%	112	683	1,159	1,092	213	44
20-29%	67	31	200	1,419	571	688
<20%	28	12	22	317	361	1,096

American Community Survey 2014-2018 5-year estimates.

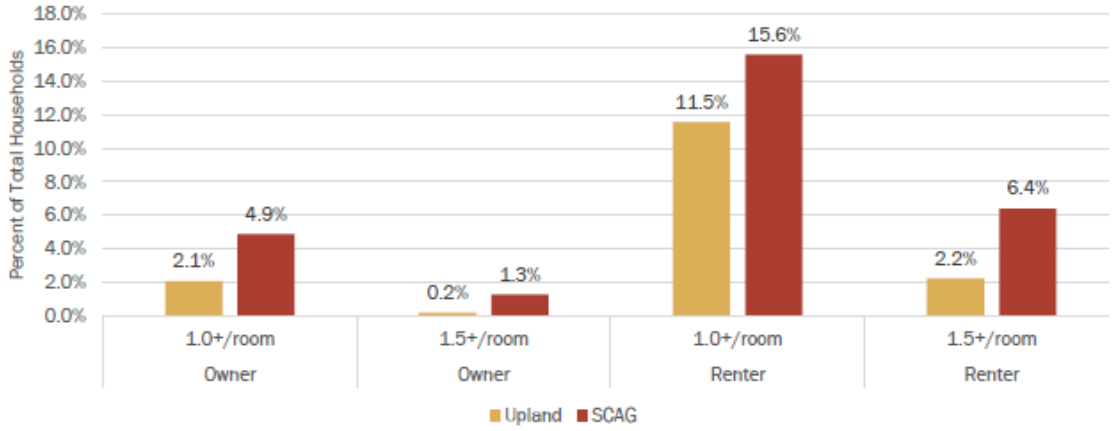
Housing Problems

Housing problems refer to overpayment, overcrowding, and the difficulties faced by extremely-low-income households.

Overcrowding

Overcrowding is often closely related to household income and the cost of housing. The U.S. Census Bureau considers a household to be overcrowded when there is more than one person per room, excluding bathrooms and kitchens, with severe overcrowding when there are more than 1.5 residents per room. Overcrowded households are usually a reflection of a shortage of affordable housing. **Figure H-15** shows recent Census estimates of the prevalence of overcrowding in Upland compared to the SCAG region as a whole. Among renters, approximately 11.5% of Upland renter households reported more than 1.0 person per room while an additional 2.2% reported more than 1.5 persons per room. These rates are substantially lower than for the region as a whole. Rates of overcrowding were significantly lower for owner households.

Figure H-15 Overcrowding by Tenure – Upland vs. SCAG Region



American Community Survey 2014-2018 5-year estimates.

Overpayment

According to State housing policy, overpaying occurs when housing costs exceed 30% of gross household income. **Table H-3** displays recent HUD estimates for overpayment by tenure and income category, and shows that overpayment is closely related to income, with lower-income households far more likely to be cost-burdened than those in higher income categories.

Although homeowners enjoy income and property tax deductions and other benefits that help to compensate for high housing costs, homeowners paying a higher percentage toward a mortgage may need to defer maintenance or repairs due to limited funds, which can lead to deterioration. For renters, severe cost burden can require families to double up resulting in overcrowding and related problems.

Table H-3 Overpayment by Income Category – Upland

Income by Cost Burden (Renters only)	Cost burden > 30%	Cost burden > 50%	Total
Household Income less-than or= 30% HAMFI	1,475	1,415	1,960
Household Income >30% to less-than or= 50% HAMFI	1,415	1,125	1,585
Household Income >50% to less-than or= 80% HAMFI	1,695	500	2,000
Household Income >80% to less-than or= 100% HAMFI	840	55	1,385
Household Income >100% HAMFI	840	55	5,230
Total	6,265	3,150	12,155
Income by Cost Burden (Owners only)	**Cost burden > 30%**	**Cost burden > 50%**	**Total**
Household Income less-than or= 30% HAMFI	535	475	755
Household Income >30% to less-than or= 50% HAMFI	415	365	645
Household Income >50% to less-than or= 80% HAMFI	700	425	1,265
Household Income >80% to less-than or= 100% HAMFI	520	170	1,010
Household Income >100% HAMFI	2,155	265	11,045
Total	4,325	1,700	14,720

Source: HUD CHAS, 2014-2018
HAMFI = Housing Urban Development Area Median Family Income

Extremely-Low-Income Households

Housing the extremely-low-income (ELI) population (below 30% of area median income) can be especially challenging. Recent HUD data (**Table H-4**) provides a breakdown of extremely-low-income households by race/ethnicity and tenure. ELI households often experience overcrowding, overpayment and other difficulties.

Table H-4 Extremely-Low-Income Housing Needs – Upland

	Total Households	Households below 30% HAMFI	Share below 30% HAMFI
White, non-Hispanic	13,795	1,205	8.7%
Black, non-Hispanic	1,869	480	25.7%
Asian and other, non-Hispanic	2,658	410	15.4%
Hispanic	8,805	1,255	14.3%
Total	27,127	3,350	12.3%
Renter-occupied	12,325	2,625	21.3%
Owner-occupied	14,830	730	4.9%
Total	27,155	3,355	12.4%

Source: HUD CHAS, 2012-2016
HAMFI = Housing Urban Development Area Median Family Income

C. Special Housing Needs

This section contains a discussion of the housing needs of special needs groups who reside in Upland. Special needs households include seniors, large families, single-parent households, people who are homeless, farmworkers and people with disabilities.

Senior Citizens

Seniors are defined as persons 65 years or older, although for some housing purposes the age may be as low as 55 years. Federal housing data define a household type as 'elderly family' if it consists of two persons with either or both age 62 or over. As shown in **Table H-5**, of Upland's 6,495 such households, approximately 11% earn less than 30% of median income, (compared to 24% in the SCAG region), and 23% earn less than 50% of the surrounding area income (compared to 31% in the SCAG region).

Table H-5 Elderly Households by Income and Tenure – Upland

Income Category, Relative to Surrounding Areas	Owner	Renter	Total	Percent of Total Elderly Households
< 30% HAMFI	355	375	730	11.2%
30-50% HAMFI	430	320	750	11.5%
50-80% HAMFI	785	255	1,040	16.0%
80-100% HAMFI	470	185	655	10.1%
> 100% HAMFI	3,015	305	3,320	51.1%
Total Households	5,055	1,440	6,495	

Providing appropriate housing for seniors has become an increasingly important issue for many communities. In past years, the baby boomer generation provided the impetus and majority of demand for single-family housing. However, as this group ages and approaches retirement or elderly years, many communities will see an increased demand for all types of senior housing, from smaller condominiums to independent age-restricted housing to assisted residential settings for those requiring more supportive services.

In addition to housing, an appropriate mix of affordable support services provided locally can benefit seniors living in Upland. Support services are essential in facilitating the ability of seniors to live as independently as possible without having to change their residences. Services can include transportation, health care, home maintenance assistance, and low-cost loans or grants to rehabilitate homes.

The City uses its CDBG funds, and implements the Emergency Repair Program (ERP), which provides a grant up to $15,000 to make emergency repairs and/or code violations corrections. Many of the ERP grants that the City processes are for low-income seniors living in mobile home parks and help to address safety and emergency repairs that they cannot afford. The City also uses its Home Improvement Program (HIP) funds from CalHOME and HOME which provides a deferred low or no interest loans (silent seconds) of up to $90,000 which allows low-income seniors the ability to address life/safety repairs, or upgrades to their home due to a lack of ongoing maintenance.

The City also supports the housing needs of seniors through reasonable accommodation for persons with disabilities as well as programs including Program 8: Accessory Dwelling Units, Program 12: Rental Housing Assistance and Program 14: Mobile Home Rent Stabilization.

In addition to these housing programs, the City's Gibson Senior Center[1] serves over 3,500 seniors each month with a lunch program and over 40 classes and activities taking place weekly, with over half of those being free.



The Gibson Center also hosts free monthly health lectures with community doctors, free non-invasive medical screenings, free AARP Tax-Aide, AARP 55 Alive Driver Safety courses, a free Fall flu shot clinic and wellness faire, non-biased medical insurance counseling, and a multitude of services at little to no cost to seniors.

Persons with Disabilities

Physical, mental, and/or developmental disabilities are impairments that substantially limit life activities and make it difficult to care for oneself. Because of that, persons with disabilities have special housing needs. Many disabled persons live on fixed incomes, thus limiting their ability to afford housing. Persons with a disability may also have limited housing choices (e.g., single-story homes or projects with elevators). Someone with a visual impairment may require a home that allows service animals.

Recent Census estimates reported that the most prevalent types of disabilities for Upland residents were ambulatory and independent living disabilities (**Figure H-16**). Of those aged 65 and over, ambulatory difficulties were the most common type of disability, with approximately 25% of Upland seniors affected (**Figure H-17**). As seen in **Table H-6**, over one-third of those with a disability in Upland were employed. Housing opportunities for persons with disabilities can be maximized through housing assistance programs and universal design features such as widened doorways, ramps, lowered countertops, single-level units and ground floor units.

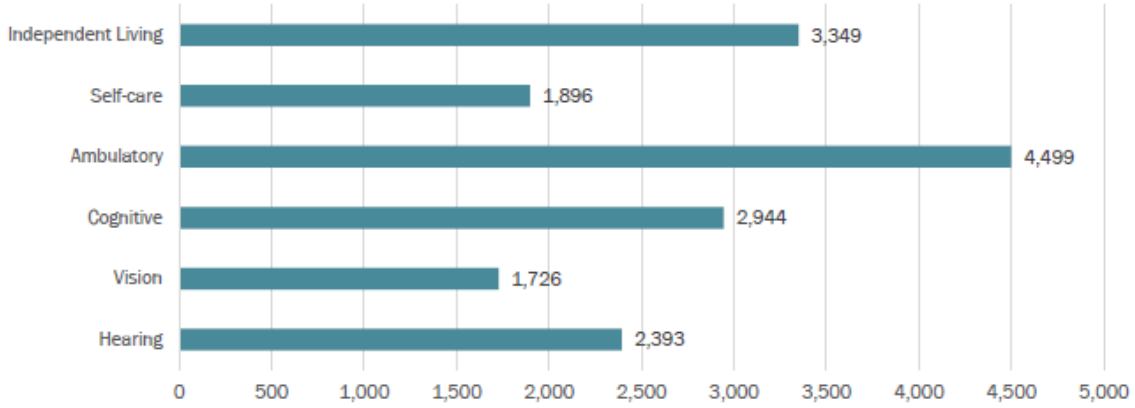
The Housing Plan addresses the housing needs of persons with disabilities through Program 2: HOME Improvement, Program 3: Emergency Repairs for Homeowners, Program 8: Accessory Dwelling Units, Program 12: Rental Housing Assistance, Program 14: Mobile Home Rent Stabilization, Program 15: Affordable

[1] https://www.uplandca.gov/gibson-senior-center

Housing at Risk of Conversion to Market Rate, Program 16: Homeless Services and Facilities, Program 18: Housing for People with Disabilities or other Special Needs, and Program 19: Affirmatively Furthering Fair Housing.

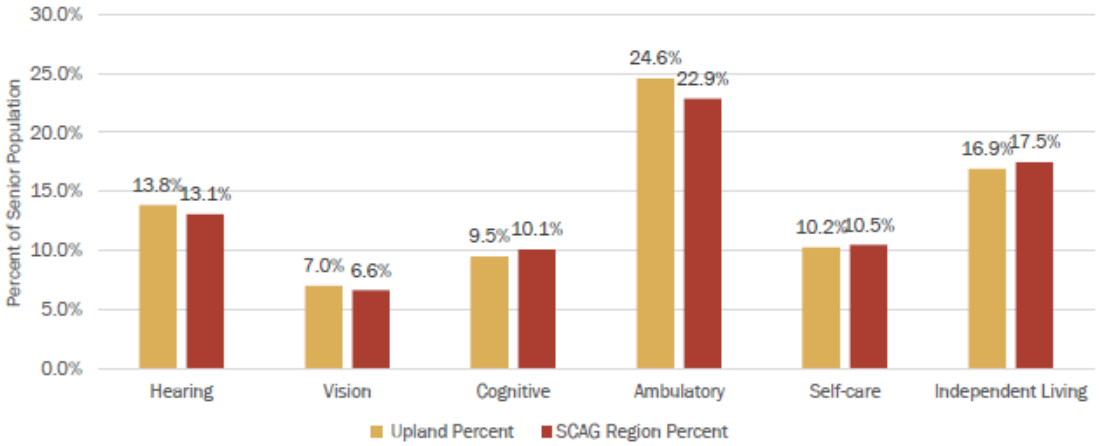
The Emergency Repair Program (ERP), which is funded with the City's share of CDBG, provides a grant up to $15,000 to make emergency repairs and/or code violations corrections, but also includes addressing Americans with Disabilities Act (ADA) such as ramps, widening doorways, and any other improvements necessary to comply with ADA improvements for disabled persons who are on fixed incomes and make up to 80% of the Area Median Income.

Figure H-16 Disabilities by Type – Upland



American Community Survey 2014-2018 5-year estimates.

Figure H-17 Disabilities by Type for Seniors 65+ – Upland



American Community Survey 2014-2018 5-year estimates.

Table H-6 Disabilities by Employment Status – Upland

	With a Disability	Percent of Total	No Disability	Percent of Total
Employed	1,488	37%	33,258	76%
Unemployed	262	7%	1,893	4%
Not in Labor Force	2,222	56%	8,880	20%
Total	3,972		44,031	

Source: American Community Survey, 2014-2018 5-year estimates

Developmental Disabilities

State law defines "Developmental disability" to mean a disability that originates before an individual attains age 18 years, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include mental retardation, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, but shall not include other handicapping conditions that are solely physical in nature.

The California Department of Developmental Services (DDS) provides community services to persons with developmental disables and their families through a system of regional centers. In San Bernardino County, the Inland Regional Center (IRC) is the local service provider for the State Department of Developmental Services. The center provides access to a variety of resources such as educational, employment, health, and housing to persons with developmental disabilities. The IRC coordinates housing programs with In-Home Supportive Services (through the County Department of Aging and Adult Services) and family support services such as respite, for persons living at home with the family. Respite services may include a behavior modification specialist and educational services. The IRC also provides transportation vouchers. Recent DDS data for persons in Upland is provided in **Table H-7**.

Many persons with developmental disabilities may live independently with minimal supervision. Others may live in a group facility with some supervision, while more severe conditions may require institutional living with regular supervision.

Table H-7 Developmental Disabilities – Upland

By Residence	
Home of parent/family/guardian	455
Independent/supported living	31
Community care facility	30
Intermediate care facility	85
Foster/family home	19
Other	5
By Age	
0-17 years	625
18+ years	297
Total	1,547

California DDS consumer count by California ZIP code, age group, and residence type for the end of June 2019. Data available in 161/197 SCAG jurisdictions

Upland has a variety of services available for people with disabilities. Centerbest Neurofeedback Centers for Success, Scheu Family YMCA, OPARC, and Easter Seals Child Development Center provide programs to

enhance the independent living skills for those with a disability. Services may include advocacy, counseling, employment assistance, housing referrals, and transportation to medical appointments.

Large Families

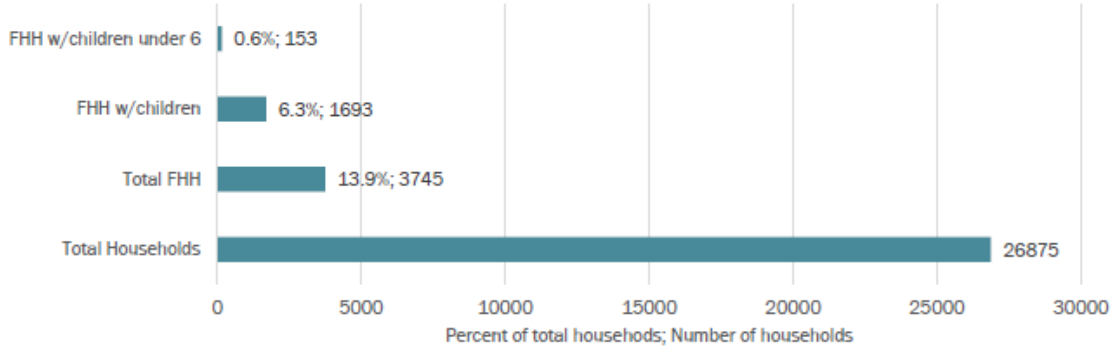
Household size is an indicator of need for large units. Large households are defined as those with five or more members. Among both owners and renters, more than half of all households have only one or two members. According to recent Census estimates, about 12% of all households in Upland had five or more members. Families with five or more persons require larger units with three or more bedrooms in order to avoid overcrowding.

The Housing Plan addresses the needs of large families, particularly those with lower incomes, through Program 2: HOME Improvement, Program 3: Emergency Repairs for Homeowners, Program 12: Rental Housing Assistance, Program 14: Mobile Home Rent Stabilization, Program 15: Affordable Housing at Risk of Conversion to Market Rate and Program 19: Affirmatively Furthering Fair Housing. The City's Home Improvement Program (HIP) provides a deferred low or no interest loans (silent seconds) of up to $90,000 to low-income households with incomes up to 80% of the Area Median Income for owner-occupied homes. The City uses its CalHOME and HOME funds for this program. The HIP would enable large family household to expand the number of bedrooms to help address overcrowding.

Female-Headed Households

Female headed households typically have greater housing needs than other households due to their limited income and higher expenses. According to recent Census Bureau estimates (**Figure H-18**), approximately 14% of Upland households are female-headed (compared to 14% in the SCAG region), 6% are female-headed and with children (compared to 7% in the SCAG region), and 0.6% are female-headed and with children under 6 (compared to 1% in the SCAG region).

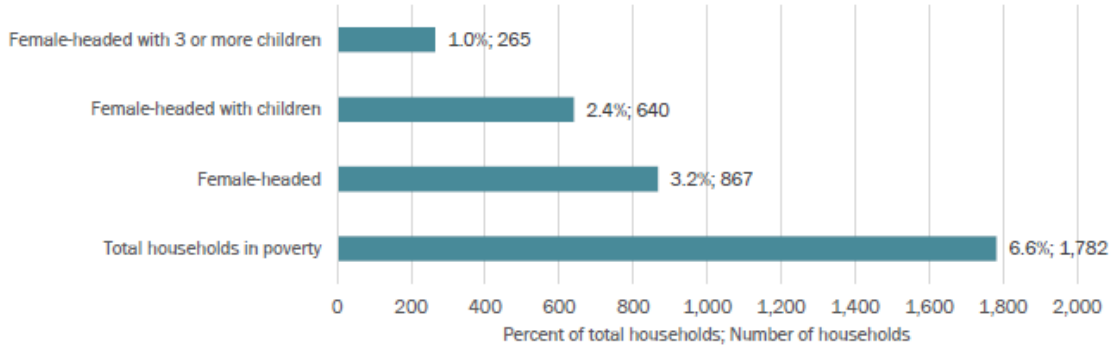
Figure H-18 Female Headed Households – Upland



American Community Survey 2014-2018 5-year estimates.

It is estimated that about 7% percent of Upland's households are experiencing poverty, compared to 8% of all households in the SCAG region. Nearly half of Upland households below the poverty line were female-headed households (**Figure H-19**).

Figure H-19 Female Headed Households by Poverty Status – Upland



American Community Survey 2014-2018 5-year estimates.

The Housing Plan addresses the needs of female headed households, particularly those with lower incomes, through Program 2: HOME Improvement, Program 3: Emergency Repairs for Homeowners, Program 12: Rental Housing Assistance, Program 14: Mobile Home Rent Stabilization, Program 15: Affordable Housing at Risk of Conversion to Market Rate and Program 19: Affirmatively Furthering Fair Housing.

Farmworkers

Unlike most areas of the Southern California metropolitan area, agriculture is still a significant component of the economy in San Bernardino County; however, over the past several decades agriculture has diminished in importance in Upland and adjacent areas. Recent Census estimates for agricultural employment in Upland published by SCAG in its HCD pre-approved data set (**Figure H-20**) shows that there were only about 24 full-time year-round jobs in the farming/fishing/forestry occupations. Program 18 is included in the Housing Plan to ensure compliance with the Employee Housing Act, and other programs intended to assist lower-income persons and households would also serve any agricultural workers who may live in Upland.

Figure H-20 Agricultural Employment – Upland

Farmworkers by Occupation:

Upland	Percent of total Upland workers:	SCAG Total	
26	0.07%	57,741	Total jobs: Farming, fishing, and forestry occupations
24	0.10%	31,521	Full-time, year-round jobs: Farming, fishing, and forestry occupations

Employment in the Agricultural Industry:

Upland	Percent of total Upland workers:	SCAG Total	
110	0.30%	73,778	Total in agriculture, forestry, fishing, and hunting
134	0.53%	44,979	Full-time, year-round in agriculture, forestry, fishing, and hunting

American Community Survey 2014-2018 5-year estimates using groupings of NAICS and SOC codes.

Homelessness

Homeless persons are defined as those who lack a fixed and adequate residence. Homelessness is a pressing issue for many communities, and the varied dimensions involved have implications for housing programs. People who are homeless may be chronically homeless (perhaps due to substance abuse) or situationally homeless resulting from job loss, family strife, incarceration, or violence. Homeless people face critical housing challenges due to their very low incomes and other problems.

Counting the homeless population is problematic due to its transient nature. According to the 2020 San Bernardino County Homeless Count and Subpopulation Survey Report[2] there were 44 unsheltered and no sheltered homeless persons in Upland at the time of the survey.

Housing accommodations for homeless people include emergency shelters, navigation centers, transitional housing, and permanent supportive housing. The City helps to support the establishment and operation of these types of facilities by ensuring that City regulations are consistent with current law (see Program 18: Housing for People with Disabilities or other Special Needs). Facilities serving the homeless in Upland are briefly summarized below.

- **Foothill Family Shelter**. Foothill Family Shelter is the primary facility serving Upland's homeless. This facility provides emergency shelter, transitional housing, and permanent housing in one center for homeless individuals and families. It includes 75 emergency beds, 7 short-term apartments for homeless families with children, 12 transitional housing apartments, and 8 apartments for affordable permanent housing.
- **Pacific Lifeline Ministry**. Pacific Lifeline Ministry in Upland is a faith-based ministry that empowers women and children facing chronic homelessness to achieve personal and social stability. Pacific Lifeline provides 28 beds for women and their young children at a transitional shelter in Upland. As part of the transitional housing, Pacific Lifeline provides services that include case management, individual group and family therapy, tutoring and counseling services, clothes, food, and limited housing services.
- **Substance abuse**. Inland Valley Recovery Services provides a number of programs for the Upland community. The Women and Children Program/Staying Sober provides a support base for recovering parents to restore relationships with children. IVRS also offers residential treatment in a 75-bed treatment center in Upland.
- **Service agencies**. Inland Valley Hope Partners provides emergency assistance with food, utilities, and educational classes. Other groups, such as OUR Homeless, links local ministries to community service providers and other congregations implementing solutions to ending homelessness on the west end of San Bernardino County.
- **Housing Authority**. The County Housing Authority (HACSB) has jurisdiction over a number of housing voucher programs, including those for homeless people. The Upland Housing Authority entered into an memorandum of understanding (MOU) with the San Bernardino County Housing Authority (HACSB) to administer housing assistance contracts with landlords in the City of Upland for applicants/participants of HACSB special purpose homeless voucher programs (Housing Opportunities for Persons with AIDS, Shelter Plus Care, Veterans Affairs Supportive Housing).

[2] https://wp.sbcounty.gov/dbh/sbchp/wp-content/uploads/sites/2/2020/04/2020-SBC-Homeless-Count-Report.pdf

D. Affordable Housing at Risk of Conversion

Affordable housing that has received public subsidies in return for long-term affordability covenants represents a significant component of the City of Upland's affordable housing inventory. Assisted lower-income rental units that could convert to market rate due to the expiration of covenants or prepayment of mortgage are considered to be "at-risk" of conversion. **Table H-8** summarizes publicly assisted affordable projects in Upland and identifies those that are at risk of conversion during the 2021-2031 period.

Table H-8 Publicly Assisted Lower Income Rental Units in Upland

	Project Characteristics					
Project	Target Group	Total Units	Affordable Units	Unit Size	Project Funding	Expiration Date of Covenants
Richland Apts.	Family	33	8 LI	2 BR	HOME	2022
Sycamore Terrace	Senior	100	100 VLI	1 BR	LIHTC, HUD	2069
Northwoods	Family	324	64 LI	2 BR	MRB	2024
Arbor Park	Family	260	104 LI	2 BR	MRB	2028
Sunset Ridge[1]	Family	108	16 VLI	1 & 2 BR	MRB, RDA	2037
Village Apts [1]	Family	72	20 VLI	1 & 2 BR	MRB, RDA	2037
Alpine Woods	Family	137	136 LI	1 & 2 BR	LIHTC	2053
Magnolia Colony[1]	Family	40	18 VL; 18 LI 36 Moderate	2 & 3 BR	HOME, RDA	2058
Coy D. Estes	Senior	130	110 LI 20 Moderate	1 & 2 BR	LIHTC, HUD, CalHFA	2051
Los Olivos	Family	97	97 VLI	2 BR	Public Housing	Permanent
9th Street Terrace	Family	24	24 VLI	1 & 2 BR	Section 8	Permanent
FFS	Family	20	13VL; 7 LI	2 BR	RDA	2058

Source: CHPC and City of Upland, 2021

VLI: Very low income
LI: Low income
HUD2: Dept. of Housing and Urban Development
HOME: Federal Home Investment Partnership Funds
MRB: Mortgage Revenue Bonds
LIHTC: Low Income Housing Tax Credit
RDA: Upland Redevelopment Agency
Section 8: Federal Housing Voucher program
[1]Projects owned by the City of Upland

At-Risk Status

Three developments with 176 lower-income units are at risk of converting to market rate during the 2021 to 2031 period.

Preservation and Replacement Alternatives

Options for preserving or replacing at-risk units are described below. The cost to preserve affordable multiple-family housing depends on market rents, availability of funding sources, and the administrative capacity of housing organizations.

Project Acquisition

The estimated market value of the 176 at-risk units is approximately $48 million. The actual property values will change over time based on market conditions, property conditions, and other factors.

Purchase of Affordability Covenants

As an alternative to project acquisition, the affordability of at-risk projects could be extended through the purchase of affordability covenants. Based on current market conditions, the estimated cost of purchasing affordability covenants ranges from $400,000 to $725,000 per unit, or a total cost of approximately $70.4 to $127.6 million.

Rental Subsidies

The third option for preserving affordable units is to provide rental assistance. Rent subsidies could be structured similar to the Section 8 program, where HUD pays the difference between what tenants can afford (defined as 30% of household income) and HUD's estimates of the fair market rent. The feasibility of this alternative is highly dependent upon the availability of reliable funding sources necessary to make rent subsidies and the willingness of property owners to participate in the program. The cost of subsidizing rents at 176 at-risk units is estimated to be $8.8 million per year.

Construction of Replacement Units

The construction of new low-income housing units is a costly means of replacing the at-risk units should they be converted to market-rate units. The cost of developing housing depends upon a variety of factors, including density, unit size, location, land costs, and type of construction. Assuming an average construction cost of $310,000 per unit (including the cost of land), the total cost of developing 176 new low-income units is estimated to be approximately $54.6 million.

Qualified Entities

Entities having the capacity to acquire and/or manage affordable housing projects in Upland include the San Bernardino County Housing Authority, National CORE, Abode, A Community of Friends, Jamboree Housing Corporation and many others posted on HCD's *Public Lands for Affordable Housing Development* web page.[3]

Funding Sources

Potential funding sources that may be used to preserve affordable housing include Low Income Housing Tax Credits (LIHTC), Federal CDBG and HOME funds, CalHOME and other State affordable housing programs, and the City's Housing Fund.

E. 2021-2029 Housing Needs

California law requires local governments to facilitate and encourage the production of housing to accommodate population and employment growth. To assist in that effort, the Southern California Association of Governments (SCAG) prepares housing planning goals for each city as part of the RHNA pursuant to criteria established State law, including household growth, existing needs such as overpayment and overcrowding, proximity to transportation, replacement of housing units expected to be lost, and vacancy rates. The total housing need is distributed among income categories as shown in **Table H-9**. SCAG's detailed methodology used in preparing the RHNA is posted at https://scag.ca.gov/rhna.

[3] https://www.hcd.ca.gov/community-development/public-lands-for-affordable-housing-development.shtml

Table H-9 Upland Regional Housing Needs Allocation, 2021–2029

Income Category	Definition	RHNA Allocation	
		Number of Units	Percentage
Extremely Low*	30% or less of MFI	792	14%
Very Low*	31–50% of MFI	792	14%
Low	51–80% of MFI	959	17%
Moderate	81–120% of MFI	1,013	18%
Above Moderate	above 120% of MFI	2,130	37%
Total		**5,686**	**100%**

Source: Southern California Association of Governments, 3/4/2021.
Note: Extremely-low-income units are estimated as half of the very-low-income need, pursuant to Government Code Sec. 65583(a)(1).

The City's strategy for accommodating future housing needs is discussed in Section 4.

3. CONSTRAINTS ANALYSIS

This chapter contains an analysis of potential and actual market, governmental, and environmental constraints to the production, maintenance, and improvement of housing for persons of all income levels, including persons with disabilities.

A. Market Constraints

In recent years, communities have seen a decline in the number of new housing units built due to a variety of factors including limited supply of buildable land, labor shortages, the rising cost of materials, and the business strategies of developers and homebuilders. This section analyzes the impact of market factors on the development of new and affordable housing. Cities have little control over many of these factors.

Development Cost

Development cost is a major constraint that affects the feasibility of building housing. Land costs include the cost of raw land and site improvements (e.g., grading and installation of infrastructure). If an existing use is on the parcel, the developer must also factor in the cost of demolition and site cleanup. Other factors affecting land cost include the decline in availability of buildable sites without major site constraints such as environmental hazards and sensitive habitat areas.

Upland is a nearly built-out community. As the remaining supply of buildable vacant land is exhausted, development will shift to underutilized properties where higher-value uses will support the additional cost of redevelopment. Based on recent property sales, the typical cost of land in Upland is estimated to be approximately $14 to $16 per square foot for single-family property and $28 to $30 per square foot for multi-family property.

Housing construction constitutes a substantial portion of construction costs. The typical cost of new housing construction can range from $150 to $200 per square foot but can be much higher for luxury homes or developments on difficult sites such as slopes.

Access to Financing

Changes in construction lending practices for housing projects have had a significant impact on the financial feasibility of new construction. In past decades, housing developers could receive construction loans for 100% or more of a project's estimated future value. Following the housing market crash of the early 1990s, financial institutions tightened regulations for approving construction loans. After the boom period of the early to mid-2000s, this cycle repeated itself during the late 2000s. Loan underwriting has grown more conservative, with higher equity requirements and smaller "phases" of large development projects.

Upland is similar to most other California communities with regard to private sector homebuyer financing programs. For those homebuyers with good credit who can qualify, interest rates are currently at historic lows, which improves housing affordability. If grant funding allows, the City also assists homebuyers in financing home purchases through low-interest loans (see Program 11 in Section 5 - Housing Plan).

Development Fees

The City of Upland, like other California communities, charges fees to cover the cost of processing development applications and also charges development impact fees to finance the construction of adequate public facilities, water and sanitation treatment, and other infrastructure needed to support new residential developments. These fees are updated periodically and are based on the City's cost in processing applications, pursuant to the requirements of State law. Development impact fees are assessed through a pro-rata share system, based on the magnitude of the project's impact. **Table H-10** shows the typical fees charged for residential developments.

Table H-10 Development Fees, City of Upland

Fee Category	Amount of Fee	
	Single Family	Multiple Family
Planning & Building Permit Fees		
Development Plan (Architectural & Site Design)	N/A	$4,300
Administrative Use Permit	N/A	$3,000
Conditional Use Permit	N/A	$3,975
Tentative Parcel Map Tentative Tract Map	$7,135 $8,000 plus $25 per lot	
General Plan amendment	$6,900	
Zone change/specific plan	$7,650	
Variance	$6,300	
Building Permit Fees	$3,274 – 11,810	
CEQA Review		
Environmental Exemption	$750	
Negative Declaration	$2,050	
Environmental Impact Report	Actual EIR cost	
Development Impact Fees		
General government	$993 per unit	$853 per unit
Parks	$10,700 per unit	$9,182 per unit
Water	$3,768 per unit	$2,900 per unit
Police	$902 per unit	$774 per unit
Drainage	$2,856 per unit	$2,315 per unit
City Sewer Connection	$5,978 per unit	$918 per unit
Estimated Total Fees	$30,000	$21,000
Est. total fees as proportion of total development cost[1]	4%	4%

Source: City of Upland, 2021
Notes:
1. Based on a total development cost of $750,000 for single-family and $500,000 for multi-family

B. Land Use Controls

This section describes the City's land use and development regulations that affect the location, density, and types of permitted residential land uses in Upland. This section also sets the foundation for identifying sites for housing in the land inventory.

General Plan Land Use

Each city and county in California must prepare a comprehensive, long-term general plan to guide its future. The land use element of the general plan establishes the basic land uses and density of development within the various areas of the city. Under State law, the general plan elements must be internally consistent, and zoning

must be consistent with the general plan. Thus, the land use plan must provide suitable locations and densities to implement the policies of the housing element.

Upland's General Plan is the blueprint for the growth and development of the community. The General Plan was comprehensively updated in 2015 and provides six residential land use designations tailored to different locations in the city. To encourage additional housing opportunities in focused areas of the community, the General Plan Land Use Element also allows stand-alone high-density residential uses and mixed uses in two mixed-use designations—the Business/Residential Mixed-Use and Commercial/Residential Mixed-Use land use districts.

Table H-11 describes the primary General Plan land use designations allowing housing, the intensity and density of uses allowed, and primary residential uses.

Table H-11 Land Use Designations Allowing Housing

General Plan Designation	Permitted Density	Primary Residential Use Allowed
Single-Family Low	0–4 units per acre	Single-family detached units
Single-Family Medium	4–10 units per acre	Single-family detached units
Mobile Home	8–14 units per acre	Mobile home parks
Multi-Family Low	10–20 units per acre	Multi-family units (i.e., duplexes, triplexes, townhomes)
Multi-Family Medium	20–30 units per acre	Multi-family units (i.e., stacked flats, etc.)
Multi-Family High	30–40 units per acre	Multi-family attached units (i.e., stacked flats)
Business/Residential Mixed-Use	20 units max	Areas in which business and/or light industrial uses are compatible with multi-family or single-family residential
Commercial/Residential Mixed-Use	20 units max	Combination of retail, service commercial and medium-density multi-family residential

Source: City of Upland General Plan, 2021.

Specific Plans

The City of Upland has adopted several specific plans that offer a range of housing types, densities, and mix of uses. The City anticipates that much of its new residential growth will occur in these Specific Plan areas. The Specific Plans with sites identified in Appendix B to accommodate new housing needs during the planning period are summarized in **Table H-12**.

Table H-12 Specific Plans Allowing Housing

Specific Plan	Purpose
Historic Downtown Upland	The Historic Downtown Upland Specific Plan promotes the development of housing, work places, shops, entertainment, schools, parks, and civic facilities within easy walking distance. The plan encourages multi-family, single-family, second dwellings, live/work, mixed-use, senior housing, etc.
Colonies at San Antonio	Establishes a clearly recognizable mixed-use community. The specific plan is developed with 1,050 residential units, 115 acres of commercial, and 71 acres of recreational/community uses. A key feature is a 23.5-acre retention basin surrounded by a greenbelt. Only one residential site remains in the specific plan.
The Enclave	Located within the "College Heights" redevelopment area, the Enclave Specific Plan consists of approximately 19.04 gross acres along Foothill Boulevard. The Specific Plan allows up to 350 single-family attached and/or detached homes within a master planned with multiple recreation opportunities.

These specific plan areas and focus areas are discussed in Chapter 4, Housing Resources in relation to strategies for addressing the City's regional housing needs.

Residential Uses by Zone

All cities are required to facilitate and encourage a range of housing types for all economic segments of the community, as well as housing to address the needs of seniors, families, those with disabilities, farmworkers, and the homeless. Zoning districts that allow residential uses are listed below and in **Table H-13**.

- RS – Residential Single-Family Low Zones
- RS-MH – Single-Family Mobile Home
- RM – Residential Multi-Family Zones (RM-10, RM-20, RM-30)
- C/R-MU – Commercial Residential Mixed-Use
- B/R-MU – Business Residential Mixed-Use
- C/O MU – Commercial Office Mixed-Use
- C/I MU – Commercial Industrial Mixed-Use

Table H-13 Permitted Uses in Zones Allowing Residential Uses

Type of Unit	Zones Allowing Residential Uses						
	RS Zones	RS-MH	RM10 RM20 RM30	C/R MU	B/R MU	C/O MU	C/I MU
Residential							
+ Single-Family Detached	P	P			P		
+ Single-Family Attached			P	P	P		
+ Multi-Family Residential			AUP*	CUP	AUP*		CUP
+ Mobile Home Park		P					
+ Live/Work				AUP	AUP	CUP	CUP
+ Accessory Dwelling Units	P		P		P		
Special Needs							
+ Assisted Living/Convalescent			CUP	CUP	CUP	CUP	
+ Residential Care (6 or fewer)	P	P	P				
+ Residential Care (7 or more)			CUP		CUP		
+ Senior Housing			P	AUP	P	CUP	CUP
+ Single-Room Occupancy				CUP		CUP	CUP
+ Emergency Shelter			CUP	CUP	CUP	CUP	CUP
+ Supportive and Transitional Housing (6 or fewer)	P	P	P	CUP	CUP		
+ Supportive and Transitional Housing (7 or more)			CUP	CUP	CUP		

Source: Upland Zoning Code, 2021
* CUP if the density is over 15 units/acre
P = permitted
AUP = administrative use permit
CUP = conditional use permit

Single-Family Housing

Single-family housing is permitted by-right in the single-family residential zones and also the Business/Residential Mixed-Use zone. The RS-MH is intended to protect areas for mobile homes and manufactured housing.

Accessory Dwelling Units

Accessory dwelling units (ADUs) offer affordable housing opportunities for lower-income households such as seniors, caregivers, household employees and college students. The City's ADU regulations (Municipal Code Chapter 17.37) were updated in 2021 to incorporate the current provisions of State law. ADUs are allowed by-right in all residential zones and in the B/R MU zone. To ensure that City regulations continue to encourage ADU production, Program 8 in the Housing Plan includes annual review of State ADU law and amendments to City regulations as necessary.

Mobile Home Parks

Mobile and manufactured homes provide affordable housing options for many Upland families. The city presently has approximately 865 mobile homes situated in 6 mobile home parks, one of which is age-restricted for seniors and the other five parks are not restricted. Upland's mobile homes are relatively inexpensive, and most parks are fully occupied. The City implements a rent stabilization program for mobile home parks, helping to maintain the affordability for residents.

Manufactured Housing

According to the National Manufactured Home Construction and Safety Act of 1974, a manufactured home built and certified after June 15, 1976, and constructed on a permanent foundation may be located in any residential zone where a conventional single-family detached unit is permitted subject to the same restrictions on density and to the same property development regulations, provided it has received approval of the Architectural Review Board and receives a Certificate of Compatibility. The City complies with this act and permits manufactured homes constructed on a permanent foundation in all residential zones where single-family homes are permitted.

Multi-Family Housing

Multiple-family development (apartments and condominiums) are currently permitted with an administrative use permit (AUP) or conditional use permit (CUP) in the RM multi-family residential zones and B/R mixed-use zone. Multi-family development is also conditionally permitted in the C/R MU and C/I MU zones as part of a mixed-use development that provides a minimum of 0.25 floor area ratio of nonresidential development. The minimum densities in the RM and MU zones are intended to facilitate higher-density multi-family residential. RM zones do not require a minimum parcel area or maximum lot coverage. To reduce potential constraints to multi-family development, Program 7 in the Housing Plan includes a Code amendment to eliminate the administrative use permit/conditional use permit requirement for multi-family housing in multi-family zones.

In the Downtown, multi-family residential uses are permitted by right in all districts, with the exception of the Pleasant View District, which is a single-family historic neighborhood. Given that Downtown is also the commercial heart of Upland, multi-family residential is only permitted on upper floors in Old Town and the Historic Core except within the 1st Avenue Overlay of the Old Town District, where multi-family is permitted on the ground floor. Each multi-family project requires minimum lot dimensions, setbacks, floor area, and outdoor living space, and maximum lot coverage, development intensities, and height.

Mixed-Use Residential and Live-Work

Mixed-use projects combine nonresidential and residential uses on the same site. Mixed-use development can help reduce the effects of housing cost burden by increasing density and offering opportunities for reduced vehicular trips by walking, bicycling, or taking public transportation. The City has created four mixed-use zones to provide flexibility and facilitate mixed-use developments. In Downtown, mixed-use developments are permitted by-right in all districts with the exception of single-family residential-only districts. **Table H-14** summarizes allowable uses in the three mixed-use zones that allow residential use.

Table H-14 Permitted Uses in Mixed Use Zones

Zone	100% Residential?	Limitations
B/R Mixed Use	Yes	0.5 max. non-residential FAR
C/R Mixed Use	Yes (CUP)	1.0 max. non-residential FAR
C/I Mixed Use	Yes	0.25-1.0. non-residential FAR

Stand-alone residential developments are permitted in all three mixed-use zones. While the development standards in these zones allow 100% non-residential development, non-residential FAR limits create a significant financial incentive to include a residential component and fully utilize the allowable development for each site. Recent development trends within these zones in recent years have included a variety of residential projects, including a 6-unit apartment complex, a 203-unit apartment complex, a 78-unit Live-Work development, and a 37-unit residential condominium development. This development trend indicates that residential development is viable and actively sought after by developers within the mixed-use zones, as evident by the addition of 324 new housing units to the City's housing stock. Please see Appendix B for additional information regarding development trends in mixed-use zones.

A live-work unit is an integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multi-family, that has been designed or structurally modified to accommodate joint residential occupancy and work activity. Live-work is permitted with an administrative use permit in the C/R MU and B/R MU zones and conditionally permitted in the C/O MU and C/I MU zones. In the Historic Downtown Specific Plan area, live-work units are permitted by-right in five of the nine districts provided the residential portion is on the upper floors.

Single Room Occupancy

Single Room Occupancy (SRO) units are one-room units intended for occupancy by a single individual. They are distinct from a studio or efficiency unit, in that a studio is a one-room unit with a kitchen and bathroom. Although SRO units are not required to have a kitchen or bathroom, many SROs have one or the other. SROs are conditionally permitted in the C/R MU, C/O MU and C/I MU zones.

Senior Housing

Senior housing is permitted by-right in the RM zone and permitted through an administrative use permit in the C/R/MU and B/R MU zones. Senior housing is also conditionally permitted in the C/O MU and C/I MU zones. In Downtown, senior housing is permitted by-right in most districts. Senior housing developments are required to provide amenities, services, and facilities to ensure the comfort, health, and recreation of elderly persons, including health and transportation services. Eligible senior housing developments can receive a density bonus pursuant to State law. In addition, reduced parking standards may be granted.

Housing for Persons with Disabilities

Persons with disabilities often require special consideration to accommodate their housing needs. City standards and procedures for addressing these needs are described below.

Residential Care Facilities

In accordance with State law, residential care facilities that serve six or fewer persons are permitted by-right in all residential zones. Larger residential care facilities and assisted living/convalescent facilities are allowed by CUP in the RM, C/R MU and B/R MU zones. Program 18 includes an amendment to the Zoning Ordinance to ensure that small residential care facilities are allowed subject to the same standards as apply to residential uses of the same type in the same zone, including mixed-use zones, and to ensure that regulations do not pose an unreasonable constraint to large residential care facilities.

Emergency Shelters and Low Barrier Navigation Centers

"Emergency shelter" means housing with minimal supportive services for the homeless, with occupancy limited to six months or less by a homeless person. The Zoning Ordinance allows emergency shelters by-right in the Light Industrial and General Industrial zones and also in the RM and MU zones with approval of a CUP. Development standards for emergency shelters include the following:

- The applicant or operator shall submit a Management and Operation Plan for the emergency shelter for review and approval by the reviewing authority in consultation with the chief of police, as part of the application review process, prior to issuance of permits. The Operation Plan shall be based on Best Practices and include, but not be limited to:
    1. A security plan;
    2. List of services;
    3. Staff training;
    4. Client transport;
    5. Ratio of staff to clients;
    6. Client eligibility and intake and check out process;
    7. Hours of operation;
    8. Refuse collection;
    9. Separation of sleeping areas and restrooms by gender and for families;
    10. Bed bug prevention;
    11. Enforcement of rules and procedures for disruptive clients; and
    12. An outreach plan.

  The Operation Plan shall remain active throughout the life of the facility. The City may inspect the facility at any time for compliance with the facility's Operation Plan and other applicable laws and standards.
- Inability to Pay. No individual or household may be denied emergency shelter because of an inability to pay.
- Separation Criteria. An emergency shelter shall not be located within 300 feet of another emergency shelter, as measured from the closest property line. An emergency shelter shall be located within ½ mile of a transit stop. Emergency shelters shall be located at least 500 feet from any child care center or kindergarten through 12th grade curriculum school, as measured from the closest property line. An

exception to this separation requirement may be granted if significant physical features act as barriers from said sensitive uses.

- Abutting Residential. When abutting a residential use or residentially-zoned property, all areas for shelter activities and uses, including, but not limited to, waiting and intake, personal storage, facility storage, and recreation, shall be located indoors.
- Occupancy. The number of beds shall be limited to 30. Any emergency shelter requesting more than 30 beds shall require a Conditional Use Permit, and shall find that:
    1. A larger shelter facility will help meet the City's goals pertaining to emergency housing of the homeless;
    2. The circumstances of the subject property make the larger facility appropriate; and
    3. Design features will minimize impacts of the surrounding area.
- Parking. One (1) vehicle parking space shall be provided per five (5) beds. A covered and secured area for bicycle parking shall be provided for use by staff and clients, commensurate with demonstrated need.
- Waiting and Intake Area. A client waiting and intake area shall be provided and contain a minimum of ten (10) square feet per bed provided at the facility. The client waiting and intake area shall be screened from the public right-of-way, and shall be sufficient in size to accommodate all persons waiting to enter the facility.
- On-Site Management. On-site management shall be provided during the hours that the emergency shelter is in operation and at least one hour prior to and one hour after operation hours.
- Support Services. Emergency shelters shall allocate sufficient areas on site, outside of any required landscape areas, to provide the following minimal support services:
    1. Food preparation and dining areas;
    2. Laundry facilities;
    3. Restrooms and showers;
    4. Areas to secure and store client belongings;
    5. Indoor and outdoor recreational facilities and/or open space; and
    6. A private area for providing referral services to assist shelter clients in entering programs aimed at obtaining permanent shelter and income. Referral services refers to the initial assessment of a homeless client to identify the areas in which assistance is needed, and connecting clients with appropriate off-site programs and services depending on their need.
- Length of Stay. The length of stay for each individual at any emergency shelter shall not exceed ninety (90) days within a twelve (12) month period, but extensions up to a total stay of six (6) months within a twelve (12) month period may be provided if no alternative housing is available; days of stay need not be consecutive.
- Lighting. Lighting shall be provided in all exterior areas, including pathways, parking areas, courtyards, rear yard areas, and spaces between structures, and shall be directed in a manner that does not cast light onto neighboring properties.
- Trash Enclosure and Loading Zone. Each facility shall have a trash enclosure and loading zone. The trash enclosure shall be completely enclosed with masonry walls not less than five (5) feet high with a solid-gated opening, and be large enough to accommodate a standard-sized trash bin adequate for use on the parcel. The trash enclosure shall be accessible to refuse collection vehicles.
- Security Plan. Security shall be provided during the hours that the emergency shelter is in operation. Security plans shall be submitted to City staff for review and approval prior to issuance of an occupancy permit. Security plans shall be resubmitted to City staff on an annual basis.

- Noise Abatement. For the purposes of noise abatement in residential zoning districts, organized outdoor activities may only be conducted between the hours of 8:00 a.m. and 10:00 p.m., and no client shall arrive to the emergency shelter after 10:00 p.m.
- Applicable Laws. The facility shall comply with all other laws, rules and regulations that apply, including Building and Fire codes. In addition, the facility is to be consistent with the Cable Airport Land Use Compatibility Plan policies and standards, particularly as it relates to protecting sensitive uses from airport related noise levels.

The Industrial Zone is a suitable location for emergency shelter facilities. The City has approximately 300 parcels zoned industrial. Approximately 25 parcels (38 acres) are significantly underutilized, and 8 parcels (23 acres) are vacant. The industrial zones are located along several public transportation routes and near the Montclair Transportation Center for convenient access. Parcels are also near commercial/professional office areas where homeless persons can access supportive services. These parcels are therefore suitable for emergency shelters.

The amount of land needed to accommodate emergency shelters depends on the number of individuals and families to be housed and the product built. Based upon the most recent homeless count of 44 unsheltered people in Upland and an emergency shelter size of 150 square feet per person, less than one acre would be sufficient to accommodate a shelter. With the potential 23 acres of industrially zoned vacant land and 38 acres of underutilized industrial land that could be adaptively reused for emergency shelters, the City has more than ample sites to accommodate the City's projected need for emergency shelters.

To ensure compliance with State law, Program 16 is included to review current development standards for emergency shelters and process a Code amendment to ensure that permit processing, development, and management standards for emergency shelters are objective and encourage and facilitate the development of, or conversion to, emergency shelters, and are subject to the same development and management standards applicable to residential or commercial development within the same zone except for those standards prescribed by Government Code section 65583 (a)(4)(A).

AB 139 (2019) revised State law regarding parking standards for emergency shelters. To ensure that City development standards and procedures continue to provide adequate sites for emergency shelters, Program 16 includes a Zoning Code amendment to revise parking requirements for emergency shelters consistent with current law.

In 2019 the State Legislature adopted AB 101 establishing requirements related to local regulation of low barrier navigation centers, which are defined as "Housing first, low-barrier, service-enriched shelters focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing." *Low Barrier* means best practices to reduce barriers to entry, and may include, but is not limited to:

(1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth
(2) Accommodation of residents' pets
(3) The storage of possessions
(4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms

Low barrier navigation centers meeting specified standards must be allowed by-right in areas zoned for mixed use and in nonresidential zones permitting multi-family uses. Chapter V includes Program 1d to address this requirement.

Transitional and Supportive Housing

California Government Code §65582(j) defines *transitional housing* as buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

Supportive housing is defined as housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. *Target population* means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. "Supportive services" include, but are not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, and benefits advocacy.

Program 16 in the Housing Plan includes a commitment to review current City regulations regarding transitional and supportive housing and amend regulations as necessary consistent with current law.

Agricultural Employee Housing

Under the Employee Housing Act (Health and Safety Code, § 17000 et seq.) employee housing for six or fewer employees must be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone, and employee housing consisting of no more than 12 units or 36 beds to be permitted in the same manner as other agricultural uses in the same zone. Program 18 is included in the Housing Plan to ensure that City regulations are consistent with these requirements.

Definition of "Family"

The Zoning Code defines *Family* as one or more persons living together as a single housekeeping unit in a dwelling unit. *Single Housekeeping Unit* is defined as the functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas, and sharing household activities and responsibilities (e.g., meals, chores, household maintenance, expenses, etc.) and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager.

Program 18 is included in the Housing Plan to review and amend this definition to ensure that it is consistent with State law and does not pose a constraint to housing for persons with special needs.

Reasonable Accommodation

State and federal fair housing law require cities to make reasonable accommodations to address the special needs of persons with disabilities when applying standards of the Municipal Code and other land use regulations to ensure equal opportunity to use and enjoy a dwelling. State and federal guidelines recommend establishing a process of reasonable accommodation to grant changes in land use, building practices, or permitting processes to allow a disabled person equal access to housing. The process should not be discretionary or achieved through a variance. Program 18 is included in the Housing Plan to establish written procedures for processing requests for reasonable accommodation.

Inclusionary Requirements

There are no inclusionary requirements in the City.

Short-term Rental Requirements

Municipal Code Chapter 17.23.1 establishes regulations for short-term rental of a dwelling unit (i.e., 30 consecutive days or less) including requirements for an administrative use permit, business license and transient occupancy registration certificate. Short-term rentals are conditionally permitted in all residential zones with the exception of RS-MH (Single Family Mobile Home).

Growth Controls

No growth controls have been adopted in Upland.

Residential Development Standards

Residential development standards are designed to promote a sustainable livable environment, with adequate space for recreation, height restrictions and setbacks to ensure privacy from adjacent homes, and minimum unit sizes to ensure adequate living areas for families. These standards are carefully devised to result in quality housing, while not placing an undue burden on residential developers to building housing in the community.

Table H-15 lists residential development standards for housing in Upland. These standards become increasingly flexible depending on the proximity to employment areas, transportation corridors, or Downtown. As shown below, more rural areas (RS zones) have the largest minimum lot sizes and lowest lot coverage standards—reflective of historical land use patterns and topography. RM zones have less restrictive lot coverage and greater building heights and density to facilitate multi-family housing. The Downtown has the smallest minimum lot sizes, greatest density, and allow the tallest buildings.

Table H-15 Residential Development Standards

Zoning District	Density (du/ac)	Maximum Building Height	Setbacks			Lot Coverage Regulations	
			Front	Side	Rear	Lot Coverage	Minimum Lot Size
RS	1 du/lot	35'	20-40'	5–10'	20'	35–50%	4,000-20,000 SF
RS-MH	8–14	16'	25'	5'	5'	60%	10 acres
RM-10	5-10	40'	20'	5'	15'	--	--
RM-20	10-20	40'	20'	5'	15'	--	--
RM-30	15-30	40'	20'	5'	15'	--	--
C/R MU	15-20	40'	5'	5–10'	10'	--	20,000 SF
B/R MU	10–20	40'	5'	5'	10'	45% for single-family	4,000 SF
C/O MU	10–20	40'	5'	5'	10'	--	20,000 SF
C/I MU	15–20	40'	5'	5'	10'	--	20,000 SF
HDU SP	0–55	30'–55'	0-25'	0-25'	0-20'	35%–100%	-
Enclave SP	12-20	45'	8-10'	3-10'	-	-	-

Source: Upland Zoning Code, 2021
Notes:
Residential development standards may different slightly in the respective specific plan areas.
Under certain circumstances (e.g., corner lot, adjacent to major highway) setbacks may be increased.

Unit Size Requirements

Upland's development standards require a minimum floor area ranging from 1,000 to 2,000 square feet for single-family homes in RS zones. Given the wide range of RS Zones (due to topography and lot sizes), the minimum floor area increases progressively with the minimum lot size. For multiple-family residential uses, the Zoning Code requires a minimum of 600 square feet for studio and one-bedroom apartments, and an additional 200 square feet for two or more bedrooms. Senior units are allowed up to a 20% reduction in minimum unit sizes.

Open Space Requirements

Given the higher densities in multiple-family housing, such projects must include a minimum of 100 square feet of private open space per unit and on average 250 square feet of common open space per residential unit. These minimum open space requirements are not considered a constraint to the development of housing; they are intended to provide a desired level of privacy and recreational opportunities for residents of multiple-family housing.

Density Standards and Density Bonus

Upland's Zoning Code provides significant flexibility in the density of residential products—reflective of the topography, location, and type of development. Multiple-family housing projects are allowed at 10 to 55 dwelling units per acre depending on location. For instance, corridor housing is typically permitted at up to 20 units per acre, stand-alone residential in a multiple-family district at up to 30 units per acre, and up to 55 units per acre in the Downtown Specific Plan. As discussed later, these density standards have been successful in facilitating ownership and rental housing at a variety of densities and affordability levels.

As required by State law (Government Code Sec. 65915 et seq.) Chapter 17.17 of the Municipal Code establishes standards and procedures for granting a density bonus or other incentives when a development provides affordable or senior housing. State density bonus law has been amended since the current City ordinance was

adopted, and Program 13 in the Housing Plan includes a provision to update the City's density bonus regulations consistent with State law.

Height Limitations

The Zoning Code allows for a range in maximum building heights tailored to different neighborhoods and housing types. For instance, lower-density residential zones with single-family homes generally allow structures of one to two stories. Multiple-family residential zones allow structures of 40 feet and accommodate three or more stories. In the Historic Downtown, where higher residential densities are desired, the Historic Downtown Upland Specific Plan allows up to 55 feet in certain areas to accommodate higher residential densities and commercial intensities. These height allowances are comparable to other communities in the Inland Empire.

Parking Standards

Adequate parking is an important component of well-designed residential development, contributing to the value of a project, the safety of residents, its appearance, and the livability of the project. Upland's residential parking regulations are intended to promote efficient land use, reduce street congestion and traffic hazards, promote vehicular and pedestrian safety, and improve the ability to secure financing for a new residential project.

Upland's residential parking requirements offer reduced standards for smaller units and in areas near high-quality transit. **Table H-16** provides a summary of parking requirements.

Table H-16 Residential Parking Standards

Types of Residential Development	Parking Requirements
Conventional Housing	
Single-Family	2 spaces within a garage
Manufactured Housing	Same as single-family units, except can be in a carport
Accessory Dwelling Units	1 space in addition to that required for a single-family unit (Unless parking is waived in accordance with State law
Duplex	2 per unit
Multiple-Family	Studio and 1-bedroom units: 1 for each unit in a garage 2-bedroom: 2 for each unit in a garage 3 or more bedrooms: 2.5 for each unit, including 2 in garage Guest parking: 3-50 units: 1 per 4 units; 51-100 units: 1 per 5 units; 100 + units: 1 per 6 units
Mobile Home Parks	2 for each mobile home (tandem parking allowed in an attached carport); plus 1 guest space for every 5 mobile homes [senior mobile-home parks are allowed parking concessions per Chapter 17.17 (Density Bonus Program)]
Senior Housing	1 space for each unit with half the spaces covered, plus 1 guest parking space for each 10 units
Boarding houses	1 per two beds

Types of Residential Development	Parking Requirements
Special Needs	
Elderly & Long-term Care	1 space for each 3 beds the facility is licensed to provide
Assisted Living	1 space for each 3 beds the facility is licensed to provide
Residential Care Facilities[1]	--Small (6 or fewer) - 2 within a garage --Large (7 or more) - 2 within a garage; plus 1 per 300 sq. ft. of office and other non-residential areas 2 spaces, plus 1 per employee onsite at any given time 2 spaces, plus 1 per employee onsite at any given time
Emergency Shelters	1 per 300 square feet of habitable floor area, or sufficient to serve the parking demand determined in a parking study
Supportive & Transitional Housing – small (6 or fewer in a dwelling unit)	2 per dwelling
Supportive & Transitional Housing – large (7 or more in a dwelling unit)	1 per 3 beds plus 1 per 300 sq. ft. of office and other non-residential areas
Single-Room Occupancy	1 space per unit plus 1 guest space for every 3 units

Source: City of Upland Zoning Code, 2021
Notes:
1. See Program 18 to modify parking requirements for small residential care facilities consistent with State law

The Upland Zoning Code sets forth flexible standards for multiple-family residential parking that vary by the location and proposed residential use (**Table H-17**). Whereas all areas of the community have the same parking space requirement for studio units, the number of required parking spaces increases gradually for one- and two-bedroom units.

Table H-17 Multiple-Family Parking Standards

Housing Characteristics	Location of Development		
	Mixed Use Districts	Historic Downtown	Outside Downtown
Type of Development Allowed	Mixed Use Projects	Residential and Mixed Uses	Residential Only
Unit Size			
Studio	1	1	1
1-bedroom	1	1	1
2-bedroom	1.5	2	2
Garage Required	None	Required	Required

Note: Guest parking is also required, which ranges between ¼ space per unit to ½ space per unit and may be uncovered.
Source: City of Upland, 2021

Recent multiple-family projects demonstrate that parking requirements have not been a significant constraint to housing production. Modifications to parking requirements are allowed in the following circumstances:

- **Density bonus projects**–reductions in parking spaces for projects that meet density bonus requirements
- **Senior housing projects**–a 50% reduction in required spaces with covered garages
- **Transit oriented districts**– a 20% reduction in parking space requirements for projects within ¼ mile of a transit station
- **Shared parking**–eligible projects can receive reductions in parking for qualifying mixed-use developments
- **Downtown Specific Plan**. This area allows developers to propose studio or one-bedroom units with only 1.0 parking space per unit and less floor area. This is also allowed for senior units.

- **Minor Variation**. The City Development Services Director has the authority to grant a minor adjustment over the counter (defined as 10% variation) to virtually every physical development standard.

Although apartments outside the Downtown and mixed-use corridors are feasible and built at current parking and garage requirement standards, there are situations where flexibility in garage requirements may be appropriate. Therefore, the Housing Incentives Program includes a statement to amend the Zoning Code to allow half covered/ uncovered spaces for studio and 1-bedroom units in projects outside the Downtown and corridors provided the project qualifies for a density bonus or is deed-restricted as affordable.

In summary, the City's residential development standards, either individually or cumulatively, have not deterred either the production of condominiums or apartments. Adequate provisions are also in place to allow modifications to the residential development standards based on the location, affordability, and type of residential project. Because of these factors, the City's Zoning Code residential development requirements are not a significant constraint to the development of housing. However, to minimize constraints on housing cost, an amendment to multi-family development standards will be processed to eliminate garage parking requirements (Program 7).

Building Codes and Enforcement

The City has adopted the current (2019) Building Codes (Title 15 of the Municipal Code) with minor modifications to address local conditions. Because of the local topography and fire hazards, all newly constructed buildings of any occupancy group when the gross floor area is equal to or exceeds 5,000 square feet are required to have automatic fire sprinklers.

The City's Building Division provides reasonable controls for construction and occupancy of buildings and structures throughout the city through the enforcement of all building-related ordinances. This division serves and protects the public with plan checking services, the issuance of permits, the keeping of building-related records, and building inspections. The division further provides information to its customers through records research, provision of informational handouts, and development consultation through all phases of a project from concept to completion.

In addition to building codes mentioned above, the City has also adopted a variety of property maintenance codes for the protection of property values and the general welfare of the community. These are in the Public Peace and Welfare Code, which addresses graffiti and unnecessary noise; the Health and Safety Code, which addresses public nuisances as well as other occupancy requirements; and the Uniform Code for the Abatement of Dangerous Buildings.

The City's Code Enforcement Division is tasked with the responsibility of protecting property values and eliminating blight through the use of the City's Municipal Code.

Offsite and Infrastructure Requirements

After the passage of Proposition 13 and its limitation on local governments' property tax revenues, local governments have faced increased difficulty in providing and financing appropriate public services and facilities to serve residents. In fact, one of the main consequences of Proposition 13 has been the shift in funding of new infrastructure from general tax revenues to development impact fees and improvement requirements on developers.

In order to ensure public health and safety, the City also requires developers to provide onsite and offsite improvements necessary to serve proposed residential projects. Requirements for on- and offsite improvements vary depending on the existing improvements, as well as the size and nature of the proposed development, but the requirements are standard and do not exceed the City's authority under State law.

In areas where existing infrastructure is not adequate, the City requires the following improvements:

- **Drainage:** Including curbs and gutters, storm drains, and culverts in accordance with acceptable standards. These requirements are standard among urban communities in California.
- **Sidewalks and trees:** Including sidewalks—of a width and quality suitable for the local neighborhood use—and parkway trees. Dimensions generally 12 feet on either side of the road, which includes 5 feet of sidewalks.
- **Streets:** Pavement of a width and quality suitable for local traffic. Specifications include 60' right-of-way for residential streets and 66' right-of-way for collectors. All other streets are already in place. Streets within PUDs and specific plans are typically narrower than the requirements for public streets.
- **Water and sewer:** Adequate domestic water supply, including the relocation or replacement of water mains, irrigation lines and appurtenances and appropriate sanitary sewer facilities and connections for each lot.

Energy Conservation

In 2006, the State Legislature adopted the Global Warming Solutions Act, which created the first comprehensive, state regulatory program to reduce GHG emissions to 80% below 1990 levels by 2050. Through both SB 375 and AB32, promoting energy conservation has become a consistent theme in regulations, green building practices, and business operations. Cities across California have become increasingly involved in promoting resource conservation to make their community more environmentally sustainable.

The City of Upland encourages resource conservation as follows.

- **Building codes**. The California Green Building Code (CALGreen) is designed to help California achieve GHG reduction goals through the planning, design, operation, construction, use, and occupancy of every new building, and to additions and alterations to nonresidential buildings. CALGreen includes mandatory provisions to reduce water use, improve indoor air quality, divert construction waste from landfills, and inspect energy systems for nonresidential buildings.

- **Neighborhood design.** Neighborhood design and site planning can reduce energy consumption. Sizing and configuring lots to maximize a building's solar orientation facilitates optimal use of passive heating and cooling techniques. Placing housing near jobs, services, and other amenities reduces energy consumption for transportation. Other design strategies with beneficial energy implications include installing broad-canopied trees for shade and clustering development to reduce auto use. The Zoning Code and Historic Downtown Specific Plan both promote sustainable development patterns to promote energy conservation.

- **Green standards**. The building industry offers programs to improve the energy efficiency and sustainability of housing. The BIA sponsors a voluntary program called Green Builder. The U.S. Green Building Council (USGBC) sponsors a building certification program called Leadership in Energy and

Environmental Design (LEED). The USGBC reviews projects for conformance based on efficiency, sustainability, materials quality, and design factors, and issues certifications based on the points achieved for sustainable practices. The Kohl's at the Colonies and the Wells Fargo building are recent projects that received LEED Silver certification.

- **Retrofits of residential buildings.** Older residential buildings built before energy conservation standards provide the greatest opportunity to make a measurable difference in energy usage. To that end, the City's Housing Improvement Program provides residential rehabilitation loans that can be used to purchase more energy-efficient upgrades to windows, insulation, and other home items. Moreover, local utility companies also offer a wide range of incentive programs to trade in energy-inefficient appliances and receive a rebate to purchase energy-efficient models.

C. Permitting Process

The City of Upland has the responsibility to ensure that residential developments are of lasting quality, that housing opportunities are available, and that the public health and welfare are maintained. To that end, the Upland Municipal Code establishes standard procedures for processing applications for the development, maintenance, and improvement of housing. These processes are described in the following section.

Requests to Develop at Lower Densities

The decision on what residential densities to build to are largely market-driven as private developers strive to produce the most marketable housing. The General Plan establishes minimum densities for each of the multi-family and mixed-use residential categories and development in Upland generally falls at 75% of the maximum allowable density or above. In addition, City staff and decisionmakers, increasingly aware of the need to increase housing choice within the City, encourage applicants to propose development near the upper limits of the allowable density range.

Permit Requirements by Residential Project Type

Chapters 17.43 and 17.44 of the Zoning Ordinance establish development review procedures that balance the need for efficient and timely processing, while also recognizing that the final product should reflect quality workmanship and design.

Once a development application is deemed complete, the case planner reviews the project for conformance with applicable development codes, land use regulations, architectural drawings, site design, landscaping plan, design standards, and other requirements. The City provides an application and checklist that can be used to ensure that all relevant requirements and materials are submitted to the City. This ensures a timely submittal so that the project can proceed to the next step. Project review generally requires approximately one month to complete, assuming a well-prepared application.

Permit requirements are briefly described below and in **Table H-18**.

- **Single-family residential.** Single-family dwellings are reviewed through plan check by the Development Services Director or designee. Total time to process permits for new single-family dwellings is typically 30 to 60 days. This assumes that the project is proposed in a zone that allows the use by-right and that the project meets the minimum development and site standards in the municipal code. No specific findings or public hearing is required.

- **Multiple-family residential**. Multi-family projects have three levels of review, depending on the zone in which the project is located and the associated permit required (i.e., P, AUP, CUP). Projects permitted by-right or an administrative use permit are reviewed by the Development Services Director or designee. For AUPs, the director may solicit technical expertise and/or convene staff from affected departments in the review of projects. If an AUP or CUP is required, the findings for approval are as described below. Total time to process AUP permits is typically 30 to 90 days. For multi-family projects requiring a CUP, the Development Services Director or his/her designee performs the initial screening and makes a recommendation to the Planning Commission for final action on the application. Required findings for approval are as described below. Total time to process a CUP for a new project is typically 3 to 6 months.

Although the current AUP and CUP requirements for multi-family development do not appear to have been an unreasonable constraint to development in the past, Program 7 is included in the Housing Plan to eliminate use permit requirements for conforming multi-family developments, thereby minimizing permit processing time and improving development certainty.

Table H-18 Permit Process and Time Frame for Housing Projects

Criteria	Application Review		
	Single-family	Multi-family (AUP)	Multi-family (CUP)
Application Completeness	1 month	1 month	1 month
Project Review Committee	1 month to review project design	1 month to review project design	1 month to review project design
Decision-maker Regarding Project	Development Services Director	Development Services Director	Planning Commission
Planning Commission Public Hearing	N/A unless project appealed	N/A unless project appealed	3 months
City Council Public Hearing	N/A	None unless appealed	None unless appealed
Environmental Review and Clearance	In accordance with CEQA requirements		
Plan Check	60 days	60 days	60 days
Total Time from Start to Building Permit	30–60 days	4–6 months	4-6 months (up to 9 with EIR)

Source: City of Upland, 2021

Environmental Review

Environmental clearance is required by the California Environmental Quality Act (CEQA). CEQA is quite prescriptive regarding the most appropriate form of clearance and the timelines for noticing, circulation, and public review. The vast majority of projects will qualify as infill and are exempt from CEQA, or the projects can be cleared through a Negative Declaration or Mitigated Negative Declaration. The time frames for this step vary widely and can typically take about 90 days. This step is often taken concurrent with permit processing. However, if an EIR is required, it may add six months or more to the project schedule.

Public Review

Projects that are permitted by-right or through an AUP are not required to be noticed to the public or subject to a public hearing. Projects over 15 du/ac currently require a CUP due to the possibility for unintended impacts on surrounding homes and neighborhoods require a public hearing before a decision can made. Hearings must be scheduled within 45 days of the filing of the application. Notices are mailed to affected local agencies and landowners within 300 feet of the proposed project so that the public can attend or submit comments on the proposed project. The entire process takes approximately three months unless an appeal is filed, which would add approximately 3.5 months.

Once prior stages are complete, the application for residential development moves forward to the building permit stage. The time from entitlement approval to submittal of a building permit application can vary widely depending on the type and size of the project and other issues beyond the City's control, such as project financing or real estate market factors. The process is relatively straightforward and requires filing an application, paying required fees, and commencing work. Overall, the time frame for obtaining permission to build residential projects in Upland is relatively short and therefore not considered an undue constraint for the vast majority of developers proposing projects in Upland. However, in order to minimize permit processing time and improve development certainty Program 7 is included in the Housing Plan to eliminate use permit requirements for multi-family development. **Table H-18** summarizes current time frames for project review in Upland.

Residential Design Standards and Guidelines

Section 17.04.050 of the Zoning Ordinance establishes residential design standards and guidelines for single- and multi-family developments, which provide an added level of definition for the intended character within single and multi-family developments and establish minimum criteria for achieving a high-quality design expression in site and building design while allowing reasonable flexibility in the implementation of developments in the residential zones.

Some of the more pertinent requirements are:

- **Neighborhood context.** Single- and multi-family developments shall be compatible and coordinated with adjacent properties in terms of height, massing, setback, and design character. New development shall contribute to the visual quality and cohesiveness of its setting.
- **Site design**. Single-family developments shall vary the front yard setbacks from unit to unit to avoid long repetitious development patterns. Garages shall also be set back to not dominate the front façade of the residence. For multi-family developments, buildings shall be located as close as possible to the front setback line. Where buildings are set back, enhanced landscaping shall be provided within the setback.
- **Building design**. Single-family homes shall avoid large, box-like structures by employing techniques such as recessed porches, bay windows, dormers, varying planes or setbacks, and varying roof forms. The design should minimize views of garages. For multi-family projects, building massing shall be varied through techniques such as recessed porches, bay windows, dormers, varying planes or setbacks, and varying roof forms. Large masses shall be broken down to give individuality to units to be legible as individual residences or small groups of units.
- **Outdoor living space.** In multi-family projects, private open space shall be at the same level as and immediately accessible from within the unit. Outdoor living space for the shared use of residents should include lawns, courtyards, community gardens, roof gardens, pools, and play areas. Shared spaces should be accessible to all residents, provide seating areas, be lighted, relatively flat and usable, and designed to encourage social activity. When included, such public space should be provided where high levels of pedestrian and/or community activity can be expected.

In 2014, the City streamlined its design review process by repealing provisions requiring separate review by a Design Review Board. The director or designee will review the project as part of the overall development review process and solicits technical advice from other departments as appropriate before making recommendations to the Planning Commission. No separate fees are charged for design review as well. Coupled with user-friendly

design guidelines, projects can be approved in a timely manner. Therefore, design review is not considered a potential constraint to residential development. However, in order to minimize potential constraints, Program 7 includes a commitment to establish objective development and design standards for qualifying residential projects.

Development Plan Review

Development Plan review is required for all new construction prior to issuance of a building permit. The Development Services Director or designee is the approving authority on all development plan review applications unless the Director refers the application to the Planning Commission. No public hearing is required for Director approval.

Required findings for approval are as follows:

1. The design and layout of the proposed project will not interfere with the use and enjoyment of existing and future neighboring properties and structures.

2. The proposed architectural design makes use of appropriate materials, texture, and color, and will remain aesthetically appealing and appropriately maintained.

3. The proposed landscaping design, including color, location, size, texture, type, and coverage of plant materials, as well as provisions for irrigation, maintenance, and protection of landscaping elements, will complement structures and provide an attractive environment.

4. The proposed design will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity of the proposed project.

Use Permit/Administrative Use Permit

Historically, the Upland Development Code required developers of multiple-family projects to secure a conditional use permit prior to project approval. In 2015 the Development Code was reconfigured to provide more clear guidance for developers, City staff, policy makers, and residents. The Code now only requires an administrative use permit for projects with a density of 15 du/ac or less. The purpose is to provide an appropriate review of land uses and their associated operational characteristics in a particular zoning district, whose effects on a site and surroundings cannot be determined before being proposed for a specific site.

An application for an administrative use permit shall be filed and reviewed in compliance with Chapter 17.42 of the Code. The application shall include the information and materials specified in the Development Services Department handout for an administrative use permit application, together with all required application fees. It is the responsibility of the applicant to provide evidence in support of the required findings.

The Development Services Director or designee shall approve, conditionally approve, or deny administrative use permit applications upon the recommendations of technical staff. However, in certain cases, the Development Services Director or designee may choose to refer any administrative use permit application to the Planning Commission for review and final decision. Unlike most discretionary approvals, no public notice and hearing is required for an administrative use permit application.

The decision-making authority may approve an application for an administrative use permit only if the proposed project complies with applicable standards in the zoning code, other City ordinances, the General Plan, and any other applicable community or specific plans, and as supported by all of the following findings:

- The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.
- The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.
- The proposed use will not be detrimental to the public health, safety, and welfare of the persons residing or working in the neighborhood of the proposed use.

The administrative use permit is not considered to be a constraint. Indeed, prior to the update, the City conditionally permitted six apartment and condominium projects, providing nearly a thousand affordable housing units. The AUP is intended to streamline the development review process and avoid unnecessary and additional reviews of projects that meet all the applicable standards in the City's general plan and municipal codes. However, to further reduce potential constraints and improve development certainty, Program 7 is included in the Housing Plan to eliminate use permit requirements for conforming multi-family developments.

D. Environmental and Infrastructure Constraints

This section analyzes potential environmental conditions and infrastructure availability that could limit housing development during the 2021-2029 planning period.

Environmental Hazards

Potential environmental issues that could constrain development include wildland fire hazards, flood hazard zones and geological conditions.

- **Wildland Fire Hazards**. A small portion of the city is located within the Very High Fire Hazard Severity Zone as designated by Cal Fire (**Figure H-21**). These areas are along the City's western edge and northeast area and do not contain a substantial portion of the City's potential sites for future housing. Housing developments that may be located within fire hazard zones must comply with certain regulations designed to mitigate risk from wildland fires, which could increase development costs, although these requirements would not prevent the City from accommodating its share of regional housing needs.
- **Flood Hazard Zones**. Upland is located on the southerly side of the San Gabriel Mountains and small areas of the city are within washes that include designated flood hazard zones. None of the sites identified to accommodate the City's housing needs for the planning period are with these flood hazard areas.
- **Geological Conditions**. A mapped Alquist-Priolo fault zone crosses the northern portion of the city. In such areas, housing developments must comply with certain regulations designed to mitigate risk from earthquakes and other geological hazards, which could increase development costs, although these requirements would not prevent the City from accommodating its share of regional housing needs.

Water Availability

The 2015 General Plan Update EIR analyzed water needs for the entire City. That analysis concluded that water supply is projected to be sufficient to accommodate housing needs through 2035.

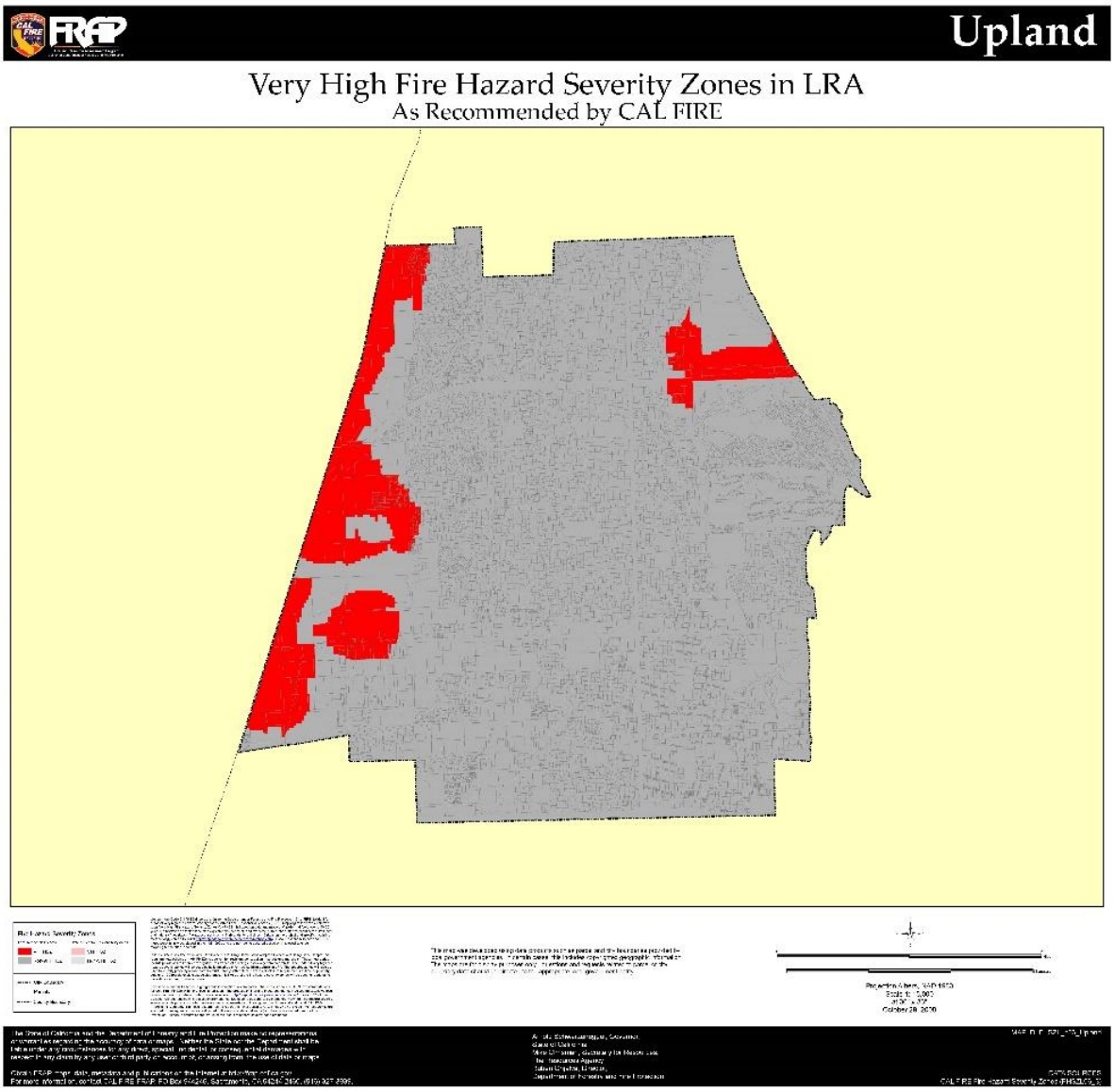
Sewer Availability

The capacity of sewer lines and treatment facilities is projected to be sufficient to accommodate the City's housing needs through 2029.

Dry Utilities

Dry utilities such as electric, telephone, cable and internet are provided by private companies and are expanded to meet demand as development occurs and are not a significant constraint to housing development during the 2021-2029 planning period.

Figure H-21 Very High Fire Hazard Severity Zone - Upland



4. HOUSING RESOURCES

This chapter describes the land, financial, and administrative resources available to assist Upland in addressing its housing needs.

A. Land to Accommodate New Housing Needs

To facilitate new housing production and address the community's housing needs, cities must ensure that sufficient land with appropriate zoning is available to accommodate the amount of additional housing need as determined through the Regional Housing Needs Assessment (RHNA). The City's land use plans and development regulations are discussed in Section 3 – Constraints. A detailed analysis of how the RHNA allocation for the 2021-2029 planning period can be accommodated is provided in Appendix B, including a parcel-specific inventory of potential housing sites.

B. Financial and Administrative Resources

Upland has access to local, state, and federal financial administrative resources to fund the construction, improvement, and maintenance of housing or the administration of programs. Some of the primary funding sources and organizations are described below.

Financial Resources

Financial resources to provide housing assistance are summarized below.

- **Community development block grants.** CDBG is the largest federal housing-related program for affordable housing. Cities with populations of over 50,000 receive CDBG funds directly from HUD, while smaller cities usually use County-administered CDBG funds. HUD makes allocations based on a formula that takes population, poverty, and housing distress into account. CDBG funds are used for eligible activities aimed at reducing costs for private development (helping fund site acquisition, improvement, and other soft costs); housing acquisition and rehabilitation through short and long-term loans, grants or loan guarantees; direct payment of rent or mortgage and housing counseling services; and fair housing activities. Upland receives $675,000 annually in CDBG funds.

- **State and Federal HOME.** HOME is a formula-based grant that must be spent for the acquisition, construction, and rehabilitation of affordable rental and home ownership. HOME requires local governments to provide matching funds, though the matching ratio depends on the specific uses to which HOME funds are to be put. Upland does not qualify for entitlement HOME funds but rather applies to the State HCD for them. In addition, the City also periodically applies to the state for CalHome funds to support its affordable housing programs. The City uses State HOME and CalHome program income funds to support its First Time Homebuyers and HOME Improvement Programs. Before Upland can apply for additional HOME dollars, staff must expend the $1.25 million of program income the City has on hand. CalHome funds for these programs are no longer available from the State. However, the City has $550,000 of reuse funds available for the same programs.

- **Rental housing choice vouchers (formerly Section 8).** The federal housing choice voucher program is rental assistance provided to lower income households that allows a household to afford to rent a unit. The voucher amount equals the difference between what a household can afford to pay (up to 30% of monthly

income) and the fair market rent. The vouchers are typically granted to individuals who can use the voucher at any apartment project where the property owner accepts the voucher. Although this long-standing federal assistance program is not expected to increase in size, it remains an important affordable housing program. The housing choice voucher program in Upland is administered by the Upland Housing Authority, managed by the Housing Authority of San Bernadino County, which receives approximately $6.2 million annually to administer the housing voucher program.

- **Tax exempt multi-family revenue bonds**. The construction, acquisition, and rehabilitation of multi-family rental housing developments can be funded by tax exempt bonds which provide a lower interest rate than is available through conventional financing. Projects financed through these bonds are required to set aside 20% of the units for occupancy by very-low-income households or 40% of the units to be set aside for households at 60% of the area median income. Tax exempt bonds for multi-family housing may also be issued to refinance existing tax-exempt debts, which are referred to as a refunding bond issue. The City has several bond-funded affordable housing projects in the community.

- **Housing fund**. Upland owns three multiple-family housing projects funded through mortgage revenue bonds and former redevelopment funds. Due to the low cost of bond refinancing completed in 2007, these apartment projects provide net positive revenues after all operating and long-term expenses on the apartment projects are paid. These projects include Sunset Ridge, Village Apartments, and Magnolia Colony, which provide approximately $2.4 million net annually. The funding is used to support monitoring, implementation and preservation of existing affordable housing units. Although these projects provide a sizable amount for operating the City's housing programs, the long-term viability of this source is uncertain.

- **Enforceable obligations**. The City of Upland historically set aside $1.26 million in redevelopment tax increment financing to provide funding for the Coy D. Estes senior project. Upon dissolution of the Redevelopment Agency, the City petitioned that these funds should be deemed to be an enforceable obligation. The Department of Finance concurred, and the RDA tax increment funds were granted for this project. It is important to note that these are one-time funds and cannot be used for purposes other than the Coy D. Estes project. Upon the use of funds, the City will not have additional redevelopment tax increment funds that can be used to fund the development of new affordable housing.

Administrative Resources

The following agencies and organizations assist the City of Upland in implementing a variety of housing programs and activities.

- **Upland Development Services**. The Development Services Department facilitates the orderly physical and economic development of the City. Following closure of RDA, the department assumed their responsibilities. The Development Services Department administers advance planning, current planning, building permitting, and building inspection programs in compliance with local, state, and federal requirements. The Building Division provides reasonable controls for construction, occupancy, and maintenance of buildings and structures throughout the community. The department also implements programs that promote economic and housing development projects, emphasizing those that produce jobs, build infrastructure, expand the City's tax base, and/or provide housing.

- **Nonprofit Housing Developers**. The City of Upland works with nonprofit partners to assist in administering programs or furthering housing goals. The City has partnered with Upland Community Housing to develop 72 affordable assisted living units for the elderly in Downtown and to develop the 131-

unit Coy D. Estes Senior Apartments project. The City works with the Foothill Family Shelter to provide emergency shelter, transitional housing, and services to homeless residents. The City also assisted the shelter with the acquisition and rehabilitation of 44 units of permanent affordable housing in the Magnolia Colony project. Nonprofit affordable housing developers are a key asset for any community.

- **Upland Housing Authority.** The Upland Housing Authority (UHA) is responsible for management of a public housing development of 97 units and administration of the City's rental assistance program (Section 8 Housing Choice Vouchers). This program encompasses more than 619 housing choice vouchers at an annual value of $6.2 million. The housing authority also manages the Public Housing Modernization Program. Coupled with the City's publicly assisted multiple-family projects, these two efforts are the largest providers of affordable housing for residents. Given the demise of redevelopment, many cities are considering options for enhancing cooperation with housing authorities for implementing or managing affordable housing programs for residents.

5. HOUSING PLAN

This chapter describes the goals, policies, programs and objectives to address the City's housing needs for the 2021-2029 planning period. The Plan addresses the issues of new housing production, rehabilitation, conservation, and assistance for current and future Upland residents.

A. Goals and Policies

The three goals around which the Housing Plan is organized are:

- **Goal 1: Upland's Neighborhoods.** Strong and healthy neighborhoods with well-maintained housing, ample public services, open space, and infrastructure that provide a quality place to live.
- **Goal 2: Upland's Housing Supply.** A diverse supply of housing that is designed, built, and located in a manner that is consistent with the City's land use, zoning, circulation, and open space goals.
- **Goal 3: Housing Assistance.** Opportunities for lower- and moderate- income residents and households with special needs to rent, purchase, or maintain adequate housing in the community.

Issue #1: Housing and Neighborhood Quality

Upland residents are drawn to the community for its quality housing and the unique character of neighborhoods. Upland offers a blend of neighborhoods, ranging from traditional to more urban living experiences. Whether it is the hillside ambience of northern Upland, traditional neighborhoods of central Upland, or a more historic neighborhood setting in the Historic Downtown area, each neighborhood offers a unique lifestyle for residents. Strengthening and creating quality neighborhoods while preserving and promoting community character are essential priorities for the community. The following goal and policies further the livability of Upland's neighborhoods.

Goal HE-1	Strong and healthy neighborhoods with well-maintained housing, ample public services, open space, and infrastructure that provide a quality place to live.

Policy HE-1.1 **Housing Quality.** Promote the repair, improvement, and rehabilitation of single-family housing, multiple-family housing, and mobile homes to enhance the quality of life and improve and maintain property values.

Policy HE-1.2 **Historic Character.** Support the maintenance and preservation of the City's historic districts, historic homes, buffers, and other neighborhood features of local significance that lend identity to the community.

Policy HE-1.3 **Neighborhood Improvement**. Encourage maintenance, and upgrading of neighborhoods through property maintenance codes, graffiti abatement, high quality infill housing, and replacement of deteriorated infrastructure.

Policy HE-1.4 **Neighborhood Amenities.** Maintain a variety of distinctive amenities in Upland (landscape, trees, urban design, parks, etc.) that provide and enhance the beauty, identity, and form of the City's districts and residential neighborhoods.

Policy HE-1.5 **Neighborhood Preservation**. Maintain lower-density residential designations in established low-density residential areas, unless conversion to another use is encouraged by the General Plan land use plan and policies.

Issue #2: Housing Opportunities

Upland is committed to addressing the housing needs of its residents and meeting its State-mandated responsibilities. Addressing these needs requires a multifaceted strategy. Housing needs and preferences differ for families, young and working-age adults, college students, seniors, and other groups. Therefore, the City's housing strategy includes facilitating a wide range of quality housing products—including single-family homes, townhomes, apartments, and mixed-use residential developments where appropriate.

The City is strategically accommodating growth to address several objectives. These include preserving residential neighborhoods, supporting economic development, and managing traffic and safety concerns. Adopted specific plans propose residential and mixed-use developments while incentives are in place to revitalize corridors and other neighborhood areas of Upland. The following goal and policies further these objectives.

Goal HE-2 A diverse supply of housing that is designed, built, and located in a manner that is consistent with land use, zoning, circulation, and open space goals of the City.

Policy HE-2.1 **Housing Growth**. Direct new housing growth into strategic locations that strengthen the City's economy, maximize existing and planned infrastructure, and foster the use and development of transit and multimodal transportation. These areas include Historic Downtown, Foothill Boulevard, Southeast Quadrant, and College Heights.

Policy HE-2.2 **Housing Diversity:** Provide high-quality housing in a range of types, densities, and unit sizes that meet the housing needs of residents of all income levels and household types. This includes single- and multiple-family housing, senior developments, mixed-use projects, and transit-oriented developments.

Policy HE-2.3 **Housing Design**. Require adherence to design standards with respect to site planning, materials and colors, building treatments, landscaping, open space, parking, and environmentally sustainable design practices that adhere to standards set in general plan and design guidelines.

Policy HE-2.4: **Housing Incentives**. Facilitate the development of a mix of prices, types, and affordability of housing products through the implementation of flexible standards, efficient permitting process, and other assistance.

Policy HE-2.5: **Natural Environment**. In meeting housing needs, preserve important natural features of Upland's environment, including hillsides and viewsheds, historic resources, habitat, landscaped amenities, and other distinctive features.

Issue #3: Housing Assistance

Upland residents exhibit a diversity of housing needs. Some Upland residents wish to purchase a new home, while others may wish to downsize to housing that is age-appropriate, such as senior housing. Younger residents may be seeking their first independent apartment. Within its resource limitations, Upland seeks to improve the

ability of residents to secure and maintain adequate housing. The following goal and policies serve as a guide in providing housing assistance.

Goal HE-3 Opportunities for lower- and moderate-income residents and households with special needs to rent, purchase, or maintain adequate housing in the community.

Policy HE-3.1 **Rental Assistance.** Continue to support the Upland Housing Authority's efforts to provide rental assistance for individuals and families earning lower incomes and the modernization and maintenance of existing affordable housing.

Policy HE-3.2 **Homebuyer Assistance.** Support and increase opportunities for residents and Upland employees to achieve homeownership through the provision of financial or regulatory assistance where feasible.

Policy HE-3.3 **Special Needs.** Address the special housing needs of seniors, families with children, disabled people, homeless people, and others with special needs through proactive strategies aimed at housing production and assistance.

Policy HE-3.4 **Collaborative Partners.** Work collaboratively with nonprofit, for-profit, and faith-based organizations in the community to address the housing and supportive services of residents and those with special housing needs.

Policy HE-3.5 **Affordable Housing Preservation.** Support the maintenance, rehabilitation, and continued long-term preservation of publicly subsidized rental housing affordable to lower-income and special needs households.

Policy HE-3.6 **Mobile Homes.** Preserve the long-term affordability, condition, quality, and viability of mobile home parks in the community through rent stabilization and proactive maintenance and repair of units.

Policy HE-3.7 **Fair Housing.** Promote equal and fair housing opportunities for residents from all walks of life to allow for adequate choice to purchase or rent a home or live in a neighborhood that is best suited to their individual needs.

B. Housing Programs

Programs for Housing and Neighborhood Quality

Program 1: Code Enforcement

The Code Enforcement program is intended to ensure compliance with municipal codes to maintain the value and safety of property and structures. The program addresses hazardous vegetation, substandard buildings, accumulation of debris and vehicles, yard sales, graffiti, stormwater drainage, green pools, construction without a permit, land use violations, and various other health and safety codes. The City's code enforcement officers work with residents and the business community to remedy code violations in a timely manner. The code enforcement program also includes graffiti removal. This program is essential to maintaining and improving the safety, livability, and value of properties in the City of Upland.

Objective(s):

- Continue to implement code enforcement activities throughout the planning period to ensure full compliance with City ordinances. Inspect up to 4,300 units annually.
- Develop abatement process by October 2022 for buildings where the property owner does not remedy substandard housing conditions; utilize the Administrative Citations Ordinance to obtain code compliance.
- Refer property owners to assistance programs (e.g., Program 2)

Responsible Agency: City Housing Division
Funding Source(s): CDBG Funds; General Funds
Time Frame: Ongoing

Program 2: HOME Improvement

The HOME Improvement Program provides loans of up to $90,000 to lower income households for repair work to single-family owner-occupied homes. Funds must be used to correct code deficiencies in the structure. Eligible improvements include electrical, plumbing, kitchen and bathroom improvements, furnace and hot water heater replacement, home painting, structural upgrading, roofing, foundation and drainage improvements, disabled access, windows, doors and frames, rodent and pest extermination and repairs, fence improvements, and energy conservation. Loans are deferred at 0% or 3% interest and are due upon sale or transfer of property, 30 years or no longer occupied as a primary residence, whichever is less. The City will promote the availability of the HOME Improvement Program through the City website, word of mouth and articles in City newsletter on a yearly basis.

Objective(s):

- Provide up to 4 HIP loans annually to qualified low- and moderate-income (1 VL, 3 Low) homeowners earning less than 80% of CMFI.

- Annual outreach to developers

Responsible Agency: City Housing Division
Funding Source(s): CalHome; HOME; Housing Rent Revenues
Time Frame: Ongoing; annual promotion in the City newsletter

Program 3: Emergency Repairs for Homeowners

- The Emergency Repairs Program for Upland Homeowners Program provides a grant of up to $10,000 for emergency repairs. The grant is eligible for very-low-income homeowners of single-family homes, condominiums, and mobile homes. The grant can be increased to $12,000 for homeowners wishing to provide a dollar-for-dollar match above the $4,000 emergency grant limit. Qualifying home repairs include structural, mechanical, plumbing, electrical, and code violations, as well as weather-proofing, installation of low-flow toilets and smoke detectors, HVAC repairs, and accessibility improvements. This program works in tandem with the code enforcement program where income qualified homeowners who have housing units with code violations can be referred to seek grants to make necessary repairs. The City will promote the availability of the HOME Improvement Program through the City website, word of mouth and articles in City newsletter on a yearly basis.

Objective(s):

- Provide grants to up to 25 (VL) qualified homeowners annually to address emergency repairs; disseminate information to property owners; and seek additional funding for the program to ensure its long-term viability.

- Annual outreach to developers

Responsible Agency: City Housing Division
Funding Source(s): CDBG Funds; Housing Rent Revenues
Time Frame: Ongoing and Annual Basis

Program 4. Rental Acquisition and Rehabilitation

The Rental Acquisition and Rehabilitation Program (RARP) is designed to assist lower income tenants (whose combined family income does not exceed 80% of the County median income) by providing Upland landlords with loans to acquire multi-family units and rehabilitate their multi-family properties. The program offers zero interest deferred loans of up to $30,000 per dwelling unit for rehabilitation expenses. Eligible improvements include structural, roofing, insulation, plumbing, electrical, lead paint abatement, accessibility improvements, foundation work, habitability, health and safety, etc. Code violations take precedent. The minimum affordability covenant may be 5, 10, 15 and up to 55 years depending on the project, the loan amount, and the funding source used for the rehabilitation loan. The City will reach out to existing RARP participants annually to extend loans and affordability provisions to the extent funding is available.

Objective(s):

- Continue to provide RARP grants to up to 4 units annually to address properties with substantial rehabilitation or maintenance needs.
- Work to pursue and purchase properties defaulting on local taxes to remove substandard housing.

Responsible Agency: City Housing Division
Funding Source(s): Home Funds; Housing Rent Revenues
Time Frame: Ongoing and Annual Basis

Programs to Improve Housing Opportunities

Program 5: Adequate Sites to Accommodate Regional Housing Needs

The sites analysis presented in Appendix B indicates that relatively little vacant land suitable for residential development remains in Upland; therefore, most future residential development – especially higher-density housing to facilitate affordable housing – will occur on properties that have previously been used for non-residential purposes but are now underutilized and ripe for residential redevelopment.

The Regional Housing Needs Assessment (RHNA) for the 2021-2029 planning period assigned Upland a new housing need of 5,686 units, of which 2,543 (45%) are in the lower-income categories. To address the current shortfall in capacity for potential housing development the City will process zoning amendments for sites totaling at least 42.9 acres with allowable densities of 30 units/acre during 2022-2024 to fully accommodate the City's remaining housing need. Rezoned sites will be selected from the candidate sites listed in Appendix B and will comply with the requirements of Government Code §65583.2(h) and (i).

• permit owner-occupied and rental multifamily uses by-right for developments in which 20 percent or more of the units are affordable to lower income households. By-right means local government review must not require a CUP, planned unit development permit, or other discretionary review or approval.

• accommodate a minimum of 16 units per site;

• require a minimum density of 20 units per acre; and

• at least 50 percent of the lower-income need must be accommodated on sites designated for residential use only or on sites zoned for mixed uses that accommodate all of the very low and low-income housing need, if those sites:

o allow 100 percent residential use, and

o require residential use occupy 50 percent of the total floor area of a mixed-use project.

To address AFFH goals (see Appendix C) and improve access to a diverse array of housing opportunities for all Upland residents including members of protected classes, the City will seek to expand affordable rental housing opportunities north of Foothill Boulevard by encouraging multi-family affordable rental housing developments as part of infill projects or as part of Specific Plans where mixed-use and flexible residential uses are allowed. (see also Program 19)

The adequate sites rezoning program will include a provision that on any non-vacant sites identified in Appendix B that were listed in a previous Housing Element sites inventory, or vacant sites that were listed in two previous consecutive inventories, residential development will be allowed by-right when a housing project provides at least 20 percent of the units affordable to lower-income households in compliance with Government Code Sec. 65583.2(c),

Development on any site listed in Appendix B that proposes to demolish existing housing units shall be subject to a policy requiring the replacement of affordable units as a condition of any development on the site pursuant to Government Code Sec. 65583.2(g)(3). Replacement requirements shall be consistent with those set forth in Section 65915(c)(3).

To facilitate housing development, zoning regulations, development standards and fees will continue to be posted on the City website and updated annually, and the City will establish written procedures for streamlined review consistent with Government Code Section 65913.4 (SB 35) by December 2022.

Objectives:

- Process amendments to the General Plan and zoning regulations to make adequate sites available to accommodate the City's RHNA allocation for the 2021-2029 planning period.
- Seek to expand affordable rental housing opportunities north of Foothill Boulevard by encouraging multi-family affordable rental housing developments as part of infill projects or as part of Specific Plans where mixed-use and flexible residential uses are currently allowed.
- Post zoning, development standards and fees on the City website annually throughout the planning period
- Establish procedures for streamlined permit review by October 2022
- Monitor progress annually through Annual Progress Reports

Responsible Agency: City Planning Division
Funding Source(s): State grants; General Fund
Time Frame(s): General Plan and zoning amendments by October 2022; annual progress reports and website updates

Program 6: Specific Plans

Upland has developed specific plans to guide development of key areas in the community according to smart growth principles. These include the creation and restoration of diverse, walkable, compact, vibrant, mixed-use communities composed of the same program components as conventional development, but assembled in a more integrated fashion. These contain housing, workplaces, shops, entertainment, schools, parks, and civic facilities essential to the daily lives of the residents, all within easy walking distance. The intent is to design complete neighborhoods that are coherent, visually attractive, and integrated. Specific plans with remaining development capacity include the Enclave, Villa Serena and Sycamore Hills.

The Historic Downtown Upland Specific Plan was adopted in 2012. This specific plan covers the City's historic core and contains a transit station, civic center, parks, schools, housing, and commercial uses. The specific plan denotes nine districts, each with a defined purpose and mix of land uses. To facilitate the production of multiple-family housing, especially affordable housing, the Plan allows for more than 1,000 new housing units, with multiple-family and mixed uses allowed by-right at densities of up to 55 units per acre. The City is working with developers to build affordable senior housing, townhomes, and mixed-use projects. The City will continue to manage the implementation of this plan, which includes strategies and priorities to increase housing opportunities within the district.

Objective(s):

- Continue to implement specific plans throughout the planning period to facilitate the development of high-quality infill residential development in Upland.
- Process amendments needed to encourage the production of housing for all income levels, in particular for lower- and moderate-income households concurrent with zoning amendments described in Program 5.

Responsible Agency: City Planning Division
Funding Source(s): General Funds
Time Frame(s): Ongoing

Program 7: Reduce Potential Constraints to Housing Development

Housing cost is affected by the time required for review and approval as well as the perception of development approval certainty. While the development review process in Upland is not considered to create unreasonable constraints to new housing, the City will process an amendment to the Zoning Ordinance to eliminate use permit (AUP or CUP) requirements on residential development and establish objective development and design standards for projects that are eligible for ministerial review. In addition, the garage requirement will be eliminated for multi-family development.

Objective(s):

- Reduce the time and cost of development
- Process a Code amendment by December 2022.

Responsible Agency: City Planning Division
Funding Source(s): General Funds
Time Frame(s): Code amendment by December 2022

Program 8: Accessory Dwelling Units

The Upland Municipal Code allows accessory dwelling units (ADUs) in all residential zones. ADUs provide additional income for the homeowner, while also providing affordable housing opportunities for family members, students, caretakers, seniors, and other individuals seeking housing in Upland.

In 2021 the City received approval for a State SB 2 grant to prepare an ADU Assessment, Workbook and Website. Encouraging the development of ADUs is one of several ways to increase housing production in the City. This activity will include conducting an assessment that will be looking at ADU capacity within the City, preparation of pre-approved ADU plans to reduce the cost to property owners. This activity will provide sample floor plans, useful videos, a list of local regulations, and a cost calculator to assist homeowners in developing ADUs. These tools will encourage and assist in developing ADUs in Upland.

To ensure that City regulations remain consistent with State laws, the City will review ADU regulations each year and process Code amendments as necessary to incorporate any changes. The City will continue to monitor the extent of ADU production to ensure that the ordinance is being successful and that the Housing Element goals and RHNA production can be met.

Objective(s):

- Encourage ADU production through preparation of an ADU assessment, workbook and website with pre-approved plans.
- Review State ADU law annually and process amendments to local regulations as necessary to ensure conformance with current law.
- Track the number of ADUs produced annually by type and residential covenants issued during the planning period. The City will review ADU production annually and if permits fall short of projections, additional incentives and strategies will be implemented to further encourage ADU construction.

Responsible Agency: City Planning Division
Funding Source(s): General Funds
Time Frame: Code amendment by December 2022 and as necessary thereafter on an annual basis

Program 9. Water Priority System

The City Public Works Department, San Antonio Water Company, West End Consolidated Water Company, and MWD provide water to Upland residents. The Inland Empire Utilities Agency (IEUA) provides sewer services. Senate Bill 1087 (2005) requires all local governments to transmit a copy of the Housing Element to water and sewer service providers that serve their community. It also requires water and sewer providers to have a policy that gives priority for service allocations to proposed projects with housing units affordable to lower-income households if a shortfall in supply occurs. Because the City is a majority owner in two water utilities (except for MWD), the City will actively encourage these entities to draft and adopt a water priority system. The City will also notify IEUA of their responsibility under state law upon adoption of the Housing Element.

Objective(s):

- Notify water and sewer providers of requirements for a water and sewer priority system by December 2022.

Responsible Agency: Public Works Department
Funding Source(s): General Funds
Time Frame: December 2022 and Ongoing

Program 10. Neighborhood Improvements

Having adequate public facilities is essential for a complete community. These services provide a high quality of life for residents and workforce, improve property values, and increase City revenues that are available to fund and expand City services. This includes the improvement and maintenance of libraries, sewer system, school services, drainage and water system, police and fire, parks and recreational facilities, private recreation facilities required for new residential development, and other services. The City prepares a capital improvement program on an annual basis to identify and prioritize the improvements needed. Certain services are tied more directly to specific plan areas, others to private developments, and others to the entire community. The City of Upland will review neighborhood improvement needs on an annual basis and continue to make such infrastructure and service improvements that further the vision of the City Council through the annual budget process.

Objective(s):

- Continue monitoring, planning, and programming for public improvements that serve the community on an annual basis.

Responsible Agency: City Planning Division, Public Works
Funding Source(s): General Funds, Measure I, CDBG
Time Frame: Annual review and budgeting

Programs for Housing Assistance

Program 11. Homeownership Assistance

The Housing Division provides low-interest FTHB loans, as funds are available, to help individuals and families who wish to purchase a home, but are unable to qualify and/or do not have the necessary down payment. This program is designed to help persons who would not otherwise achieve the American dream of owning their own home. A program loan is a silent second mortgage; a 0% to 3% simple interest loan (interest free after 20 years) with all payments deferred until the first occurrence of sale, refinancing, full payment of the first mortgage, or 30 years. As of 2021, the maximum assistance is 30% of the purchase price and the home price cannot exceed $669,750. Because the program is dependent on State HOME funding, and due to loss of RDA funds, it is necessary to seek additional grants to continue and expand the program.

Objective(s):

- Continue to provide up to 2 FTHB loans annually to qualified low-income homebuyers and advertise program availability.
- Annually evaluate the City's funding capacity and as needed, pursue additional HOME/CalHOME funds from HCD.

Responsible Agency: City Housing Division
Funding Source(s): HOME, CalHOME, and Housing rental revenues
Time Frame: Ongoing and Annual Basis

Program 12: Rental Housing Assistance

On behalf of the Upland Housing Authority, the Housing Authority of San Bernardino County is responsible for implementing the Section 8 rental assistance program. Under this program, the Housing Authority extends rental subsidies to very-low-income households who spend more than 30% of their gross income on housing. Rental assistance not only addresses housing affordability but also overcrowding, by allowing families that "double up" to afford their own unit. The Upland Housing Authority is also responsible for managing public housing in Upland, the public housing modernization program, and partnering with the City on various affordable housing programs and outreach.

Objective(s):

- Continue to participate in the federal housing choice voucher program and family self-sufficiency program.

Responsible Agency: Upland Housing Authority
Funding Source(s): HUD housing choice vouchers
Time Frame: Ongoing

Program 13. Housing Incentives

Upland implements a toolkit of incentives to facilitate the construction of affordable and market rate housing. These include a density bonus ordinance, a minor modification and variance process, lot consolidation efforts, etc. Lot consolidation is encouraged when developers initially approach the City with preliminary applications and will be facilitated through expedited processing and fee waivers when affordable units are provided. The density bonus ordinance (Municipal Code Chapter 17.17) allows the development of additional units and the provision of regulatory/financial incentives for projects providing affordable units. Both the minor modification and variance processes facilitate infill development. Financial assistance may also be provided subject to availability.

Objective(s):

- Update the Density Bonus Ordinance by October 2022
- Continue to permit and encourage density bonuses, lot consolidations, and other means to build market-rate and affordable housing. Advertise the availability of incentives at the planning public counter and through the development review process.

Responsible Agency: City Planning Division
Funding Source(s): General Funds
Time Frame: Code amendment by October 2022; Ongoing

Program 14: Mobile Home Rent Stabilization

The City's Mobile Home Rent Ordinance is intended to protect occupants of from unreasonable rent increases while still recognizing the need for park owners to receive a reasonable return on investment and increase rents at a rate sufficient for covering the costs of repairs, maintenance, insurance, upkeep, and amenities. Under the Mobile Home Rent Ordinance, the annual rent increase is indexed to the consumer price index. The Ordinance

covers six mobile home parks: Mountain View Estates, Oasis Mobile Estates, Upland Cascade, Upland Eldorado, Upland Meadows Mobile Estates, and Upland View Terrace. The City had been updating the Rent Review ordinance in response to community concerns, but the process is on hold while the courts decide the legality of rent stabilization laws.

Objective(s):

- Continue to enforce the Mobile Home Rent Ordinance to preserve mobile home affordability throughout the planning period consistent with State law.

Responsible Agency: City Housing Division
Funding Sources: General funds
Time Frame: Dependent on litigation; Ongoing

Program 15: Affordable Housing at Risk of Conversion to Market Rate

The City periodically monitors its affordable housing projects to determine properties at risk of conversion. A total of 176 lower-income rental units are at risk of conversion by 2031. In 2022 and each year thereafter City staff will contact property owners to discuss options for extending affordability covenants for units at risk of conversion and will also notify qualified entities if a project is proposed for conversion. Notification will incorporate State preservation notice law (Government Code section 65863,10, 65863.11, and 65863.13) to inform the property owners of their responsibilities to tenants beginning three years before the property's potential conversion to market-rate.

Objective(s):

- Monitor publicly assisted low-income rental units at risk of conversion; support efforts to preserve the units through grants, tax credits, bonds, and transfer of ownership to entities willing to keep the units affordable.
- Inform tenants and property owners of their rights and responsibilities to provide adequate notice and other procedures if an affordable project is proposed for conversion to market rate housing.

Responsible Agency: City Housing Division
Funding Source(s): General Fund, Housing Rent Revenue Fund
Time Frame: Annual review and outreach

Program 16: Homeless Services and Facilities

The City of Upland seeks to proactively address the needs of the homeless population by encouraging production of emergency shelters, transitional housing, supportive housing, and single-room-occupancy units. Transitional housing and supportive housing must be permitted as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone (Gov. Code, § 65583(a)(5)). In 2018 AB 2162 amended State law to require that supportive housing also be a use by-right in zones where multi-family and mixed uses are permitted, including non-residential zones permitting multi-family uses, if the proposed housing development meets specified criteria. Regulations and management standards for emergency shelters must be objective and encourage and facilitate the development of, or conversion to, emergency shelters, and are subject to the same development and management standards applicable to residential or commercial development within the same zone except for those standards prescribed by Government Code section 65583 (a)(4)(A). AB 139 (2019) modified the allowable parking standards for emergency shelters. AB 101 (2019) added the requirement that *low barrier navigation centers* meeting specified standards be allowed by-right in areas zoned for mixed use and in non-residential zones

permitting multi-family uses pursuant to Government Code §65660 et seq. The City will review current development standards for these facilities and process a Code amendment to ensure that regulations regarding emergency shelters, transitional housing, supportive housing and low barrier navigation centers are consistent with State law.

Objective(s):

- Amend City regulations regarding emergency shelters, transitional housing, supportive housing and low barrier navigation centers consistent with State law.

Responsible Agency: Development Services Department,
Funding Sources: General Fund, Housing Rent Revenue Fund
Time Frame: Code amendment by December 2022

Program 17: Administrative Capacity

The dissolution of redevelopment agencies and loss of funding has required many cities to look for ways to activate the nonprofit sector and seek to collaborate and leverage resources to address community needs. The City has many active nonprofit organizations to address local needs. As the City continues to realign resources, augmenting its administrative capacity is a key concern. The City will leverage available resources through annual outreach and coordination with local non-profit organizations to maximize the benefits to lower-income households and persons with special needs.

Objective(s):

Utilize faith-based organizations, other non-profits, San Bernardino County Housing Authority, County, and other stakeholders and create a network of community and mainstream resources. The City will develop and implement a Homeless Services Plan that addresses:

- Community Outreach, Engagement, and Education Initiatives
- Treatment and Permanent Supportive Housing Initiatives
- Housing First/Rapid Re-housing Initiatives
- Chronic Homelessness
- Enforcement

Responsible Agency: Police Department
Funding Sources: General Fund, PLHA, CDBG and Housing Fund
Time Frame: Annual outreach and coordination with local non-profit organizations

Program 18: Housing for People with Disabilities or other Special Needs

The City of Upland encourages the provision of housing to serve the needs of persons with disabilities or other special needs, including residential care facilities, senior housing, transitional housing and supportive housing, and employee housing. The City will monitor changes to State law and process amendments to the Municipal Code annually as necessary to ensure that City regulations are consistent with State requirements. The City of Upland also has many organizations that serve persons with disabilities, including those with developmental disabilities. This includes OPARC Center, Easter Seals Development Center, Salem Christian Homes, and other organizations.

Objective(s):

- Monitor changes in State law and process amendments annually to the Municipal Code as necessary to ensure that City regulations are consistent with State requirements. Support agencies in seeking funding, as available, for the provision of housing and services for people with disabilities, including developmental disabilities. Reach out to potential developers or service agencies as part of the annual Action Plan solicitation for CDBG.
- Create reasonable accommodation process and procedure by December 2022 to allow flexibility in land use, building, and development standards to accommodate people with disabilities.
- Amend use standards and parking regulations for small residential care facilities by December 2022 to be the same as for other residential uses of the same type in the same zone consistent with State law.
- Review and amend regulations and parking standards for large (7+) residential care facilities by December 2022 to replace or modify the CUP requirement to provide greater objectivity and development certainty for residential care facilities serving 7 or more persons in all residential zones.
- Amend regulations for employee housing consistent with the Employee Housing Act by December 2022.
- Amend the Zoning Code by December 2022 to either remove the definition of family or to revise the definition removing detailed descriptions that may not be needed for zoning purposes
- Assist in the development of housing for persons with special needs, including 792 extremely-low-income households, throughout the planning period through priority processing, granting fee waivers or deferrals, modified development standards, concessions and incentives for housing developments that include units affordable to extremely-low-income households; assisting and supporting funding applications; and annual outreach and coordination with affordable housing developers.

Responsible Agency: City Housing Division; Development Services Department
Funding Sources: General fund
Time Frame: Code amendments by December 2022; Annual monitoring, outreach and coordination

Program 19: Affirmatively Furthering Fair Housing

Upland implements programs to promote fair housing opportunities for all persons, regardless of protected status. As an entitlement jurisdiction, Upland prepares an Analysis of Impediments to Fair Housing Choice (AI) to periodically identify constraints or obstacles to fair housing opportunity. The City also contracts with the Inland Fair Housing and Mediation Board (IHFMB) to provide fair housing services that affirmatively further fair housing. Services include landlord and tenant education, community outreach and advocacy, and enforcement of fair housing laws. IFHMB also implements the policies and recommendations, where applicable, articulated in Upland's AI.

Objective(s):

- Promote fair housing practices through contract with IFHMB. Comply with all State and federal fair housing requirements when implementing housing programs or delivering housing-related services.
- Continue to prepare the Analysis of Impediments to Fair Housing Choice as required under federal law; implement the recommendations to improve fair housing as contained therein.
- Disseminate fair housing outreach materials at the library, website, and counter so that residents and landlords are aware of their rights, responsibilities, and opportunities for resolving fair housing concerns.

- Monitor residential and commercial developments that may impact ridership potential for expanded fixed route service north of the 210 Freeway and if any new developments in this area have the potential to generate ridership, the City will share this information with Omnitrans for consideration in future transit planning.
- The Upland Development Services Department and IFHMB will continue providing educational opportunities for property owners, property managers, and residents in Upland concerning the law as it pertains to reasonable accommodations and reasonable modifications. The City will contract with IFHMB to provide two workshops per year in the City, with one workshop per year serving as a general introduction to fair housing laws and possible discrimination, and one workshop each year being specifically focused on housing issues faced by persons with disabilities and the reasonable accommodation and modification processes. The City will also contract with IFHMB at least once during the planning period to fund matched pair testing in Upland to address issues of possible discrimination based on disability as well as race, familial status, national origin, disability and other protected categories.
- To foster development of a balanced community that provides access to a diverse array of housing opportunities for all Upland residents including members of protected classes, the City will seek to expand affordable rental housing opportunities north of Foothill Boulevard by encouraging multi-family affordable rental housing developments as part of infill projects or as part of Specific Plans where mixed use and flexible residential uses are currently allowable. (see also Program 5)
- Encourage continuing stakeholder involvement in local housing issues through ongoing, proactive outreach to engage members of all socio-economic groups and recruit members of underrepresented groups to participate in City meetings.

Responsible Agency: City and Inland Fair Housing and Mediation Board
Funding Sources: CDBG Funds
Time Frame: Ongoing and Annual Basis

Quantified Objectives

Subject to availability of funding, **Table H-19** summarizes the City's quantified objectives for the 2021-2029 planning period.

Table H-19 Housing Element Quantified Objectives

Housing Program Area	Households Assisted by Income Level				
	Ext. Low	Very Low	Low	Moderate	Above Mod
New Construction[1]	792	792	959	1,013	2,130
Housing Rehabilitation[2]	50	100	89	-	N/A
Housing Preservation[3]	-	-	176	-	N/A
Rental Assistance[4]	416	165	29	N/A	N/A
Homebuyer Assistance[5]	-	-	10	-	N/A
Mobile Home Rent Stabilization[6]	806				N/A
Code Enforcement Case Resolution[7]	20,000				N/A

Source: City of Upland, 2021.

Note: Quantified objectives dependent on continued funding.

[1] Housing construction goals refer to the provision of sites to address the 2021–2029 RHNA allocation.

[2] Housing rehabilitation goals include the Housing Improvement, Emergency Repairs for Homeowners, and Rental Acquisition and Rehabilitation programs.

[3] Housing preservation goals refer to the preservation of publicly subsidized units at risk of conversion to market rate.

[4] Rental assistance goals refers to the annual number of housing choice vouchers issued by the Upland Housing Authority.

[5] Homeownership goals refer to the City's homeownership assistance program.

[6] Mobile home rent stabilization goals refer to all units under the program, regardless of income level.

[7] Code enforcement refers to units inspected citywide and in focus areas.

Appendix A Evaluation of the Prior Housing Element

Section 65588(a) of the Government Code requires that jurisdictions evaluate the effectiveness of the previous Housing Element; the appropriateness of goals, objectives, and policies; and the progress in implementing programs for the previous planning period.

Table A1 summarizes the City's accomplishments in implementing the programs for the previous planning period. In addition, a cumulative evaluation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female headed households, farmworkers and persons experiencing homelessness) is described below.

The City of Upland implemented various programs as part of its previous cycle of the Housing Element in an effort to maintain its existing housing stock, conserve and improve existing affordable housing, increase housing production, provide assistance to households in need, create equal opportunity to housing, and comply with State law and code amendments.

A number of the City's programs addressed the housing needs of special needs populations during the previous cycle. Special needs populations include seniors, large families, single-parent households, people who are homeless, and people with disabilities. The City addressed the housing needs of special populations through the following programs:

- The Emergency Repair Program (ERP) - provides a grant for emergency repairs to single-family homes, condominiums, and mobile homes of very-low-income families. The grant is available to income eligible homeowners who live within Upland's city limits. Funding for this program is provided by Community Development Block Grant (CDBG) and/or local City funds and grants up to $ 15,000 are available for emergency repairs and/or code violations corrections on a first come, first served basis subject to type of emergency and annual appropriation caps.

- First Time Home Buyer Program – The Housing Division of the Development Services Department provides low-interest loans for First Time Home Buyers (FTHB) through HOME and Cal HOME funds. When funds are available, this program helps individuals and families to purchase a home if they are unable to qualify and/or raise the necessary down payment without financial assistance. This program is designed to help persons who would not otherwise achieve the American Dream of owning their own home. Loan are structured as a second mortgage at 3% simple interest- with all payments deferred until the first occurrence of sale, refinancing, or full payment of the first mortgage.

- The Home Improvement Program is funded by HOME and CalHOME funds and provides 30-year deferred, zero or 3% interest loan up to $90,000 for qualifying repairs. This program targets lower-income homeowners who cannot secure conventional funding for repairs.

- Affordable Housing – There are currently 10 affordable rental housing complexes in the City that offer a total of 732 affordable units at the following sites: Coy D. Estes Senior Housing, Los Olivos Housing Authority of the County of San Bernardino, The Village Apartments, Sunset Ridge Apartments, Magnolia

Colony Apartments, Northwoods Apartments, Arbor Park Apartments, Alpine Woods, Mountain Springs Apartments and Ninth Street Terrace Apartments.

• Families and Individuals in Need of Emergency Shelter / Homelessness – The City of Upland is actively engaged in supporting residents experiencing homelessness by providing direct Outreach Services through the U-HOPE program implemented by the Upland Police Department. Homelessness occurs for a variety of reasons and requires different resources and services for each homeless individual, serving the needs of this population is complex. The City aims to provide a system that coordinates and focuses resources to those most in need and least able to advocate for themselves. People experiencing homelessness in Upland can be connected to Emergency Shelters, Substance Abuse Programs, and the County Coordinated Entry System (2-1-1). Available services include clothing, food, childcare, health care, government resources, transportation, local libraries and afterschool programs, donation information and volunteer information. Service locations include the following:

Abundant Living Family Church
Hours: Tuesday & Thursday, 4 p.m.-7 p.m. Saturday 10 a.m.-1 p.m.
9269 Uticia Ave. #125 Rancho Cucamonga, CA 91730
(909) 987-7110

Citylink—Food Bank Only
Hours: Tuesday and Thursdays 2: p.m. - 6 p.m.
16779 Spring St. Fontana, CA
(909) 803-1059

Foothill Family Shelter
Hours: Tuesday-Friday, 9:00a.m.-5 p.m.
1501 W. 9th Street, Ste D Upland, CA 91786
(909) 920-0453

St. Joseph's Church—Food Bank His Hands Ministry (Upland only)
Hours: Monday-Thursday, 9 a.m.-11 a.m. Saturday 7:00 a.m. - 2 p.m.
937 N. Campus Ave. Upland, CA 91786
(909) 981-8110

Salvation Army
Hours: Monday-Friday, 9 a.m.-10:30 a.m.
412 S. Euclid Ave., #408 Ontario, CA 91762
Food Bank (909) 986-6748 Shelter (909) 888-4880

GAP—Food Bank
Thursdays only 4 p.m. - 6 p.m
8768 Helms Ave Rancho Cucamonga, CA 91730
(909) 945-1020

Para Los Niños
Family Services Hours: Tuesday-Friday, 9 a.m.-1 p.m.

1205 N. Baker Ave
Ontario, CA 91764
(213) 413-1466

Inland Valley Hope Partners
Hours: Monday-Thursday, 8:00 a.m.-6 p.m.
1753 Park Avenue.
Ontario, CA 91762
(909) 622-3806

Table A1. Program Accomplishments, 2013–2021 Housing Element

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Code Enforcement	Ensure compliance with municipal codes and maintain value and safety of property and structures.	Ongoing	The City has continued to provide code enforcement services. This program is successful and should be continued.
Home Improvement	Provide Home Improvement loans to qualified low and moderate income homeowners earning less than the 80% Area median Income.	Ongoing	Due to the decrease of the State after rehabilitation value limits to $285,000 and the long-awaited approval to increase said value limits, staff has struggled to provide assistance to any potential qualified applicants. This program should be continued.
Emergency Repair Program	Provide grants to qualified homeowners to address emergency repairs.	Ongoing	This program continued to provide grants to qualified homeowners to address emergency repairs. During 2014-2020 92 households were assisted through the Emergency Repair Program. This program helps to avoid deterioration and should be continued.
Rental Acquisition and Rehabilitation	Continue to provide grants to address properties with substantial rehabilitation or maintenance needs.	Ongoing	No units were assisted during 2014-2020 due to dissolution of the Redevelopment Agency. This program helps to avoid deterioration and should be continued if funding is available.
Historic Preservation	Continue to support the preservation of historic properties through a variety of planning, zoning, rehabilitation, and other incentives.	Discontinued	The Historic Home Rehabilitation Program has been defunded, however, if there is an opportunity to preserve a Historic Home for affordability purposes, the city will assist in that activity.
Five Star Rental Recognition	The objective is to continue this program and disseminate information to landlords to encourage their participation in the Five Star Rental Recognition Program.	Discontinued	This program was discontinued in 2016.
Specific Plans	Continue to implement remaining specific plans to facilitate the development of high quality infill residential development in Upland.	Ongoing	The City continued to implement the remaining specific plans in order to facilitate the development of high quality infill residential development in Upland. This program is an important strategy for effective land use planning and should be continued.
Historic Downtown Specific Plan	Continue to implement the Historic Downtown Specific Plan to facilitate the development of high quality infill residential development in Upland.	Ongoing	The City continued to implement the Downtown specific plan. This program is an important strategy for effective land use planning and should be continued.
Secondary Units	The City will continue to support the production of second units and guest quarters that meet the requirements in the municipal code.	Ongoing	The City continued to support the production of accessory units and in 2021 the ADU Ordinance was updated consistent with State law. This program is an important component of the City's overall housing strategy and should be continued.
Green Valley Initiative	Participate in the Green Valley Initiative's regional meetings and outreach efforts to promote a healthy economic and environmental future. Continue implementation of the City's other green	Ongoing	The City continued to participate in this collaborative effort. As of 2021 the City participates in 4 open PACE programs. This program supports energy conservation and should be continued.

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
	initiatives, including waste management, water conservation and use, and CalGreen programs.		
Water Priority System	Encourage water and sewer providers to have a water and sewer priority system in place in compliance with state housing law.	Ongoing	The City actively participated in the establishment of a water and sewer priority system. This program supports infrastructure for new housing and should be continued.
Neighborhood Improvements	Continue monitoring, planning, and programming for public improvements that serve the community.	Ongoing	The City continued to make such infrastructure and service improvements to further the vision of the City Council. This program supports infrastructure for new housing and should be continued.
Homeownership Assistance	Continue to provide up to 2 FTHB loans annually to qualified low income homeowners and advertise program availability. Annually evaluate the City's funding capacity and as needed pursue additional HOME / CAL HOME funds.	Ongoing	During 2014-2020 there were 2 FTHB loans granted. This program supports home ownership for low-income households and should be continued.
Rental Housing Assistance	Continue to participate in the federal housing choice voucher program and family self-sufficiency program allocating.	Ongoing	According to the Housing Authority of the County of San Bernardino, the Upland Housing Authority served vouchers to 619 families. This program supports rental housing affordability and should be continued.
Housing Incentives	Continue to permit and encourage density bonuses, lot consolidations, and other means to build market rate and affordable housing. Amend the Zoning Code to allow half covered/ uncovered spaces for studio and 1-bedroom units in projects outside the downtown and mixed use corridors provided the project qualifies for a density bonus or is deed restricted as affordable. Advertise the availability of incentives at the planning public counter and through the development review process.	Ongoing	The Development Code Update was adopted on September 28, 2015. The update provided modifications to the Development Code that were recommended in the Housing Element. These included providing for residential care facilities (7 or fewer) by right in all residential zones. New provisions were also provided for Supportive and Transitional Housing, Emergency Shelters, Child Care/Day Care, SROs, and efficiency units. This program supports production of new housing, including affordable units, and should be continued.
Mobile Home Rent Stabilization	Continue to enforce the Mobile Home Rent Ordinance; complete review and revisions to the Rent Ordinance after the courts complete proceedings on the legality of rent stabilization	Ongoing	The City has placed the proposed revisions to the existing ordinance on hold until the court proceedings have been completed.
Housing at Risk of Conversion	Monitor publicly assisted multiple units at risk of conversion; support efforts to preserve the units through grants, tax credits, bonds, and transfer of ownership to entities willing to keep	Ongoing	The City continued to monitor affordable housing projects to determine properties at risk for conversion. This program is an important strategy for preserving existing affordable housing and should be continued.

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
	the units affordable. Inform tenants and property owners of their rights and responsibilities to provide adequate notice and other procedures if an affordable project is proposed for conversion to market rate housing.		
Low Income Housing Assistance	Offer expedited permit processing, contact developers annually about potential sites, and support applications of developers to build affordable housing that targets extremely low income households in Upland. Assist in the development of housing for lower- income households by outreaching to affordable housing developers, exploring available funding options, and supporting grant applications for housing.	Ongoing	This program is duplicative and should be combined with other programs that have similar purposes.
Homeless Services	Define shelters, transitional housing, and permanent supportive housing consistent with state law, permit shelters with a ministerial permit in the Industrial zone; and establish objective standards as allowed by state law. In all zones allowing residential uses, permit transitional and supportive housing as a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone.	Ongoing	The City continued to provide funding support to agencies that serve the homeless and at- risk homeless through the CDBG Program process and the City's Housing Fund. In 2013, a Homeless Shelter Stakeholders Group was formed to assist the implementation of this goal. The Development Code Update was adopted in the summer of 2015. In December 2019, the City hired a Homeless Coordinator to conduct and assist with homeless prevention activities. During CY2020, the City applied for and received a new affordable housing grant from the State that will provide funding to the Homeless Prevention Program for the next 3 years. Also, during CY2020, the City applied and received CARES CV1 and CV3 to provide additional funds to assist homeless prevention activity. This program is an important strategy for addressing the special needs of the homeless and should be continued.
Administrative Capacity	Utilize the Service Council to coordinate the City, faith-based organizations, other non-profits, Upland Housing Authority, County, and other stakeholders and create a network of community and mainstream resources. The Service Council will develop and implement a Homeless Services Plan that addresses: -Community Outreach, Engagement, and Education Initiatives -Treatment and Permanent Supportive Housing Initiatives -Housing First/Rapid Re-housing initiatives	Ongoing	The City has continued to work with the various organizations in San Bernardino County to create a Homeless Service Plan. The stakeholders team is comprised of individuals and organizations that have a desire to help the community and seek a positive change in the city, specifically, as it relates to those affected by homelessness. The team meets monthly in order to maintain an active effort to address the homeless issues. In December 2019, the City hired a Homeless Coordinator to assist with all homeless activities. During CY2020, the City applied for the Permanent Local Housing Allocation to assist the Homeless Coordinator with additional funds for the City's Homeless Prevention Program. Also, during CY2020, the City applied and received CARES CV1 and CV3 to provide additional funds to assist homeless prevention activity. This program is an important strategy for leveraging housing resources and should be continued.

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
	- Chronic Homelessness -Enforcement		
Housing for People with Disabilities	Amend the Zoning Code to define and allow residential care facilities serving six or fewer residents as a by-right use in all residential zones; remove or amend the definition of a family in the Zoning Code. Permit larger facilities with a CUP in two additional mixed-use zones. Support agencies in seeking funding, as available, for the provision of housing and services for people with disabilities, including developmental disabilities. Reach out to potential developers or service agencies as part of the annual Action Plan solicitation for CDBG. Create reasonable accommodation process and procedure as part of the Zoning Code Update to a low flexibility in land use, building, and development standards to accommodate people with disabilities.	2015	The Development Code Update was adopted on September 28, 2015. The update provided modifications to the Development Code that were recommended in the Housing Element. These included providing for residential care facilities by right in all residential zones (for those serving 6 or fewer residents), Supportive and Transitional Housing, Second Dwelling Units, Emergency Housing and Single Room Occupancy (SRO) in Mixed Use Zones and Efficiency Units. This program is an important strategy for addressing the special housing of persons with disabilities and should be continued.
Fair Housing	Promote fair housing practices through contract with IFHMB. Comply with all state and federal fair housing requirements when implementing housing programs or delivering housing- related services. Continue to prepare the Analysis of Impediments to Fair Housing Choice as required under federal law; implement the recommendations to improve fair housing as contained therein. Disseminate fair housing outreach materials at the library, website, and counter so that residents and landlords are aware of their rights, responsibilities, and opportunities for resolving fair housing concerns.	Ongoing	The City continues to promote fair housing practices and provide educational information to the public. This program is an important strategy for affirmatively furthering fair housing and should be continued.

Appendix B Sites Inventory

This appendix contains a parcel-specific inventory of potential sites that are suitable for housing development during the 2021-2029 planning period. Table B2 lists approved projects expected to be built during the planning period while Table B3 lists vacant sites zoned for residential development. Table B4 includes non-vacant "underutilized" sites with potential for additional residential development. Tables B5 and B6 list candidate sites to be considered for "upzoning" (increasing the allowable residential density from the current maximum to 30 units/acre) or "rezoning" (changing the allowable use from non-residential to multi-family residential/30 units/acre) to accommodate the current shortfall of potential housing capacity compared to the City's RHNA allocation. The locations of sites are shown in Figures B1 through B4.

Table B1. Sites Inventory Summary

	Lower	Moderate	Above Moderate	Total
Table B.3 Approved Projects	2	352	567	921
Table B.5 Vacant Sites	394	77	10	482
Table B.6 Underutilized Sites	711	863	5	1,579
Table B.7 Candidate Sites (upzoning)	4	615	8	627
Table B.8 Candidate Sites (rezoning)	-	285	26	311
ADUs	145	87	20	252
Total Potential Capacity	**1,256**	**2,279**	**636**	**4,171**
RHNA (2021-2029)	2,543	1,013	2,130	5,686
Adequate Sites? (shortfall)	(1,287)	1,266	(1,494)	(1,515)
Candidate Sites (upzoning net increase)	828	-	-	**828**
Candidate Sites (rezoning net increase)	1,316	-	-	**1,316**
Candidate Sites (total net increase)	2,144	-	-	**2,144**

To facilitate new housing production and address the community's housing needs, cities must ensure that sufficient land with appropriate zoning is available to accommodate the amount of additional housing need as determined through the Regional Housing Needs Assessment (RHNA). The City's land use plans and development regulations are discussed in Section 3 – Constraints. This section describes how the RHNA allocation for the 2021-2029 planning period will be accommodated, as summarized in Table B1. Provided below is a parcel-specific analysis of potential housing sites.

Approved Projects

New housing units approved and expected to be completed during the RHNA period are credited toward the City's new housing need based on the estimated income category of these units as shown in Table B3. Rental units were assigned to the moderate-income category while for-sale units were assigned to the above-moderate category unless affordability requirements have been established.

Potential Development on Vacant Sites

Upland is a mature community with only a small amount of vacant land suitable for housing development. Potential sites for housing development include sites zoned exclusively for residential use as well as sites where

zoning allows either residential or non-residential development. The realistic potential for housing on residentially-zoned sites has been estimated based on densities of recently approved multi-family and condo projects (Table B3). Project densities on sites allowing only residential use have ranged from 61% to 108% of the allowable maximum.

Potential Development on Sites Zones for Non-Residential or Mixed Use. In recent years several projects have been developed with a residential component despite non-residential also being allowed in the zoning district. One example is a 78-unit live-work project located at the corner of Central Avenue and 11th Street. Each unit is 3 stories with the upper two stories used as living space while the first story includes parking and a work area. At the time it was approved, this project was located in the Highway Commercial zone; however, the property has since been rezoned to Commercial Industrial Mixed Use (C/I-MU) consistent with the new General Plan. This zoning district is intended to accommodate a variety of industrial, regional retail, and support commercial activities to satisfy a range of shopping needs for residents and maximize the potential for job generation. This zone is situated at an important gateway to the City at the west end of Foothill Boulevard and along portions of Central and Benson avenues. Development in this zone is intended to include pedestrian-friendly sidewalks and landscaping to facilitate the transformation of this area into an attractive, welcoming gateway into Upland. This zone supports residential uses in the form of live/work developments. The maximum permitted non-residential FAR is 1.0, which facilitates residential development.

Another example of a successful residential project within the Commercial Residential Mixed-Use Zone (C/R-MU) is GFR Homes, a 37-unit townhome style condominium development. The C/R-MU Zone is intended to support the development of compact, walkable, and pedestrian-oriented districts with a combination of retail, local-serving commercial and medium-density multi-family developments. The preference for land uses consists of integrated, vertical mixed uses that facilitate an active street front by bringing buildings and building entrances to the street edge and providing pedestrian-friendly sidewalks, trees, landscaping and public plazas. The maximum permitted non-residential FAR is 1.0 with a maximum permitted residential density of 20 dwelling units per net acre, exclusive of City and state density bonuses. This zone provides opportunities for a mix of medium- to large-scale integrated mixed-use developments while ensuring a sensitive scaled transition to adjacent buildings and uses.

A recent 6-unit apartment development on San Antonio Avenue is located within the Business Residential Mixed-Use Zone (B/R-MU). This zoning district is intended for areas in which business and/or light industrial uses are compatible with residential or live/work units. The B/R-MU Zone provides an environment where residents can enjoy the convenience of living and working in close proximity. The intended development pattern consists of horizontal mixed uses that provide adequate buffering and transitions between residential and non-residential land uses. This zone supports residential units adjacent to non-residential uses such as: light manufacturing, assembly and offices. The maximum permitted non-residential FAR is 0.5 with a maximum permitted residential density of 20 dwelling units per acre. This zone provides opportunities for preservation of small- to medium-scale development and an authentic mix of building typologies and uses. The site was developed with 6 units (15 units/acre) with the retention of an existing single-family home.

In 2018 the Planning Commission approved a 203-unit apartment complex on a 4.5-acre site (46.9 dwelling units per acre) within the Colonies Specific Plan, Planning Area 4, which is a Mixed-Use Zone. The purpose of the mixed-use designation is to encourage development of higher-density housing with neighborhood commercial and restaurant uses.

Table B2 summarizes densities of recent residential developments in zones allowing commercial or mixed-use. For housing developments on sites where non-residential and mixed uses are allowed, densities of approved projects have ranged from 67% to 93% of the allowable maximum.

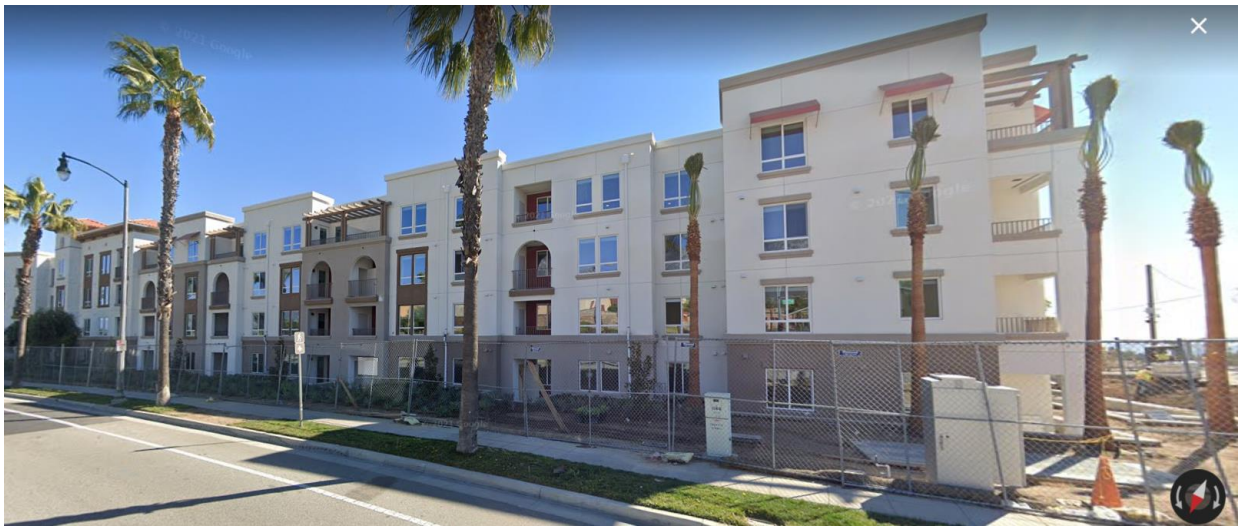
Table B2. Residential Developments in Mixed Use and Non-Residential Zones

Project	Project Type	Zoning District	Non-residential uses allowed?	Allowable Density (du/ac)	Project Density (% of max)	# of units
6 Unit Apartments (San Antonio)	Apartments	B/R-MU	Yes	20	15 (75%)	6
Alta Apartments	Apartments	PA-4 of Colonies SP	Yes	62	46.9 (76%)	203
11th & Central Mixed Use	Live-Work	C/I-MU	Yes	20	17.5 (88%)	78
Mt. Fuji (GFR)	Condominiums	C/R-MU	Yes	20	14.4 (72%)	37

Source: City of Upland, 9/2022

Other approved projects and property owner inquiries indicate strong interest high-density multi-family residential development in Upland. Examples include the following:

- This 4-story condominium development was approved at a density of 45 units/acre in The Colonies Planning Area 4. The zoning for this site is Specific Plan/Mixed Use, which allowed mixed-use or commercial development.



- Immediately adjacent to the 4-story condominium development in The Colonies Planning Area 4 is this approved 7-story apartment project at a density of 47 units/acre. The zoning for this site is Specific Plan/Mixed Use, which allowed mixed-use or commercial development.



- A 4-story 111-unit apartment project was approved at a density of 48 units/acre in the Historic Downtown Upland Specific Plan near the Metrolink Station. The site was created through the consolidation of 9 separate parcels totaling 2.3 acres. The project density is 88% of the maximum 55 units/acre allowed in this district. Zoning allowed commercial use on this site.

- Preliminary discussions regarding affordable and permanent supportive housing developments at a density of approximately 70 units/acre in the Historic Downtown Upland Specific Plan.

- Preliminary discussions regarding a 4-story 141-unit apartment project at a density of 55 units/acre (100% of maximum) in the Historic Downtown Upland Specific Plan. The property is currently occupied with older commercial buildings.

- Preliminary discussions regarding a 199-unit expansion of a senior apartment project at a density of 32 units/acre.

Based on these development trends, the realistic capacity of sites zoned for residential use only (i.e., where non-residential or mixed uses are not allowed) was conservatively estimated as 80% of the allowable density, while the capacity of sites permitting non-residential use was estimated at only 50% of the allowable density.

A parcel-specific list of vacant sites with potential for housing development is provided in Table B5. Potential new housing units on vacant sites are assigned to income categories based on allowable density and parcel size. Sites allowing a density of less than 15 units/acre are assigned to the above-moderate income category, while sites allowing a density of 15 to 29 units/acre are assigned to either the moderate or above-moderate income category. Sites that are at least ½ acre in size and where a density of 30+ units/acre is allowed may be assigned to any income category based on the "default density" specified in State law. Small sites less than ½ acre are assigned to either the moderate or above-moderate category.

Potential Development on Underutilized Sites

As with most of the older cities of Southern California where little vacant land remains, a significant portion of new residential development in Upland is expected to occur on underutilized non-vacant properties where additional housing units can be built or the existing uses can be replaced with higher-value development. In 2015, the City updated its General Plan and Municipal Code to incorporate mixed-use zones that allow additional opportunity for residential development in commercial areas. The purposes of the Mixed-Use zones are to:

1. Foster developments that provide a mix of related land uses close to one another, either within a single building, on the same parcel, or on adjacent parcels, in order to reduce reliance on the automobile, create pedestrian-oriented environments, and support social interaction by allowing residents to work or shop within walking distance to where they live;

2. Promote infill development, intensification, and reuse of currently underused sites consistent with the General Plan;

3. Establish design standards that improve the visual quality of development and create unified, distinctive, and attractive mixed-use corridors and centers;

4. Provide appropriate buffers and transition standards between commercial, industrial and residential uses to preserve non-residential and mixed-use feasibility and residential quality; and

5. Provide incentives for mixed-use (horizontal and vertical) development along main corridors and nodes to promote varied uses within a pedestrian-oriented environment.

To estimate the realistic capacity of development on non-vacant sites the City evaluated recent development trends including project applications and interest from local developers (Table B4). Although the zoning on several of these sites also allows non-residential uses, all of these projects are 100% residential at densities ranging up to 55 units/acre.

Pursuant to Government Code Sec. 65583.2(g)(2) when a city is relying on non-vacant sites to accommodate 50% or more of its lower-income housing need, the methodology used to determine additional development potential shall demonstrate that the existing use does not constitute an impediment to additional residential development during the period covered by the housing element. An existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period.

These examples show that existing uses on nonvacant properties do not constitute an impediment to redevelopment. The City is not aware of any leases on underutilized sites that would prevent housing development during the planning period.

Underutilized sites designated for residential or mixed-use development are listed in Table B6. The City's assumptions regarding the income categories and realistic capacity for underutilized sites are the same as for vacant sites described above. Most of these underutilized properties are in the Downtown or the Focus Areas identified in the General Plan Land Use Element and discussed previously in Section 3 - Constraints. As land and housing values have increased and the supply of buildable vacant land has been nearly exhausted, redevelopment of these areas has become financially feasible.

Sites Smaller than 0.5 acre or larger than 10 acres. Pursuant to Government Code 65583.2(c) sites smaller than 0.5 acre are assigned to the moderate- or above-moderate categories. No sites larger than 10 acres are included in the inventory of lower-income sites.

Accessory Dwelling Units

Under State law, two accessory dwelling units (ADUs) – one ADU and one "junior ADU" – may be permitted on most single-family residential lots. ADUs represent a significant source of new affordable housing that can be created within the fabric of existing residential neighborhoods.

In December 2020, SCAG published a study of ADU affordability in Southern California[4] and concluded that a significant portion of ADUs built recently have been affordable to low- and moderate-income households. SCAG determined that the following affordability assumptions are appropriate for San Bernardino County:

Very Low	Low	Moderate	Above Moderate
23%	35%	35%	8%

Source: SCAG 2020

ADU permits have steadily increased during the 2018-2021 period in Upland as follows:

- 2018: none
- 2019: 14 units
- 2020: 41 units
- 2021: 71 units

This 4-year trend shows that interest in ADU construction has increased significantly as homeowners have become familiar with the new regulations and the options provided for ADUs. Based on this trend and SCAG's analysis, it is assumed that an average of 31.5 ADUs per year (total of 252 during the 8-year planning period) will be produced in the income categories shown in **Table B1** above.

Candidate Sites for Upzoning or Rezoning

As seen in Table B1, the current capacity for additional housing based on current zoning is insufficient to accommodate the RHNA allocation in all income categories. As required by Government Code Sec. 65583(c)(1) candidate sites have been identified for either "upzoning" (i.e., increasing the allowable density of residential uses) or "rezoning" (i.e., changing the zoning designation from a non-residential designation to a residential or mixed-use designation). Table B7 and Table B8 show candidate sites to be considered for upzoning or rezoning as described in Program 6 in Chapter 5 - Housing Plan. The selection of candidate sites is based on the following factors:

- Residential development interest expressed by property owners or developers
- Site conditions indicating a property is suitable for development or redevelopment during the planning period, such as vacant buildings, for sale/for lease signs, low improvements-to-land (I/L) value ratio, buildings more than 30 years old, signs of deferred maintenance or deterioration, or low site utilization (i.e., current building floor area compared to market potential)

[4] https://scag.ca.gov/sites/main/files/file-attachments/adu_affordability_analysis_120120v2.pdf?1606868527

- Proximity to public transportation, employment and educational opportunities, and urban services such as shopping, medical facilities and parks
- No incompatible uses or adverse development conditions such as high noise levels, heavy truck traffic, sensitive biological habitat, flood hazards or wildland fire hazards

The additional potential capacity of these sites is estimated at 80% of allowable density for sites proposed for residential zoning and 50% of allowable density for sites proposed for mixed-use zoning.

Environmental Hazards and Availability of Infrastructure

As part of the sites analysis process the City reviewed environmental hazards and the availability of infrastructure to determine whether these issues could prevent the City from achieving the assigned housing need.

Environmental Hazards

None of the potential housing sites identified for the Regional Housing Needs Allocation are known to have environmental constraints that would preclude the development of housing. As reflected in each of the individual specific plan EIRs, none of the sites is on a fault, in an Alquist-Priolo zone, or in a 100-year flood plain. None of the sites is located on prime farmland or currently used for agricultural purposes. Several sites may be located on ground suitable for mining, but the sites are no longer used for active mining. Seismic and fire hazards require various mitigation features in residential construction to protect public safety, and are incorporated into the building code. These code requirements add to the cost of housing but are necessary to protect public safety.

Water Availability

The 2015 General Plan Update EIR projects water needs for the whole City (including development in the four specific plan areas with the housing inventory sites). In 2030, the City will need 23,141 acre-feet per year of water, according to the 2020 Upland Urban Water Management Plan. The dry-year scenario projects a supply of 24,662 AFY in 2030 and 25,689 AFY in 2035. Based on that analysis, the City is expected to have enough water to serve projected housing needs during the planning period.

Sewer Availability

The 2015 General Plan Update EIR analyzed the capacity of sewer lines and treatment facilities based on residential and non-residential build-out estimates would only require additional sewerage flow of 1.32 mgd over existing conditions or an annual increase of approximately 0.066 mgd per year over 20 years. The EIR concluded that no significant impact to sewer facilities associate with General Plan build-out is anticipated, as demands on the local sewer system can be mitigated. The EIR indicated a need to upgrade certain local lateral sewer lines on a case-by-case basis, but no costly force mains, main trunk lines, or similar infrastructure are necessary. Upgrades to laterals are financed through the payment of sewer impact fees, which is common for any new apartment project.

Dry Utilities

Dry utilities such as electric, telephone, cable and internet are provided by private companies and are expanded to meet demand as development occurs. No known limitations on these services would preclude development of the sites listed in the inventory (Appendix B) during the 2021-2029 planning period.

Table B3. Approved Projects

Project	Product Type	Zoning District	Non-residential allowed?	Vacant or Non-vacant Site?	Allowable Density (du/ac)	Project Density (% of max)	Lower	Moderate	Above Moderate	Total Units
ATI Packing House Apts	Apartments	Historic Downtown Upland SP (Citrus Trans. District)	Yes	Vacant	55	51.4 (93%)		111		111
Sage At 9th Phase 2	Townhomes	RM-20	No	Vacant	20	16.4 (82%)			26	26
Sage At 9th Phase 1	Townhomes	RM-20	No	Vacant	20	15.2 (76%)			28	28
Enclave SP	76 Townhomes 116 SFR	Enclave Specific Plan	No	Vacant	20	12.2 (61%)			192	192
Mesa Court Apts	Apartments	RM-30	No	Vacant	30	21.6 (72%)		54		54
7th Street Apts (KIVA)	Apartments	RM-20	No	Vacant	20	20.1 (108%)		64		64
San Antonio Apts (Mario Sosa)	Apartments	B-R/MU	Yes	Non-Vacant	20	13.3 (67%)		6		6
Sycamore Hills PA3	83 Townhomes 93 SFR	Park View Specific Plan (Planning Area 3)	No	Vacant (Under Construction)	13.4	10.6 (79%)			176	176
Crestwood Homes	SFD	RS-20	No	Vacant	0-4	N/A			4	4
Individual SFD	SFR+ADU+JADU	Various	No			N/A	1	1	1	3
Individual SFD	SFR+ADU	Various	No			N/A	1		1	2
Villa Serena	SFR	Villa Serena SP	No	Vacant		10.6			65	65
Colonies PA4	Condo	Colonies SP (PA 4-Mixed Use Zone)	Yes	Vacant	62	46.9 (76%)			60	60
Alta Apts	Apartments	Colonies SP (PA 4-Mixed Use Zone)	Yes	Vacant	62	46.9 (76%)		106		106
A Street Apts	Apartments	RM-20	No	Vacant	20	20.0 (100%)		4		4
Colonies - Watt	Townhome	Colonies SP	No	Vacant	24	15.7 (65%)			12	12
Individual SFD	SFD	Various	Yes	Vacant	0-4	N/A			2	2
11th Ave Apts	Apartments	RM-20	No	Vacant	20	14.6 (73%)		6		6
Totals							**2**	**352**	**567**	**921**

Source: City of Upland, 9/2022

Notes:

1. Income categories based on expected sales prices or rents
2. All projects have approval entitlements and are expected to be built within the planning period.

Table B4. Development Trends on Underutilized Sites

Project/Address (APN)	Project Type	No. of Units	Density	Zoning	Previous Use				Current Status
					Year Built	FAR	I/L Ratio	Description	
401 A Street (0146-582-13 to 20)	Apartments	111	48.3	Citrus Transportation District, Historic Downtown Upland SP	1960s	0.00	na	Parking Lot	Approved Entitlement
708 Mesa Court (1046-102-13)	Apartments	60	15.8	RM-30	1961-1963	0.23	1.95	Apartments (6 units demolished)	Approved Construction Plans
1332, 1336, and 1344 E. 9th Street (1046-501-07, 08, 09)	Townhomes	26	16.4	RM-20	1940 - 1978	0.25	0.63	Three SFRs, Boat Repair Facility	Under construction
1252 .E 7th Street (1047-181-02)	Apartments	66	20.8	RM-20	1969	0.15	0.02	Industrial Building	Approved Entitlement
1400 E. Arrow Rte (1046-481-14)	Condominiums	64	13.1	Proposed Zone Change from Light Industrial to SP	1956	0.11	2.93	Lumber Yard	Applications under review
167 S. Sultana Avenue (1046-604-03 to 08)	Apartments	141	54.9	Citrus Transportation District, Historic Downtown Upland SP	1947-1957	0.32	0.03	2 Industrial Warehouses and Residential (Fourplex, Duplex, and two SFRs)	Preliminary Review
105 N. 1st Street	Apartments with 5 Low Income Units	29	29.3	Old Town District (1st Avenue Overlay), Historic Downtown Upland SP	1908	0.05	City-owned	Commercial Building	Developer Inquiry

Source: City of Upland, 9/2022

Table B5. Vacant Sites

Site	APN	General Plan	Zoning District	Acres	Max Density	Lower	Mod	Above Mod	Total	Identified in 2 Prior Planning Periods?
30	104658201	SP	HDU/Citrus Transportation	2.18	55	96			96	Yes
	Subtotal			**2.18**	**55**	96	**0**	**0**	**96**	
31	104658101	SP	HDU/Citrus Transportation	1.81						Yes
	104658108	SP	HDU/Citrus Transportation	0.11						
	Subtotal			**1.92**	**55**	**84**			**84**	
35	104659108	SP	HDU/Old Town/1st St. Overlay	0.21						Yes
	104659109	SP	HDU/Old Town/1st St. Overlay	0.18						Yes
	104659110	SP	HDU/Old Town/1st St. Overlay	0.2						Yes
	104659111	SP	HDU/Old Town/1st St. Overlay	0.15						Yes
	104659112	SP	HDU/Old Town/1st St. Overlay	0.13						Yes
	104659113	SP	HDU/Old Town/1st St. Overlay	0.13						
	Subtotal			**1.00**	**55**	**44**			**44**	
36	104660105	SP	HDU/Euclid	0.17	40	5			5	Yes
	104660112	SP	HDU/Citrus Transportation	0.17	55	7			7	
	104660113	SP	HDU/Citrus Transportation	0.17	55	7			7	
	104660114	SP	HDU/Citrus Transportation	0.33	55	15			15	
	104660101	SP	HDU/Euclid	0.03	40	1			1	
	104660102	SP	HDU/Euclid	0.11	40	4			4	
	104660103	SP	HDU/Euclid	0.05	40	2			2	
	104660104	SP	HDU/Euclid	0.11	40	4			4	
	104660106	SP	HDU/Euclid	0.15	40	5			5	
	104660107	SP	HDU/Euclid	0.17	40	5			5	
	104660115	SP	HDU/Euclid	0.17	40	5			5	
	104660108	SP	HDU/Euclid	0.33	40	11			11	
	Subtotal			**1.96**		**71**			**71**	
41	104660501	SP	HDU/Citrus Transportation	1.13						Yes
	Subtotal			**1.13**	**55**	**50**			**50**	
42	104660503	SP	HDU/Citrus Transportation	1.00	55				44	Yes
	104660503	SP	HDU/Euclid	0.14	40				4	Yes
	104660502	SP	HDU/Citrus Transportation	0.02	55				1	
	Subtotal			**1.16**		**49**			**49**	
44	104643325	SP	HDU/MF Senior Housing	0.48	25		10		10	
	Subtotal			**0.48**	**25**		**10**		**10**	
50	104325122	SFR-L	RS-20	1.00				2	2	
	Subtotal			**1.00**				**2**	**2**	

Site	APN	General Plan	Zoning District	Acres	Max Density	Lower	Mod	Above Mod	Total	Identified in 2 Prior Planning Periods?
52	100704107	SP	Enclave Specific Plan	3.39	20		54		54	
	Subtotal			**3.39**			**54**		**54**	
54	104707206	SFR-M	RS-7.5	0.16	10			1	1	
	Subtotal			**0.16**				**1**	**1**	
55	104627105	SFR-M	RS-7.5	0.14	10			1	1	
	Subtotal			**0.14**				**1**	**1**	
56	104606184	C/R-MU	C/R-MU	0.21	20		2		2	
	104606188	C/R-MU	C/R-MU	0.2	20		2		2	
	104606183	C/R-MU	C/R-MU	0.41	20		4		4	
	104606187	C/R-MU	C/R-MU	0.15	20		2		2	
	Subtotal			**0.97**			10		**10**	
57	104611101	C/O-MU	C/O-MU	0.38	20		4		4	
	Subtotal			**0.38**			**4**		**4**	
58	104303234	SFR-L	RS-20	0.55	4			1	1	
	Subtotal			**0.55**				1	**1**	
59	104303230	SFR-L	RS-20	0.51	4			1	1	
	Subtotal			**0.51**				1	**1**	
60	104303232	SFR-L	RS-20	0.51	4			1	1	
	Subtotal			**0.51**				1	**1**	
61	104403219	SFR-L	RS-15	0.35	4			1	1	
	Subtotal			**0.35**				1	**1**	
63	104722125	SFR-M	RS-7.5	0.07	4			1	1	
	Subtotal			**0.07**				1	**1**	
65	104704107	SFR-M	RS-7.5	0.17	4			1	1	
	Subtotal			**0.17**				1	**1**	
TOTALS						**394**	**77**	**10**	**482**	

Notes:
Capacity for residential zones based on 80% of allowable density
Capacity for mixed-use zones based on 50% of allowable density

Table B6. Underutilized Sites

Site	APN	General Plan	Zoning District	Existing Use	I/L Ratio	Acres	Max Density	Lower	Mod	Above Mod	Total	Identified in a Prior Planning Period?
21	104638309	SP	HDU/Arrow Hwy	public parking lot	0	0.13						Yes
	104638310	SP	HDU/Arrow Hwy	public parking lot	0	0.21						Yes
	Subtotal					**0.34**	**15**		**4**		**4**	
22	104625301	SP	HDU/Arrow Hwy	Auto Repair	2.3	0.17						Yes
	104625315	SP	HDU/Arrow Hwy	Auto Repair	0.9	0.34						Yes
	Subtotal					**0.51**	**15**		**6**		**6**	
23	104639203	SP	HDU/Old Town	public parking lot	0	0.19						Yes
	104639202	SP	HDU/Old Town	public parking lot	0	0.16						Yes
	104639201	SP	HDU/Old Town	public parking lot	0	0.18						Yes
	Subtotal					**0.53**	**35**	**15**			**15**	
24	104641154	SP	HDU/MF Senior Housing	Landscaping	0.0	1.03	25				21	
	Subtotal					**1.03**	**25**		**21**		**21**	
25	104640208	SP	HDU/Old Town/1st St. Overlay	public parking lot	0	0.14	55				6	Yes
	104640207	SP	HDU/Old Town/1st St. Overlay	public parking lot	0	0.16	55				7	Yes
	104640206	SP	HDU/Old Town/1st St. Overlay	public parking lot	0	0.13	55				6	Yes
	104640205	SP	HDU/Old Town/1st St. Overlay	public parking lot	0	0.13	55				6	Yes
	104640204	SP	HDU/Old Town/1st St. Overlay	public parking lot	0	0.13	55				6	Yes
	104640203	SP	HDU/Old Town/1st St. Overlay	public parking lot	0	0.14	55				6	Yes
	104640202	SP	HDU/Old Town/1st St. Overlay	public parking lot	0	0.14	55				6	Yes
	Subtotal					**0.97**	**55**	**43**			**43**	
26	104640312	SP	HDU/Old Town	public parking lot	0	0.05						Yes
	104640313	SP	HDU/Old Town	public parking lot	0	0.17						Yes
	104640314	SP	HDU/Old Town	public parking lot	0	0.03						Yes
	104640315	SP	HDU/Old Town	public parking lot	0	0.12						Yes
	104640316	SP	HDU/Old Town	public parking lot	0	0.12						Yes
	104640317	SP	HDU/Old Town	public parking lot	0	0.12						Yes
	104640318	SP	HDU/Old Town	public parking lot	0	0.14						Yes

Site	APN	General Plan	Zoning District	Existing Use	I/L Ratio	Acres	Max Density	Lower	Mod	Above Mod	Total	Identified in a Prior Planning Period?
	Subtotal					**0.75**	**35**	**21**			**21**	
27	104656201	SP	HDU/Citrus Transportation	Industrial	0.0	0.23	55				10	Yes
	104656203	SP	HDU/Citrus Transportation	Industrial	0.0	0.23	55				10	Yes
	104656202	SP	HDU/Citrus Transportation	Industrial	0.0	0.23	55				10	Yes
	104656204	SP	HDU/Citrus Transportation	Industrial	1.0	0.28	55				12	Yes
	104656212	SP	HDU/Citrus Transportation	Industrial	2.7	0.46	55				20	
	104656213	SP	HDU/Citrus Transportation	Industrial	2.0	0.51	55				22	
	Subtotal					**1.94**	**55**	**85**			**85**	
28	104657101	SP	HDU/Residential Transit	Structures on site are partially burned down; currently being used for auto and RV storage	0.0	0.71						Yes
	104657115	SP	HDU/Residential Transit	Storage	1.2	3.75						Yes
	104657116	SP	HDU/Residential Transit	Storage	2.5	0.71						Yes
	Subtotal					**5.17**	**55**	**227**			**227**	
29	104658212	SP	HDU/Citrus Transportation	City Water Facility	na	0.2	55				9	Yes
	Subtotal					**0.2**	**55**		**9**		**9**	
32	104659324	SP	HDU/Old Town	public parking lot	0	0.16						Yes
	104659318	SP	HDU/Old Town	public parking lot	0	0.36						Yes
	Subtotal					**0.52**	**35**	**15**			**15**	
33	104659224	SP	HDU/Old Town/ Historic Core	public parking lot	0	0.17						Yes
	Subtotal					**0.17**	**25**		**3**		**3**	
34	104659204	SP	HDU/Old Town/1st St. Overlay	public parking lot	0	0.14						Yes
	104659205	SP	HDU/Old Town/1st St. Overlay	public parking lot	0	0.21						Yes
	104659206	SP	HDU/Old Town/1st St. Overlay	public parking lot	0	0.21						Yes
	Subtotal					**0.56**	**55**	**25**			**25**	
37	104660207	SP	HDU/Citrus Transportation	Vacant lumber yard and parking with single owner	0.0	0.32						Yes
	104660208	SP	HDU/Citrus Transportation	Vacant lumber yard and parking with single owner	0.1	0.32						Yes
	104660206	SP	HDU/Citrus Transportation	Vacant	0.0	0.16						
	104660205	SP	HDU/Citrus Transportation	Vacant	1.1	0.16						

Site	APN	General Plan	Zoning District	Existing Use	I/L Ratio	Acres	Max Density	Lower	Mod	Above Mod	Total	Identified in a Prior Planning Period?
	Subtotal					**0.96**	**55**	**42**			**42**	
38	104660209	SP	HDU/Citrus Transportation	public parking lot	0	0.11						Yes
	104660210	SP	HDU/Citrus Transportation	public parking lot	**0**	0.12						Yes
	104660211	SP	HDU/Citrus Transportation	public parking lot	0	0.37						Yes
	Subtotal					**0.6**	**55**	**26**			**26**	
39	104660308	SP	HDU/Citrus Transportation	SFR	0.7	0.11	55				5	Yes
	104660307	SP	HDU/Citrus Transportation	single-family residential	0.0	0.16	55				7	
	104660310	SP	HDU/Citrus Transportation	single-family residential	0.6	0.16	55				7	Yes
	104660311	SP	HDU/Citrus Transportation	Commercial Building	2.8	0.49	55				22	
	104660309	SP	HDU/Citrus Transportation	single-family residential	2.7	0.05	55				2	
	Subtotal					**0.97**	**55**	**43**			**43**	
40	104660408	SP	HDU/Citrus Transportation	vacant industrial	0.4	1.29						Yes
	104660403	SP	HDU/Citrus Transportation	single-family residential	1.0	0.16						
	104660404	SP	HDU/Citrus Transportation	single-family residential	1.0	0.16						
	104660405	SP	HDU/Citrus Transportation	Multi-family	1.3	0.16						
	104660406	SP	HDU/Citrus Transportation	vacant industrial	1.0	0.16						
	104660407	SP	HDU/Citrus Transportation	Industrial	1.1	0.64						
	Subtotal					**2.57**	**55**	**113**			**113**	
43	104657106	SP	HDU/Olivedale	1 SFR/Storage Yard	1.0	0.81	20				13	
	104657107	SP	HDU/Olivedale	SFR	2.8	0.21					3	
	104657108	SP	HDU/Olivedale	4 units	1.9	0.65					10	
	104657109	SP	HDU/Olivedale	4 units	5.0	0.51					8	
	104657110	SP	HDU/Olivedale	4 units	3.3	0.51					8	
	104657111	SP	HDU/Olivedale	SFR	3.0	0.51					8	
	104657113	SP	HDU/Olivedale	SFR	1.8	0.17					3	
	104657112	SP	HDU/Olivedale	SFR	0.5	0.41					7	
	Subtotal					**3.78**	**20**		**60**		**60**	
45	104718103	MFR-L	RM-20	National Guard Center	**0**	3.6	20				58	
	Subtotal					**3.6**	**25**		**72**		**72**	
46	104718107	MFR-L	RM-20	Industrial Building	1.8	4.48	20				72	
	104718108	MFR-L	RM-20	Vacant	0.1	2.57	20				41	
	Subtotal					**7.05**	**20**		**113**		**113**	
47	104610214	MFR-L	RM-30	Vacant		1.5	30				36	
	Subtotal					**1.5**	**30**	**36**			**36**	
48	104650160	C/R-MU	C/R-MU	Contractor Yard	0.9	0.37	20				4	

Site	APN	General Plan	Zoning District	Existing Use	I/L Ratio	Acres	Max Density	Lower	Mod	Above Mod	Total	Identified in a Prior Planning Period?
	104650159	C/R-MU	C/R-MU	Commercial	1.4	0.37	20				4	
	104650128	C/R-MU	C/R-MU	1 SFR	0.0	0.7	20				7	
	Subtotal					**1.44**	**20**		**14**		**14**	
49	104405104	SFR-L	RS-20	SFR	3.0	3.22	0-4 du				3	
	Subtotal					**3.22**				**3**	**3**	
51	100706108	C/I-MU	C/I-MU	Restaurant/Vacant (Buffalo Inn)	5.5	3.74	20				37	
	100706123	C/I-MU	C/I-MU	Restaurant/Vacant (Buffalo Inn)	0.0	0.83	20				8	
	Subtotal					**4.57**	**20**		**46**		**46**	
53	100709108	C/I-MU	C/I-MU	Car Rental/Vacant	0.1	1.82	20				18	
	100709109	C/I-MU	C/I-MU	Commercial Building/Abandoned SFR/vacant	0.0	0.92	20				9	
	100709110	C/I-MU	C/I-MU	vacant	0.5	0.95	20				10	
	100709116	C/I-MU	C/I-MU	Industrial Building/yard	1.3	1.76	20				18	
	100709107	C/I-MU	C/I-MU	Industrial Building/yard	1.1	1.35	20				14	
	Subtotal					**6.8**	**20**		**68**		**68**	
62	100728123	MFR-M	RM-30	1SFR	0.7	0.85	30				20	
	Subtotal					**0.85**		**20**			**20**	
64	104601101	C/R-MU	C/R-MU	Commercial/Office Building	0.0	0.97	20				10	
	104601102	C/R-MU	C/R-MU	Commercial/Office Building	0.6	1.47	20				15	
	Subtotal					**2.44**			**24**		**24**	
66	104558137	C/R-MU	C/R-MU	Auto Dealership	1.0	5.21	20				52	
	Subtotal					**5.21**			**52**		**52**	
67	104555123	C/R-MU	C/R-MU	Commercial/Office Building	1.3	0.94	20				9	
	104555124	C/R-MU	C/R-MU	Commercial/Office Building	1.1	**0.96**	20				10	
	104555125	C/R-MU	C/R-MU	Commercial/Office Building	0.2	0.59	20				6	
	Subtotal					**2.49**			**25**		**25**	
68	104608144	C/R-MU	C/R-MU	Auto Sales	1.4	0.73	20				7	
	104608103	C/R-MU	C/R-MU	Vacant Commercial	0.7	0.19	20				2	
	104608104	C/R-MU	C/R-MU	Vacant Commercial	1.5	0.35	20				4	
	Subtotal					**1.27**			**13**		**13**	
69	100756104	B/R-MU	B/R-MU	Commercial/Industrial Building	0.4	1.04	20				1	
	100755112	B/R-MU	B/R-MU	Commercial/Industrial Building	4.5	1.04	20				10	
	100755107	B/R-MU	B/R-MU	Commercial/Industrial Building	4.7	1.05	20				11	
	100755106	B/R-MU	B/R-MU	Commercial/Industrial Building	3.2	1.05	20				11	
	100755105	B/R-MU	B/R-MU	Commercial/Industrial Building	4.2	1.05	20				11	

Site	APN	General Plan	Zoning District	Existing Use	I/L Ratio	Acres	Max Density	Lower	Mod	Above Mod	Total	Identified in a Prior Planning Period?
	100755104	B/R-MU	B/R-MU	Commercial/Industrial Building	3.0	1.04	20				10	
	100756121	B/R-MU	B/R-MU	Commercial/Industrial Building	2.0	0.15	20				2	
	100755103	B/R-MU	B/R-MU	Commercial/Industrial Building	3.8	1.05	20				11	
	100755102	B/R-MU	B/R-MU	Commercial/Industrial Building	3.6	1.04	20				10	
	100755101	B/R-MU	B/R-MU	Commercial/Industrial Building	3.8	1.12	20				11	
	100756112	B/R-MU	B/R-MU	Commercial/Industrial Building	3.7	1.08	20				11	
	100756120	B/R-MU	B/R-MU	Commercial/Industrial Building	5.2	0.15	20				2	
	100756123	B/R-MU	B/R-MU	Commercial/Industrial Building		0.26	20				3	
	100756119	B/R-MU	B/R-MU	Commercial/Industrial Building	3.4	0.28	20				3	
	100756118	B/R-MU	B/R-MU	Commercial/Industrial Building	4.4	0.27	20				3	
	100756115	B/R-MU	B/R-MU	Commercial/Industrial Building	2.1	0.51	20				5	
	100756110	B/R-MU	B/R-MU	Commercial/Industrial Building	3.7	2.08	20				21	
	100756122	B/R-MU	B/R-MU	Commercial/Industrial Building	3.9	0.46	20				5	
	100756109	B/R-MU	B/R-MU	Commercial/Industrial Building	5.0	2.08	20				21	
	100756108	B/R-MU	B/R-MU	Commercial/Industrial Building	5.5	1.1	20				11	
	100756107	B/R-MU	B/R-MU	Commercial/Industrial Building	2.6	1.04	20				10	
	100756106	B/R-MU	B/R-MU	Commercial/Industrial Building	2.2	1.04	20				10	
	100756105	B/R-MU	B/R-MU	Commercial/Industrial Building	2.2	1.04	20				10	
	104665152	B/R-MU	B/R-MU	Commercial/Industrial Building	6.4	0.16	20				2	
	100755117	B/R-MU	B/R-MU	Commercial/Industrial Building	3.2	0.17	20				2	
	104665126	B/R-MU	B/R-MU	Commercial/Industrial Building	6.7	1.05	20				11	
	104665151	B/R-MU	B/R-MU	Commercial/Industrial Building	1.6	0.24	20				2	
	100755118	B/R-MU	B/R-MU	Commercial/Industrial Building		0.37	20				4	
	100755116	B/R-MU	B/R-MU	Commercial/Industrial Building	3.5	0.18	20				2	
	100755115	B/R-MU	B/R-MU	Commercial/Industrial Building	4.0	0.21	20				2	
	104665150	B/R-MU	B/R-MU	Commercial/Industrial Building	4.5	0.46	20				5	
	100755114	B/R-MU	B/R-MU	Commercial/Industrial Building	5.1	0.3	20				3	
	Subtotal					**24.16**			**232**		**232**	
70	104553214	SFR-M	RS-4	1 SFR	1.2	0.64	1					
	Subtotal					**0.64**				**2**	**2**	
71	104605117	C/R-MU	C/R-MU	Office	3.2	1.94	20				19	
	Subtotal					**1.94**			**19**		**19**	
72	104646206	RM-20	RM-20	SFR	1.9	0.31	20				5	
	Subtotal					**0.31**			**5**		**5**	
73	104634103	MFR-L	RM-20	SFR	1.9	0.66	20				11	

Site	APN	General Plan	Zoning District	Existing Use	I/L Ratio	Acres	Max Density	Lower	Mod	Above Mod	Total	Identified in a Prior Planning Period?
	104634102	MFR-L	RM-20	SFR	1.9	0.85	20				14	
	104634101	MFR-L	RM-20	SFR	1.8	0.85	20				14	
	Subtotal					**2.36**	**20**		**38**		**38**	
74	104649310	MFR-L	RM-20	SFR	2.2	0.29	20				5	
	104649311	MFR-L	RM-20	Vacant	0.0	0.29	20				5	
	Subtotal					**0.58**			**9**		**9**	
75	104548222	C/O-MU	C/O-MU	Hotel	2.0	2.85	20				29	
	Subtotal					**2.85**			**29**		**29**	
	TOTALS							**711**	**863**	**5**	**1,579**	

Notes:
Capacity for residential zones based on 80% of allowable density
Capacity for mixed-use zones based on 50% of allowable density

Table B7. Candidate Sites (Upzoning)

Site	APN	Current General Plan	Current Zoning	Proposed General Plan	Proposed Zoning	Existing Use	I/L Ratio	Acres	Current Density	Existing Units	Lower	Mod	Above Mod	Current Realistic Capacity	Potential Capacity RM-30	Potential Capacity MU-30
76	104646112	MFR-L	RM-20	MFR-M	RM-30	Contractors Yard	1.9	0.56	20					9	13	
	104646113	MFR-L	RM-20	MFR-M	RM-30	Contractors Yard		0.14	20					2	3	
	104646104	MFR-L	RM-20	MFR-M	RM-30	Auto Trim	1.2	0.29	20					5	7	
	104646105	MFR-L	RM-20	MFR-M	RM-30	Contractors Yard	0.4	0.33	20					5	8	
	104646107	MFR-L	RM-20	MFR-M	RM-30	Contractors Yard	0.4	0.29	20					5	7	
	104645108	MFR-L	RM-20	MFR-M	RM-30	Contractors Yard	0.3	0.28	20					4	7	
	104646109	MFR-L	RM-20	MFR-M	RM-30	Contractors Yard	4.0	0.55	20					9	13	
	104646110	MFR-L	RM-20	MFR-M	RM-30	Termite Company		0.29	20					5	7	
	104646111	MFR-L	RM-20	MFR-M	RM-30	Termite Company	1.2	0.29	20					5	7	
	Subtotal							**0.56**	**20**			**48**		**48**	**72**	
77	104646217	MFR-L	RM-20	MFR-M	RM-30	2-units	1.0	0.6	20					10	14	
	Subtotal							**0.6**				**10**		**10**	**14**	
78	104646220	MFR-L	RM-20	MFR-M	RM-30	Contractor office/yard	1.0	0.34	20					5	8	
	104646209	MFR-L	RM-20	MFR-M	RM-30	Contractor office/yard	1.9	0.35	20					6	8	
	Subtotal							**0.69**	**20**			**11**		**11**	**45**	
79	104617101	MFR-L	RM-20	MFR-M	RM-30	Vacant		1.88	20					30	45	
	104617107	MFR-L	RM-20	MFR-M	RM-30	Vacant		0.21	20					3	5	
	104617102	MFR-L	RM-20	MFR-M	RM-30	Vacant	0.1	1.2	20					19	29	
	104617103	MFR-L	RM-20	MFR-M	RM-30	Commercial Fueling	3.4	2.57	20					41	62	
	Subtotal							**5.86**	**20**			**94**		**94**	**141**	
80	104609124	MFR-L	RM-20	MFR-M	RM-30	1 SFR	1.9	0.21	20					3	5	
	104609123	MFR-L	RM-20	MFR-M	RM-30	1 SFR	2.0	0.22	20					4	5	
	104609122	MFR-L	RM-20	MFR-M	RM-30	Vacant		0.85	20					14	20	
	Subtotal							**1.28**	**20**			**20**		**20**	**31**	
81	104551123	MFR-L	RM-1	MFR-M	RM-30	Housing Authority		2.38	10		19			19	57	
	104550101	MFR-L	RM-1	MFR-M	RM-30	Housing Authority		10.21	10		82			82	245	
								12.59		**97**	**4**			**4**	**302**	
															205	
82	100736215	SFR-M	RS-7.5	MFR-L	RM-20	SFR	2.7	0.1	4-10 DU					1	2	
	100736214	SFR-M	RS-7.5	MFR-L	RM-20	SFR	1.9	0.11	4-10 DU					1	3	
	100736208	SFR-M	RS-7.5	MFR-L	RM-20	Vacant	0.0	0.06	4-10 DU					0	1	
	100736205	SFR-M	RS-7.5	MFR-L	RM-20	SFR/Vacant	7.1	0.23	4-10 DU					0	6	
	100736207	SFR-M	RS-7.5	MFR-L	RM-20	SFR/Vacant	0.9	0.69	4-10 DU					4	17	
	100736203	SFR-M	RS-7.5	MFR-L	RM-20	SFR/Vacant	1.9	0.14	4-10 DU					1	3	
	100736202	SFR-M	RS-7.5	MFR-L	RM-20	Vacant	0.0	0.37	4-10 DU					2	9	
	100736201	SFR-M	RS-7.5	MFR-L	RM-20	SFR/Vacant	3.7	1.09	4-10 DU					7	26	
	100736213	SFR-M	RS-7.5	MFR-L	RM-20	SFR	1.9	0.08	4-10 DU					0	2	
	100736210	SFR-M	RS-7.5	MFR-L	RM-20	SFR		0.03	4-10 DU					0	1	
	100736212	SFR-M	RS-7.5	MFR-L	RM-20	SFR	1.8	0.17	4-10 DU					1	4	
	100736211	SFR-M	RS-7.5	MFR-L	RM-20	SFR	1.9	0.17	4-10 DU					1	4	
	100736209	SFR-M	RS-7.5	MFR-L	RM-20	SFR	2.9	0.05	4-10 DU					0	1	
	100736206	SFR-M	RS-7.5	MFR-L	RM-20	SFR	5.4	0.13	4-10 DU					1	3	
	100736204	SFR-M	RS-7.5	MFR-L	RM-20	SFR	1.9	0.22	4-10 DU					1	5	
	Subtotal							**3.64**		**13**			**8**	**8**	**87**	

Site	APN	Current General Plan	Current Zoning	Proposed General Plan	Proposed Zoning	Existing Use	I/L Ratio	Acres	Current Density	Existing Units	Lower	Mod	Above Mod	Current Realistic Capacity	Potential Capacity RM-30	Potential Capacity MU-30
83	100743106	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor office/yard	1.9	0.47	20					5		7
	100746130	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor Yard (Tree Service)	1.9	0.15	20					2		2
	100746119	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor Yard (Tree Service)	0.0	0.21	20					2		3
	100746102	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor Yard (Tree Service)	0.0	0.38	20					4		6
	100746131	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.8	0.17	20					2		3
	100765401	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor office/yard	0.5	0.2	20					2		3
	100765402	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.29	20					3		4
	100765403	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.3	20					3		5
	100765404	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	6.9	0.37	20					4		6
	100765405	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.34	20					3		5
	100765201	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	0.5	0.32	20					3		5
	100765202	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor office/yard	1.2	0.38	20					4		6
	100743211	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor storage yard	0.4	0.07	20					1		1
	100746101	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor Yard (Tree Service)	0.0	0.58	20					6		9
	100743214	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.19	20					2		3
	100743210	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Garage	0.0	0.15	20					2		2
	100743209	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	3.4	0.26	20					3		4
	100743206	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	3.2	0.51	20					5		8
	100743208	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Vacant	0.0	0.18	20					2		3
	100743213	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.8	0.15	20					2		2
	100743212	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	2.3	0.15	20					2		2
	100743207	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Vacant	0.0	0.18	20					2		3
	100743201	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard	0.0	0.17	20					2		3
	100743202	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard	0.0	0.23	20					2		3
	100743203	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	0.8	0.24	20					2		4
	100743204	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	1.6	0.48	20					5		7
	100743112	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage	0.2	0.2	20					2		3
	100743110	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor storage yard	0.0	0.23	20					2		3
	100743109	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor storage yard	0.0	0.23	20					2		3
	100743111	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor storage yard	0.0	0.16	20					2		2
	100743108	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor storage yard	0.0	0.44	20					4		7
	100746220	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Office/Landscaper storage	0.8	0.93	20					9		14
	100746126	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	3.5	0.08	20					1		1
	100746127	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	3.6	0.09	20					1		1
	100746128	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	7.6	0.09	20					1		1
	100746214	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	1.9	0.56	20					6		8
	100746215	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.19	20					2		3
	100746216	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	3.1	0.17	20					2		3
	100746217	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	2.5	0.17	20					2		3
	100746120	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Vacant	0.0	0.09	20					1		1
	100746121	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Vacant	0.0	0.05	20					1		1
	100746111	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR - Mixed Use	1.8	0.41	20					4		6

Site	APN	Current General Plan	Current Zoning	Proposed General Plan	Proposed Zoning	Existing Use	I/L Ratio	Acres	Current Density	Existing Units	Lower	Mod	Above Mod	Current Realistic Capacity	Potential Capacity RM-30	Potential Capacity MU-30
	100746122	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Vacant	0.0	0.09	20					1		1
	100746112	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Vacant	2.8	0.5	20					5		8
	100746110	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	1.9	0.27	20					3		4
	100746109	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	1.6	0.32	20					3		5
	100746108	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	1.9	0.59	20					6		9
	100746201	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.17	20					2		3
	100746123	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	12.7	0.4	20					4		6
	100746133	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	2.1	0.46	20					5		7
	100746113	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard	0.1	0.2	20					2		3
	100746115	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard	0.0	0.2	20					2		3
	100746107	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	0.2	0.89	20					9		13
	100746106	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard	0.0	0.42	20					4		6
	100746116	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.0	0.2	20					2		3
	100746117	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Vacant	0.0	0.2	20					2		3
	100746132	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	3.8	0.76	20					8		11
	100746105	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Vacant	0.0	0.4	20					4		6
	100746204	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Tow Yard	1.1	1.2	20					12		18
	100746203	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor office/yard	1.1	1.1	20					11		17
	100746218	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.8	0.22	20					2		3
	100765305	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Office	0.2	0.46	20					5		7
	100765304	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.45	20					5		7
	100764202	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	0.4	0.81	20					8		12
	100764203	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard	0.0	0.19	20					2		3
	100764201	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.19	20					2		3
	100765509	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor office/yard	10.6	0.29	20					3		4
	100765510	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard	0.1	1.24	20					12		19
	100764204	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.2	0.6	20					6		9
	100765508	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	8.3	0.29	20					3		4
	100765507	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.18	20					2		3
	100765506	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	1.9	0.45	20					5		7
	100765505	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	1.9	0.43	20					4		6
	100765501	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Tow Yard	0.4	0.64	20					6		10
	100765502	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	1.8	0.39	20					4		6
	100765504	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Auto Repar	0.7	0.36	20					4		5
	100765503	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Auto Body/Paint	2.8	0.49	20					5		7
	100765308	B/R-MU	B/R-MU	B/R-MU	B/R-MU	3 Residential Units	8.3	0.31	20					3		5
	100765307	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.31	20					3		5
	100765306	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Office	1.9	0.31	20					3		5
	100764310	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	0.8	0.69	20					7		10
	100764301	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.6	0.31	20					3		5
	100764302	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	0.4	0.3	20					3		5
	100764303	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Industrial Building	1.7	0.3	20					3		5
	100764304	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Industrial building	0.4	0.3	20					3		5
	100764219	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Industrial Park	11.6	2.74	20					27		41
	100764305	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Indutrial Building	1.2	0.3	20					3		5
	100764325	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Contractor Yard	0.7	0.44	20					4		7

Site	APN	Current General Plan	Current Zoning	Proposed General Plan	Proposed Zoning	Existing Use	I/L Ratio	Acres	Current Density	Existing Units	Lower	Mod	Above Mod	Current Realistic Capacity	Potential Capacity RM-30	Potential Capacity MU-30
	100764309	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Vacant	0.0	0.21	20					2		3
	100764308	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Industrial building	0.4	0.31	20					3		5
	100764215	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Auto Storage	1.1	0.2	20					2		3
	100764214	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard	0.0	0.18	20					2		3
	100764212	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor office/Storage	1.9	0.63	20					6		9
	100764211	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor office/Storage	0.2	0.57	20					6		9
	100764213	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.24	20					2		4
	100764209	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Auto Storage Yard	0.5	0.59	20					6		9
	100764218	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Auto Storage	0.5	0.75	20					8		11
	100764207	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	1.9	0.4	20					4		6
	100764206	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	0.6	0.49	20					5		7
	100764205	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	1.8	0.47	20					5		7
	Subtotal							**38.61**	**20**	**55**		**331**		**331**		**579**
84	104656318	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Industrial Building	0.0	0.6	20					6		9
	104656401	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Auto Body Shop	6.6	0.18	20					2		3
	104656403	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Auto Body Shop	0.0	0.14	20					1		2
	104656402	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Auto Body Shop	0.0	0.14	20					1		2
	104656425	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Industrial Building	2.1	0.25	20					3		4
	104656424	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Industrial Building	11.3	0.29	20					3		4
	104656419	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	2.6	0.14	20					1		2
	104656404	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.14	20					1		2
	104656405	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.14	20					1		2
	104656418	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.14	20					1		2
	104656429	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Vacant	0.0	0.01	20					0		0
	104656417	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.14	20					1		2
	104656406	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	0.0	0.14	20					1		2
	104656407	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.6	0.14	20					1		2
	104656430	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	6.5	0.14	20					1		2
	104656415	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.8	0.14	20					1		2
	104656408	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	3.5	0.14	20					1		2
	104656319	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Industrial	4.1	1.75	20					18		26
	Subtotal							**4.76**	**20**	**11**		**37**		**37**		**71**
85	104654122	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor Storage	0.5	1.05	20					11		16
	104654121	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor Storage	1.4	1.07	20					11		16
	104654120	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor Storage	1.4	0.36	20					4		5
	104654119	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor Storage	8.4	0.36	20					4		5
	104654118	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor Storage	1.0	0.36	20					4		5
	Subtotal							**3.2**	**20**			**32**		**32**		**48**
86	104654201	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard/building	2.0	0.34	20					3		5
	104654202	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	3.8	0.2	20					2		3
	104654204	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard	0.1	0.38	20					4		6
	104654246	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard	1.2	0.3	20					3		5
	104654208	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Vacant	0.1	0.15	20					2		2
	104654206	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	1.0	0.5	20					5		8
	104654243	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.2	0.26	20					3		4
	104654242	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	5.7	0.14	20					1		2

Site	APN	Current General Plan	Current Zoning	Proposed General Plan	Proposed Zoning	Existing Use	I/L Ratio	Acres	Current Density	Existing Units	Lower	Mod	Above Mod	Current Realistic Capacity	Potential Capacity RM-30	Potential Capacity MU-30
	104654244	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.15	20					2		2
	104654245	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.8	0.13	20					1		2
	104654241	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard/building	2.6	0.15	20					2		2
	104654238	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	2.3	0.21	20					2		3
	104654240	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.16	20					2		2
	104654239	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard/building	1.9	0.18	20					2		3
	104654229	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.8	0.38	20					4		6
	104654226	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.7	0.17	20					2		3
	104654227	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Vacant	0.0	0.01	20					0		0
	104654228	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard/building	1.8	0.13	20					1		2
	104654230	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard	0.0	0.31	20					3		5
	Subtotal							**4.25**		**10**		**33**		**33**		**64**
	TOTALS									**186**	**4**	**615**	**8**	**627**	**693**	**762**

Notes:
Current capacity for residential zones based on 80% of allowable density
Current capacity for mixed-use zones based on 50% of allowable density
Potential capacity for residential zones based on 24 du/ac (80% of 30 du/ac)
Potential capacity for mixed-use zones based on 15 du/ac (50% of 30 du/ac)
B/R-MU designation proposed to be amended to increase the maximum density from 20 du/ac to 30 du/ac

Table B8. Candidate Sites (Rezoning)

Site	APN	Current General Plan	Current Zoning	Proposed General Plan	Proposed Zoning	Existing Use	I/L Ratio	Acres	Current Density	Lower	Mod	Above Mod	Current Capacity	Potential Capacity
89	104518103	P-OS	PB-L	MFR-M	RM-30	Nursery	0.3	5.4	NA				0	130
	104518102	P-OS	PB-L	MFR-M	RM-30	Nursery/ Easement	0	0.23	NA				0	**6**
	Subtotal							**5.63**					**0**	**135**
90	104553213	PB-L	PB	MRF-L	RM-20	Well Site	0	1.39	NA			0	0	33
	104553209	SFR-M	RS-7.5	MRF-L	RM-20	Well Site	0	0.19	10			1	1	5
	104553210	SFR-M	RS-7.5	MRF-L	RM-20	Well Site	0	0.19	10			1	1	5
	104553211	SFR-M	RS-7.5	MRF-L	RM-20	Well Site	0	0.19	10			1	1	5
	104553212	SFR-M	RS-7.5	MRF-L	RM-20	Well Site	0	0.19	10			1	1	5
								2.15				4	**4**	**52**
91	100744104	C/R-MU	C/R-MU	MRF-L	RM-20	Vacant	0.0	0.45	20		5		5	11
	100744116	C/R-MU	C/R-MU	MRF-L	RM-20	Vacant	0.0	0.27	20		3		3	6
	100744115	C/R-MU	C/R-MU	MRF-L	RM-20	SFR	1.9	0.27	20		3		3	6
	100744114	C/R-MU	C/R-MU	MRF-L	RM-20	SFR	2.1	0.22	20		2		2	5
	100744117	C/R-MU	C/R-MU	MRF-L	RM-20	SFR	5.0	0.36	20		4		4	9
	100744101	C/R-MU	C/R-MU	MRF-L	RM-20	Vacant	0.0	1.2	20		12		12	29
	100744102	C/R-MU	C/R-MU	MRF-L	RM-20	Storage	0.6	0.27	20		3		3	6
	100744103	C/R-MU	C/R-MU	MRF-L	RM-20	Storage	0.7	0.27	20		3		3	6
	100744112	C/R-MU	C/R-MU	MRF-L	RM-20	SFR	5.9	0.25	20		3		3	6
	100744111	C/R-MU	C/R-MU	MRF-L	RM-20	SFR	6.7	0.25	20		3		3	6
	100744110	C/R-MU	C/R-MU	MRF-L	RM-20	SFR	1.8	0.34	20		3		3	8
	100744109	C/R-MU	C/R-MU	MRF-L	RM-20	SFR	7.5	0.18	20		2		2	4
	100744108	C/R-MU	C/R-MU	MRF-L	RM-20	SFR	0.9	0.2	20		2		2	5
	100744107	C/R-MU	C/R-MU	MRF-L	RM-20	SFR	0.8	0.15	20		2		2	4
	Subtotal							**4.68**			**47**		**47**	**112**
92	100718101	I	PB	MFR-M	RM-30	Vacant	0.0	3.51	NA				0	84
	104632143	I	PB	MFR-M	RM-30	Vacant	0.0	1.18	NA				0	28
	100718102	I	PB	MFR-M	RM-30	Vacant	0.0	0.55	NA				0	13
	100718103	I	PB	MFR-M	RM-30	Vacant	1.8	0.46	NA				0	11
	100718104	I	PB	MFR-M	RM-30	Vacant	1.3	0.34	NA				0	8
	Subtotal							**6.04**					**0**	**145**
93	104633322	B/R-MU	B/R-MU	MRF-L	RM-20	SFR	1.6	0.19	20		2		2	5
	104633323	B/R-MU	B/R-MU	MRF-L	RM-20	SFR	4.8	0.2	20		2		2	5
	104633319	B/R-MU	B/R-MU	MRF-L	RM-20	SFR	1.9	0.19	20		2		2	5
	104633324	B/R-MU	B/R-MU	MRF-L	RM-20	SFR	1.9	0.2	20		2		2	5
	104633325	B/R-MU	B/R-MU	MRF-L	RM-20	SFR	1.8	0.2	20		2		2	5
	104633326	B/R-MU	B/R-MU	MRF-L	RM-20	SFR	1.9	0.2	20		2		2	5
	104633318	B/R-MU	B/R-MU	MRF-L	RM-20	SFR	1.2	0.41	20		4		4	10
	104633317	B/R-MU	B/R-MU	MRF-L	RM-20	SFR/Contractor Yard	2.5	0.41	20		4		4	10
	104633313	B/R-MU	B/R-MU	MRF-L	RM-20	Driveway	0.0	0.64	20		6		6	15
	104633308	B/R-MU	B/R-MU	MRF-L	RM-20	SFR	2.1	0.2	20		2		2	5
	104633307	B/R-MU	B/R-MU	MRF-L	RM-20	SFR	3.1	0.2	20		2		2	5
	104633306	B/R-MU	B/R-MU	MRF-L	RM-20	SFR	1.8	0.4	20		4		4	10
	104633309	B/R-MU	B/R-MU	MRF-L	RM-20	SFR	1.9	0.41	20		4		4	10
	104633305	B/R-MU	B/R-MU	MRF-L	RM-20	Vacant	0.0	0.4	20		4		4	10

Site	APN	Current General Plan	Current Zoning	Proposed General Plan	Proposed Zoning	Existing Use	I/L Ratio	Acres	Current Density	Lower	Mod	Above Mod	Current Capacity	Potential Capacity
	104633310	B/R-MU	B/R-MU	MRF-L	RM-20	Vacant	1.5	0.41	20		4		4	10
	104633304	B/R-MU	B/R-MU	MRF-L	RM-20	Storage Yard	0.0	0.41	20		4		4	10
	104633301	B/R-MU	B/R-MU	MRF-L	RM-20	Vacant/Storage Yard	0.0	0.64	20		6		6	15
	104633327	B/R-MU	B/R-MU	MRF-L	RM-20	Contractor office/Storage yard	1.4	0.41	20		4		4	10
	104633329	B/R-MU	B/R-MU	MRF-L	RM-20	Office	2.3	0.2	20		2		2	5
	104633316	B/R-MU	B/R-MU	MRF-L	RM-20	Storage Yard	0.0	0.41	20		4		4	10
	104633331	B/R-MU	B/R-MU	MRF-L	RM-20	SFR/Business Use	1.5	0.61	20		6		6	15
	104633311	B/R-MU	B/R-MU	MRF-L	RM-20	SFR	2.1	0.41	20		4		4	10
	104633303	B/R-MU	B/R-MU	MRF-L	RM-20	Contractor storage yard	0.9	0.41	20		4		4	10
	104633312	B/R-MU	B/R-MU	MRF-L	RM-20	Contractor storage yard	0.0	0.41	20		4		4	10
	104633302	B/R-MU	B/R-MU	MRF-L	RM-20	Contractor storage yard	0.3	0.41	20		4		4	10
	Subtotal							**8.98**			**90**		**90**	**216**
94	104653101	SFR-M	RS-7.5	MRF-L	RM-20	SFR	1.8	0.21	10			1	1	5
	104653102	SFR-M	RS-7.5	MRF-L	RM-20	SFR/Vacant	1.9	0.55	10			3	3	13
	Subtotal							**0.76**				**4**	**4**	**18**
95	104653107	SFR-M	RS-7.5	MRF-L	RM-20	SFR/Vacant	1.9	0.5	10			1	1	12
	104653108	SFR-M	RS-7.5	MRF-L	RM-20	2 SFR	1.9	0.5	10			1	1	12
	104653109	SFR-M	RS-7.5	MRF-L	RM-20	SFR/Vacant	1.1	0.41	10			1	1	10
	Subtotal							**1.41**				**3**	**3**	**34**
96	104648114	LI-BP	LI	MFR-L	RM-20	Truss Yard	2.9	4.9	NA				0	118
	Subtotal							**4.9**					**0**	
97	104707205	OP	OP	SFR-M	RS-7.5	Vacant	0	0.16	NA				0	1
	Subtotal							**0.16**					**0**	**1**
98	104652101	LI-BP	LI	MFR-L	RS-20	Vacant	0	3	NA				0	72
	104651101	LI-BP	LI	MFR-L	RS-20	Vacant	0	0.14	NA				0	3
	Subtotal							**3.14**					**0**	**75**
99	104661116	SFR-M	RS-7.5	MFR-L	RS-20	Vacant	0	1.77	10			10	10	42
	104661126	SFR-M	RS-7.5	MFR-L	RS-20	1 - SFR	2.9	0.47	10			2	2	11
	104664102	I	PB	MFR-L	RS-20	Well Site	0	4.11	10			1	1	99
	Subtotal							**6.35**				13	**13**	**152**
100	100730107	C/I-MU	C/I-MU	MFR-L	RM-20	Industrial	1.5	0.92	20		9		9	22
	100730108	C/I-MU	C/I-MU	MFR-L	RM-20	Vacant	0.0	0.4	20		4		4	10
	100730109	C/I-MU	C/I-MU	MFR-L	RM-20	2 SFR	0.4	0.42	20		4		4	10
	100730110	C/I-MU	C/I-MU	MFR-L	RM-20	Office	1.0	0.42	20		4		4	10
	100730111	C/I-MU	C/I-MU	MFR-L	RM-20	Plant Retail	0.9	0.56	20		6		6	13
	Subtotal							**2.72**			**27**		**27**	**65**
101	104634110	I	PB	MFR-L	RM-20	SFR	1.1	0.85	NA				0	20
								0.85					**0**	**20**
102	100762105	LI-BP	LI	MFR-L	RM-20	Contractor Yard	0.0	1.94	NA				0	47
	100762106	LI-BP	LI	MFR-L	RM-20	Contractor Yard	0.0	1.9	NA				0	46
	100760101	LI-BP	LI	MFR-L	RM-20	Contractor Yard	0.0	4.65	NA				0	112
	Subtotal							**8.49**					**0**	**204**
103	100729108	C/I-MU	C/I-MU	MFR-L	RM-20	Auto Sales	1.8	0.55	20		6		6	13
	100729106	C/I-MU	C/I-MU	MFR-L	RM-20	Flood Control	0.0	3.92	20		39		39	94
	100728121	C/I-MU	C/I-MU	MFR-L	RM-20	Flood Control	0.0	2	20		20		20	48
	100728122	C/I-MU	C/I-MU	MFR-L	RM-20	Industrial	2.1	0.17	20		2		2	4

Site	APN	Current General Plan	Current Zoning	Proposed General Plan	Proposed Zoning	Existing Use	I/L Ratio	Acres	Current Density	Lower	Mod	Above Mod	Current Capacity	Potential Capacity
	100728146	C/I-MU	C/I-MU	MFR-L	RM-20	Industrial	3.3	0.11	20		1		1	3
	100728144	C/I-MU	C/I-MU	MFR-L	RM-20	Industrial	0.7	0.02	20		0		0	0
	100728145	C/I-MU	C/I-MU	MFR-L	RM-20	Industrial	0.0	0.03	20		0		0	1
	100728118	C/I-MU	C/I-MU	MFR-L	RM-20	Storage	0.2	1.56	20		16		16	37
	100728115	C/I-MU	C/I-MU	MFR-L	RM-20	Storage	0.0	0.56	20		6		6	13
	100728119	C/I-MU	C/I-MU	MFR-L	RM-20	Storage	1.7	0.2	20		2		2	5
	100728117	C/I-MU	C/I-MU	MFR-L	RM-20	Storage	0.8	0.2	20		2		2	5
	100728132	C/I-MU	C/I-MU	MFR-L	RM-20	Storage	0.0	0.41	20		4		4	10
	100728134	C/I-MU	C/I-MU	MFR-L	RM-20	Storage	0.7	1.06	20		11		11	25
	100728133	C/I-MU	C/I-MU	MFR-L	RM-20	Storage	0.4	0.8	20		8		8	19
								11.59			**116**		**116**	**278**
104	104658207	SP	HDU/Pleasant View	HDU/Citrus Trans.	SP	Auto Repair	1.6	0.48	10		5		5	12
	Subtotal							**0.48**	**55**		**5**		**5**	**12**
105	104655108	LI-BP	LI	MFR-L	RM-20	Tow Yard	1.1	1.62	NA				0	39
	104655102	LI-BP	LI	MFR-L	RM-20	Storage	1.1	0.26	NA				0	6
	104655101	LI-BP	LI	MFR-L	RM-20	Storage	1.5	0.3	NA				0	7
	104655107	SFR-M	RS-7.5	MFR-L	RM-20	SFR	4.4	0.15	10			1	1	4
	104655106	SFR-M	RS-7.5	MFR-L	RM-20	SFR	0.5	0.26	10			1	1	6
	104655141	LI-BP	LI	MFR-L	RM-20	Storage	1.9	0.34	NA				0	8
	104655103	LI-BP	LI	MFR-L	RM-20	Office	0.0	0.67	NA				0	16
	104652104	LI-BP	LI	MFR-L	RM-20	Light Industrial	0.5	0.9	NA				0	22
	Subtotal							**4.5**				**2**	**2**	**108**
	TOTALS									**0**	**285**	**26**	**311**	**1,627**

Notes:
Current capacity for residential zones based on 80% of allowable density
Current capacity for mixed-use zones based on 50% of allowable density
Potential capacity based on 24 du/ac (80% of 30 du/ac)

Figure B1. Site Map – Northern Area

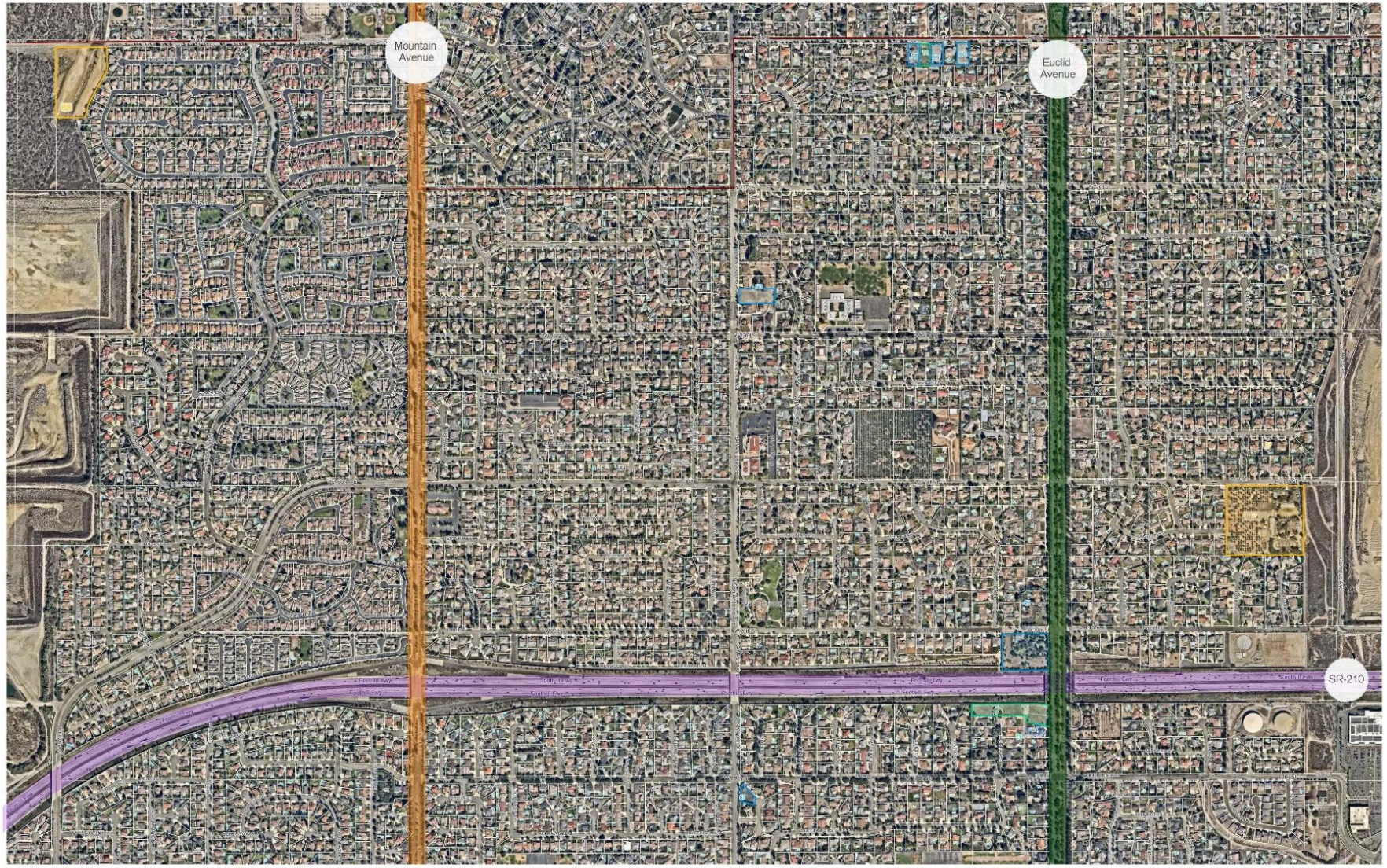


Figure B2. Site Map – Southeast Area

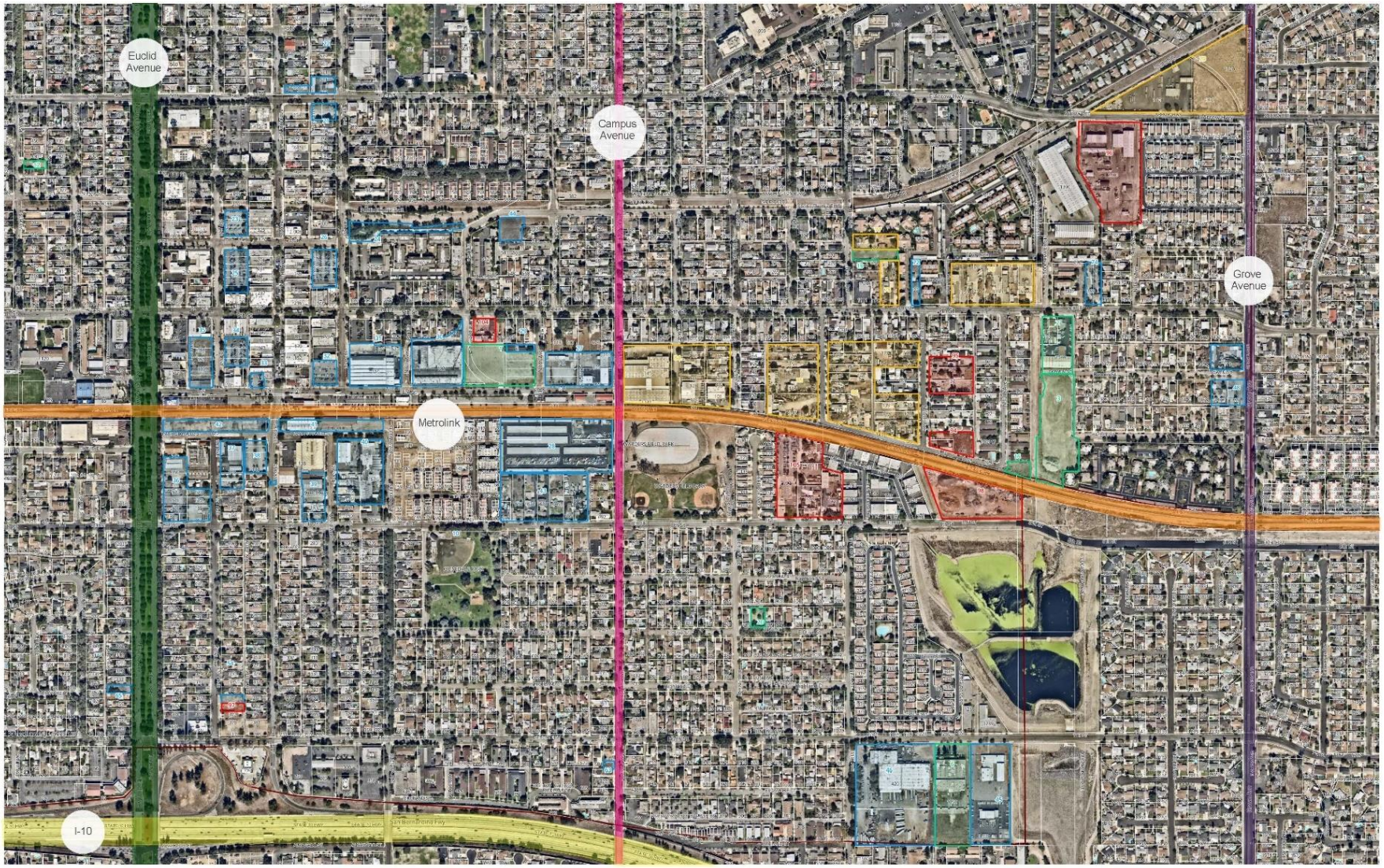


Figure B3. Site Map – Southwest Area

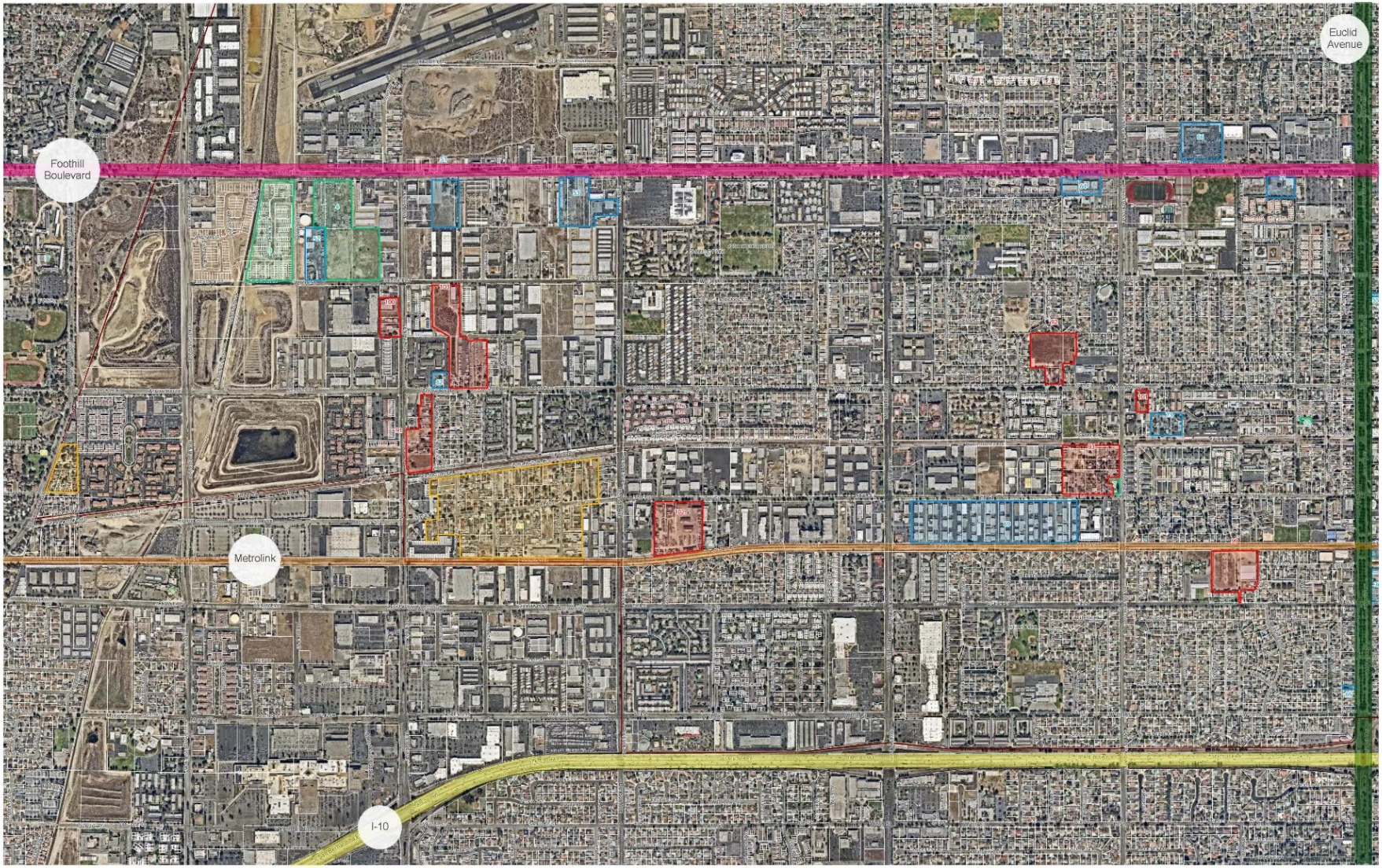
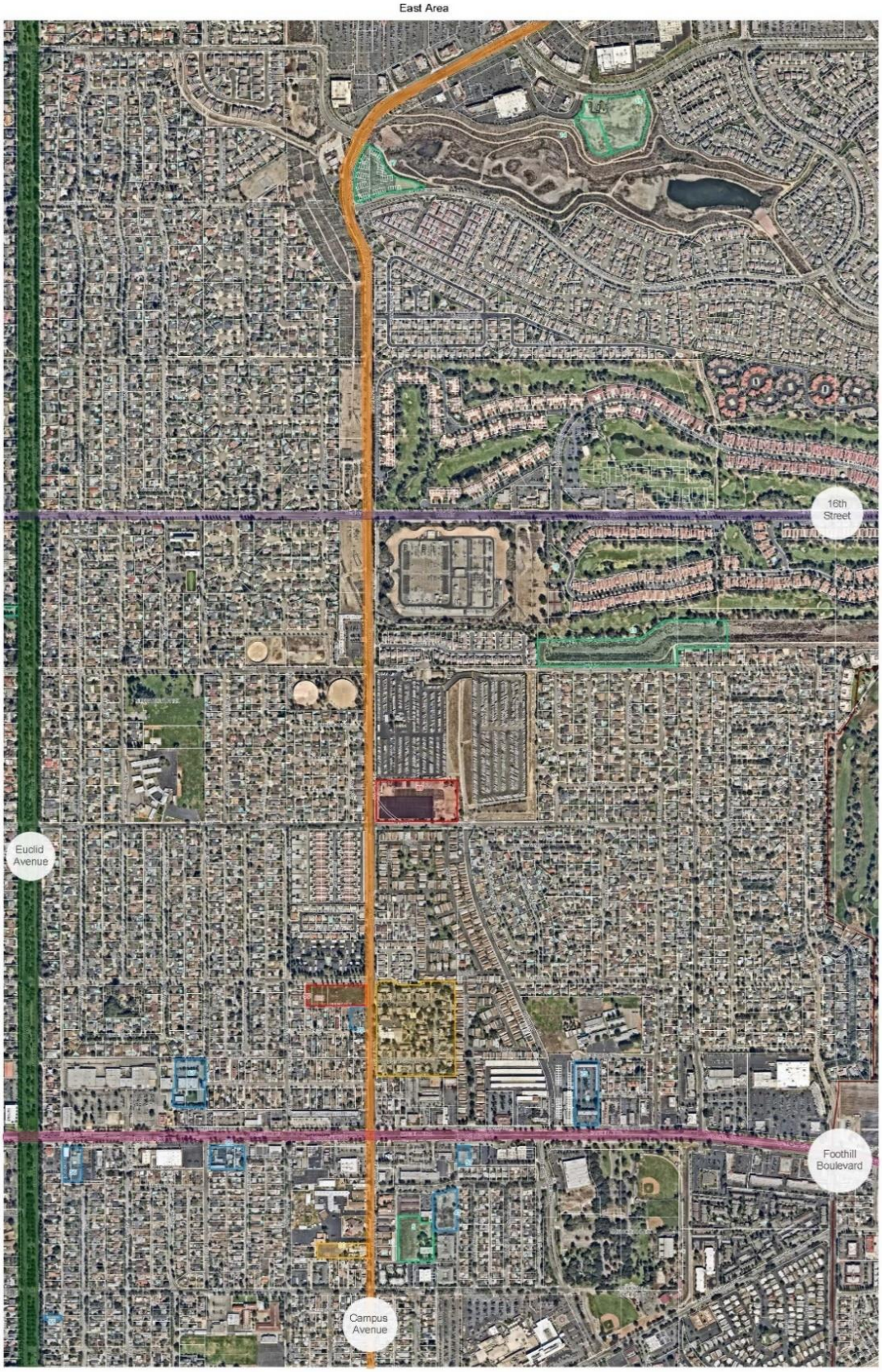


Figure B4. Site Map – East Area



Appendix C Fair Housing Assessment

Assembly Bill (AB) 686 requires housing elements to contain an Assessment of Fair Housing (AFH) consistent with the core elements of the analysis required by the federal Affirmatively Furthering Fair Housing (AFFH) Final Rule of July 16, 2015.

Under California law, AFFH means "taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics."

To comply with AB 686, the City has completed the following outreach and analysis.

1. Outreach

As discussed in the Public Participation section, early in the Housing Element update process the City developed a list of stakeholders with local expertise in housing issues, including fair housing. The stakeholder list included local service providers, affordable housing developers, and fair housing organizations in an effort to include the interests of lower-income residents and persons with special needs in the community.

Over the course of the Housing Element update process the City conducted a series of public meetings. Public notice of each meeting was posted on the City's dedicated Housing Element website and was also sent directly to persons and organizations on the stakeholder list. Public meetings were held both online and in person to encourage those with mobility difficulties to participate. Agendas and other information for each meeting was posted on the City website to allow interested stakeholders to access to this information throughout the process. Interested persons were also encouraged to provide input or ask questions via telephone or email.

In addition to public workshops and hearings, the City also directly contacted housing advocates, housing service providers, and community organizations who serve the interests of lower-income households and special needs groups to solicit comments on housing needs, barriers to fair and affordable housing, and opportunities for development.

To encourage continuing stakeholder involvement in local housing issues throughout the planning period, Program 19 includes a commitment to conduct ongoing, proactive outreach to engage members of all socio-economic groups and recruit members of underrepresented groups to participate in City meetings.

2. Fair Housing Assessment

This section provides an assessment of fair housing issues in Upland including fair housing enforcement and outreach capacity, patterns of integration and segregation, racial or ethnic patterns of concentration, disparities in access to opportunities, and disproportionate housing needs, including displacement risk.

A. Fair Housing Enforcement and Outreach Capacity

The City of Upland has contracted with Inland Fair Housing and Mediation Board (IFHMB) to provide fair housing and related services to residents. Established in 1980, IFHMB is a nonprofit, public benefit corporation that provides information about fair housing rights under the law, comprehensive housing counseling services,

mediation services for the resolution of disputes, and information concerning shared housing opportunities and needs among senior citizens. IFHMB serves as an intermediary to resolve issues related to housing discrimination, homeownership and housing sustainability, rental complaints, and disputes in court, with the goal of empowering individuals and enriching the communities they serve. IFHMB provides services to over 40,000 individuals annually throughout County of San Bernardino representing a multiplicity of racial, ethnic, age, and income groups.

Funded primarily with Community Development Block Grant (CDBG) funds, IFHMB provides programs and services focused on eliminating housing discrimination, general housing assistance, and education and outreach activities to residents in the County of San Bernardino as well as residents in the City of Indio and Cathedral City in Riverside County, the City of Pomona in Los Angeles County, and the City of El Centro in Imperial County. The comprehensive Fair Housing Programs includes:

- Community-Based Mediation: IFHMB provides trained mediators to provide education and information regarding rights and responsibilities under the California Landlord-Tenant laws and help to resolve conflicts between landlords and tenants (including mobile homes). IFHMB contracts with San Bernardino County to provide mediation in small claims and unlawful detainer lawsuits in County courts.

- Education/Outreach: IFHMB provides education and outreach services to landlords and tenants, Realtors, newspapers, service organizations, schools, persons with Limited English Proficiency, and others interested in learning about fair housing laws. IFHMB also provides HUD-certified counseling to homeowners who are delinquent on FHA loans or seniors interested in reverse equity mortgage loan programs. Fair housing workshops and newsletters are also provided on a quarterly basis.

- Senior Services: IFHMB actively and successfully mediates conflicts between seniors and Social Security, Medi-Cal, utility companies, collection agencies, neighbors, and others. IFHMB also provides a Care Referral Service, offers help in filing for HEAP and Homeowner/Renter Assistance, and maintains a list of senior housing and care homes.

- Alternative Dispute Resolution: The California Dispute Resolution Programs Act of 1986 provides the authority for mediation in the court system. Inland Fair Housing and Mediation Board has a contract with the County of San Bernardino to provide mediation in civil, family, probate, small claims, and unlawful detainer lawsuits in all of the courts in San Bernardino County.

- Mobile Home Mediation: IFHMBs mediators are trained to handle the specialized problems based on the Mobile Home Residency Law (MRL) that reflects the dual ownership and unique life style of mobile home communities. They provide education and information to residents and parks about the MRL, as well as provide information to both sides when fair housing issues are presented, and when requested serve as neutral third parties to facilitate resolution of conflicts.

IFHMB responds to discrimination inquiries and complaints in an expedient manner, relying on over 30 years of experience in the industry. Determining whether a client is inquiring regarding a fair housing discrimination problem or a non-discrimination landlord/tenant or other problem can be difficult. Often what may appear at first to be a simple landlord/tenant dispute turns out to be a situation where a landlord has violated one or more fair housing laws. While many of the cases IFHMB are presented with no longer involve a discriminatory policy, such as "No Hispanics need apply," many cases involve a discriminatory application of a facially neutral policy, such as different eviction timelines for minorities.

IFHMB investigates allegations of discrimination based on a person's status as a member of one of the State or Federal protected categories, which include: Race, Color, Religion, National Origin, Sex, Familial Status, Disability, Marital Status, Sexual Orientation, Ancestry, Age, Source of Income, and Arbitrary Characteristics. Race, Color, Religion, National Origin, Sex, Familial Status, and Disability are the categories protected by the federal Fair Housing Act. The State of California provides protection from discrimination based on all seven of the federal protected categories and has added Marital Status, Sexual Orientation, Ancestry, Age, Source of Income and Arbitrary Characteristics as additional protected classes under state law.

Once a fair housing complaint is received, IFHMB educates the complainant of their rights and responsibilities under the state and federal fair housing laws. Further investigation may then be conducted depending on the nature of the complaint and the suitability of the complaint to investigation.

IFHMB uses government-regulated testing methodologies to enforce, support, and conduct fair housing investigations. A housing discrimination complaint can be investigated through testing, the gathering of witness statements, and through research surveys. Based on the details provided by the complainant, IFHMB will either investigate the complaint or advise the complainant of their other options, which include: conciliation, filing a complaint with the Department of Housing and Urban Development (HUD) or with California's Department of Fair Employment and Housing (DFEH), hiring a private attorney, or possibly, a referral to such an attorney, or filing a complaint with the Department of Justice (DOJ).

During the five-year period studied, there were 138 discrimination inquiries made to IFHMB by Upland residents, with the primary basis for the inquiry as follows:

Basis	Number
Age	1
Ancestry	0
Arbitrary	7
Color	0
Disability	92
Familial Status	8
Marital Status	0
National Origin	6
Race	13
Religion	1
Sex	8
Sexual Orientation	1
Source of Income	1
Total:	138

Review of the data shows that disability is, far and away, the most common category for allegations of discrimination. No other protected category accounts for 10 percent of the total number of discrimination complaints, while disability represents a full two-thirds of all discrimination complaints. Race (9 percent) is the second most common basis for alleged discrimination, with sex and familial status tied for third with 6 percent of all discrimination complaints coming from the City of Upland over the last five years.

This data becomes more enlightening when compared to the data reported in 2013 in the City of Upland's prior Analysis of Impediments to Fair Housing Choice. For Fiscal Years 2007-2008 through 2011-2012, there were 141 fair housing discrimination complaints during that period. While the total number of discrimination complaints has stayed relatively the same, the nature of those complaints is what is worthy of consideration.

Over that time frame, discrimination based on disability went from 48 percent of all complaints made to IFHMB in the five-year period ending FY 2011-12 to 67 percent of all complaints made to IFHMB in the five-year period ending FY 2017-18. Conversely, allegations of discrimination based on race dropped from 21 percent of all complaints made to IFHMB in the five-year period ending FY 2011-12 to 9 percent of all claims made to IFHMB in the five-year period ending FY 2017-18. No other protected categories saw large shifts in their percentage of the total number of complaints IFHMB has received in the most recent five-year period versus the prior period.

One possible reason for this shift in the nature of discrimination complaints that IFHMB is receiving could be an aging population in the City of Upland. As one member of the community pointed out at one of the community meetings, the neighborhood in which she lived is predominately made up of longer-term residents, many of whom are the first and only owner of the home they live in. As more and more residents of the City of Upland "age in place," the needs of persons with disabilities will become more pressing.

The Office of Fair Housing and Employment (OFHE) is the federal agency responsible for investigating housing discrimination complaints filed with HUD. HUD annually compiles data on housing discrimination complaints from OFHE and Federal Housing Assistance Programs (FHAP) which are state and local government agencies that enforce fair housing laws. The annual report identifies the types of complaints, any fair housing impediments, OFHE's progress in addressing the complaints, and HUD's efforts to promote equal housing choice.

The most recent OFHE report, FHEO Annual Report FY 2017 found a similar percentage of complaints were made based on disability across the nation as was reported in the City of Upland. 59.4 percent of all discrimination complaints made to HUD during the last fiscal year were based on the protected category of disability. Race was second nationally, just as it was in the City of Upland, but the percentage of total complaints was higher nationally than in the City of Upland, 26 percent versus 9 percent respectively.

The Constraints section of this Housing Element describes ways that the City works to address potential impediments to fair housing choice. As noted in Program 19 of the Housing Plan, the City intends to continue to contract with the IFHMB to implement fair housing goals.

B. Patterns of Integration and Segregation

1) Race and Ethnicity

As seen in Figure C1, the percentage of non-white population in Upland is highest in the southern portion of the city and is similar to the adjacent areas in Montclair and Ontario, while the northern portion of the city has a lower non-white proportion similar to the adjacent areas of Claremont and Rancho Cucamonga.

2) Persons with Disabilities

As shown on Figure C2, the proportion of Upland residents with a disability is similar to adjacent cities and is less than 20% of the population in all areas. There appears to be no significant geographic difference in disability rates.

Additional data regarding the number of people with disabilities by disability type in Upland is provided in Figure H-16 in Chapter 2: Housing Needs. Some individuals may experience more than one type of disability, and some disability types are not recorded for children below a certain age. The California Department of Developmental Services (DDS) estimates that there are approximately 1,547 persons with developmental disabilities within the City of Upland.

The housing needs of persons with disabilities vary, but generally include accessible and affordable housing, and access to supportive services. More severely disabled individuals may require a group living environment where supervision is provided, and the most severely affected individuals may require an institutional environment where medical attention and physical therapy are provided. The City of Upland facilitates housing for persons with disabilities through its Reasonable Accommodation procedures and regulations to encourage production of supportive housing.

3) Familial Status

Familial status refers to the presence of children under the age of 18, whether the child is biologically related to the head of household, and the martial status of the head of households. Families with children may face housing discrimination by landlords who fear that children will cause property damage. Some landlords may have cultural biases against children of the opposite sex sharing a bedroom. Differential treatments such as limiting the number of children in a complex or confining children to a specific location are also fair housing concerns.

Single-parent households are also protected by fair housing law. Female-headed households with children require special consideration and assistance because of their greater need for affordable housing and accessible day care, health care, and other supportive services. As discussed in the Housing Needs Assessment, 13.9% of Upland households are female-headed, 6.3% are female-headed and with children, and 0.6% are female-headed and with children under 6. 0 shows the percentage of children living in married couple households in Upland.

4) Income

Income is an important aspect in understanding patterns of segregation. Figure C4 shows that median incomes in Upland are lowest in the southern portions of the city. Lower incomes also appear to correlate with housing problems such as overcrowding and overpayment.

To address the housing challenges faced by Upland's lower-income residents, the Housing Plan includes several programs that provide financial assistance, encourage construction of new affordable housing, and address issues of discrimination.

Figure C1. Racial Demographics - Upland

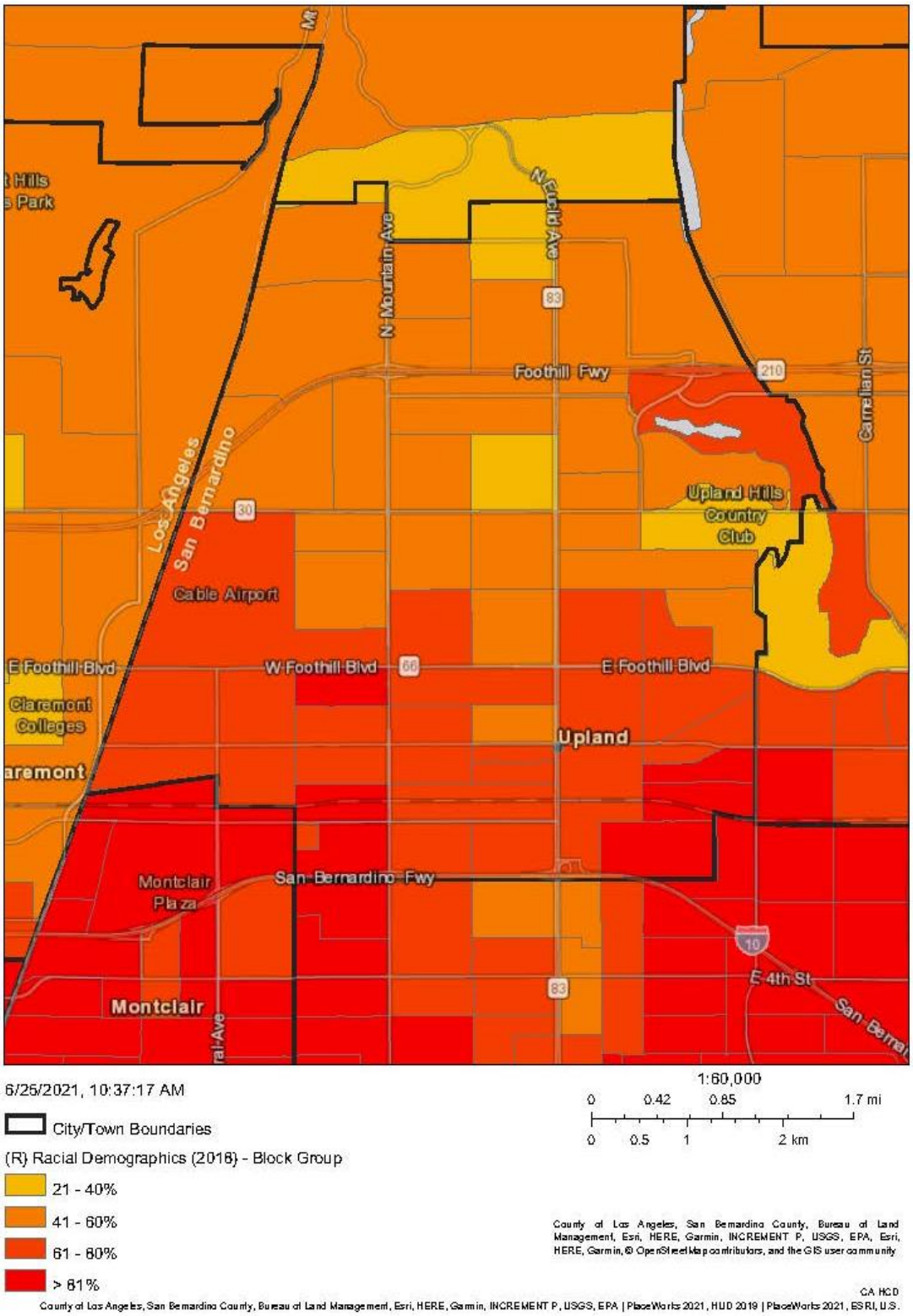


Figure C2. Population with a Disability – Upland

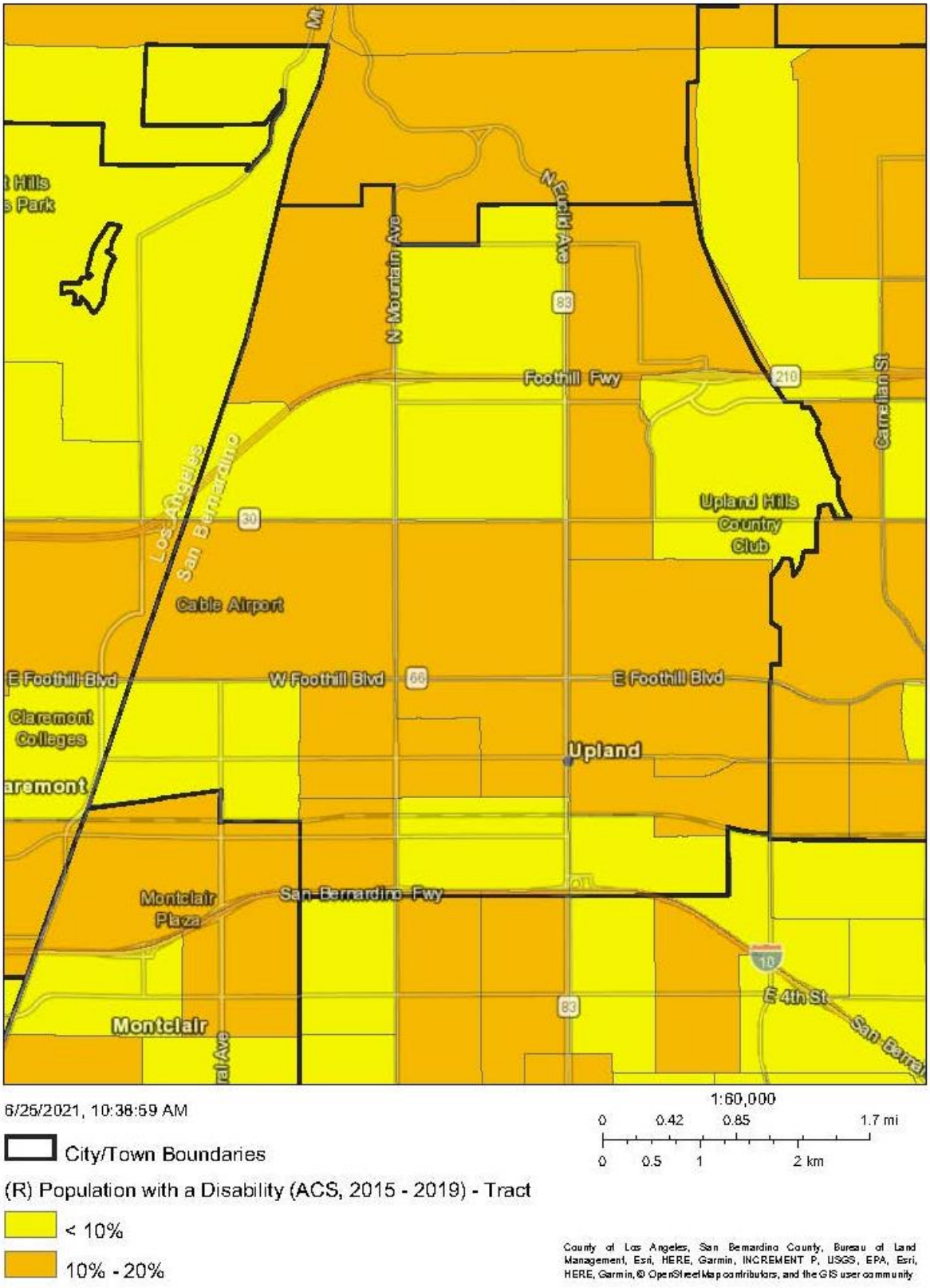


Figure C3. Percentage of Children in Married Couple Households – Upland

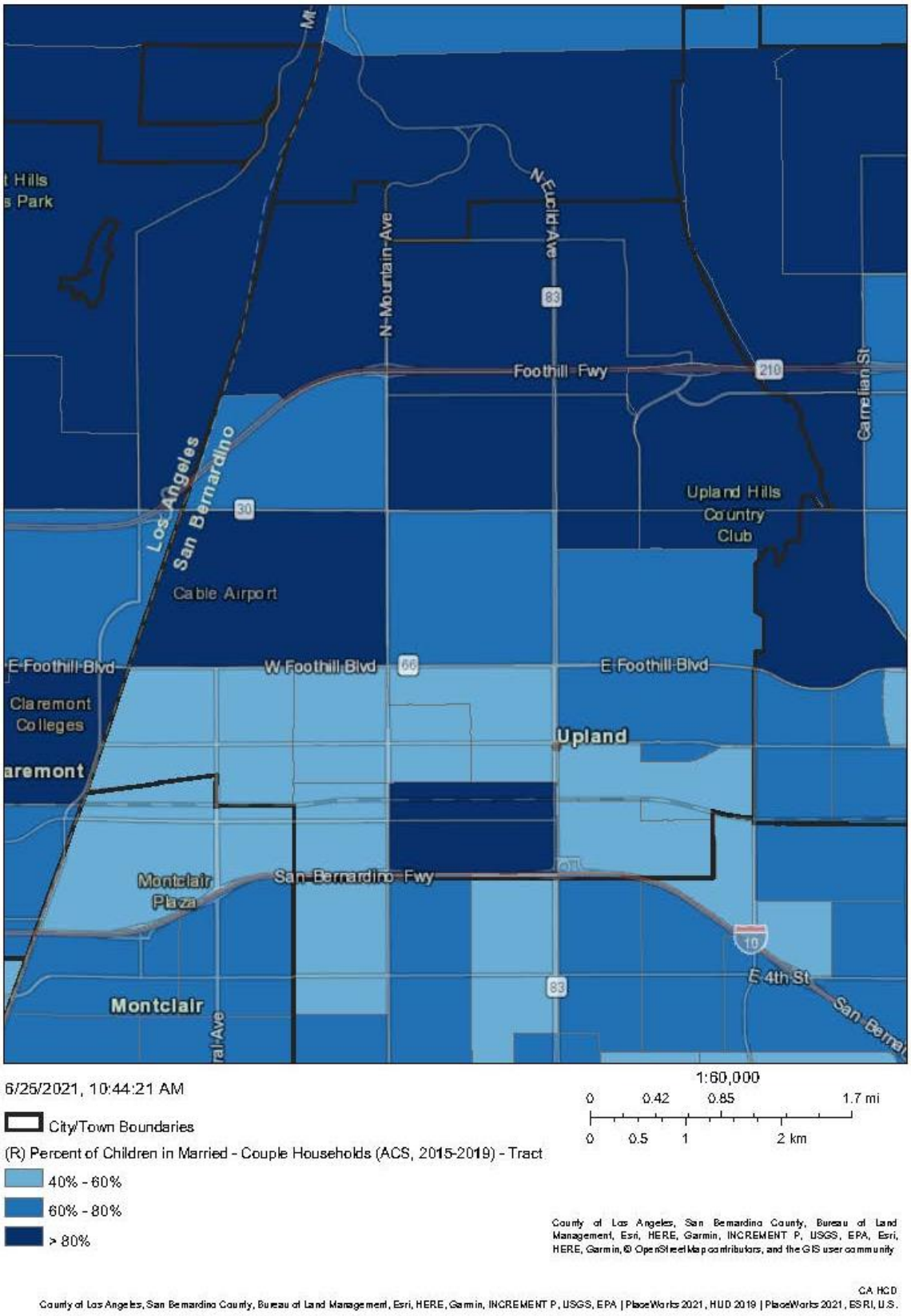
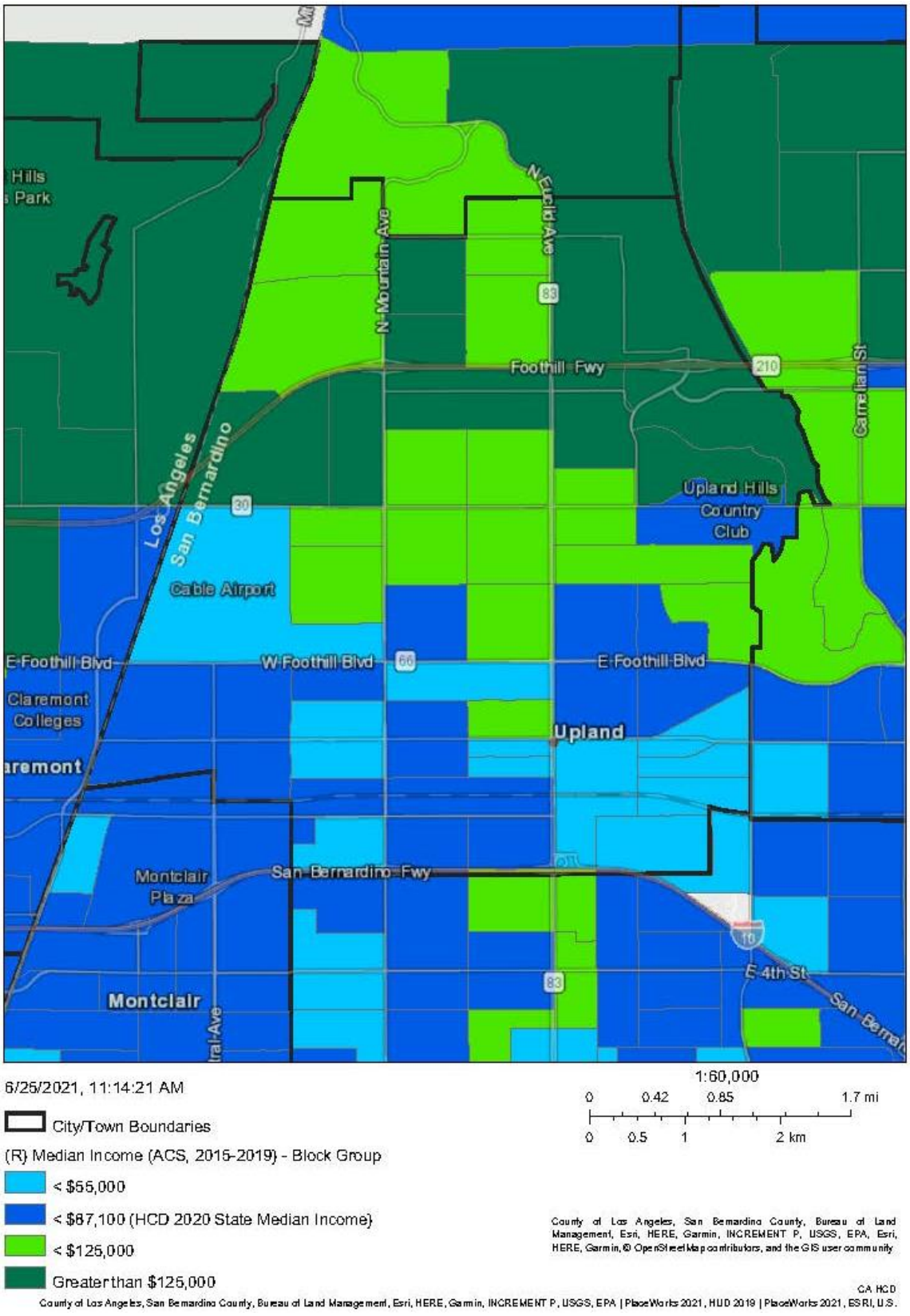


Figure C4. Median Income – Upland



C. Racially/Ethnically Concentrated Areas

1) Racially/Concentrated Areas of Poverty

According to HUD, a racially or ethnically concentrated area of poverty (R/ECAP) is an area in which 50 percent or more of the population identifies as non-White and 40 percent or more of residents are living in poverty. As shown in Figure C5, there are no designated R/ECAP areas in Upland. The nearest R/ECAP areas are in the City of Ontario approximately 1 mile to the south of Upland.

Racially/Concentrated Areas of Affluence

According to the Housing and Community Development AFFH Guidance Memo, "segregation is a continuum, with polarity between race, poverty, and affluence, which can be a direct product of the same policies and practices." Therefore, both sides of the continuum must be examined. While HCD does not provide a standard definition for RCAAs and the HCD Data Viewer does not currently provide RCAA maps, available data regarding the percentage White population and median household income can provide insight into racially concentrated areas of affluence.

Table C2 compares the median household incomes of White/non-Hispanic residents in Upland and San Bernardino County as a whole to the median incomes for the total population of the city and county. This table shows that in Upland, the median income for non-Hispanic White households is about 29% higher than for the city's population as a whole. Countywide, the median income for non-Hispanic White households is about 13% higher than for the population as a whole. These data suggest that there is more racial concentration of affluence in Upland that in San Bernardino County as a whole.

Table C2. : Median Household Income by Race – Upland and San Bernardino County

Median Household Income	Upland	San Bernardino County
White Alone (not Hispanic)	$93,808	$71,910
All Households	$72,782	$63,362

Source: U.S. Census ACS 2015-2019
B19013 (all)
B19013H (white alone, not Hispanic)

D. Disparities in Access to Opportunity

1) Overview

California housing law requires cities to analyze disparities in access to opportunity as part of the fair housing assessment. The California Tax Allocation Committee (TCAC) and the California Department of Housing and Community Development (HCD) have developed maps showing access to various types of opportunities such as education, economic, transportation, and environmental indicators.

2) Educational Opportunity

Educational opportunity scores for Upland are shown in Figure C6. As shown in this map, TCAC educational opportunity scores are highest in the northern areas of the city and lowest in the south-central portion of the city.

3) Economic Opportunity

Figure C7 shows economic opportunity areas in Upland as determined by TCAC. As seen in this map, the majority of the city is identified as having high economic opportunity scores.

Figure C5. Racially/Ethnically Concentrated Areas of Poverty – Upland

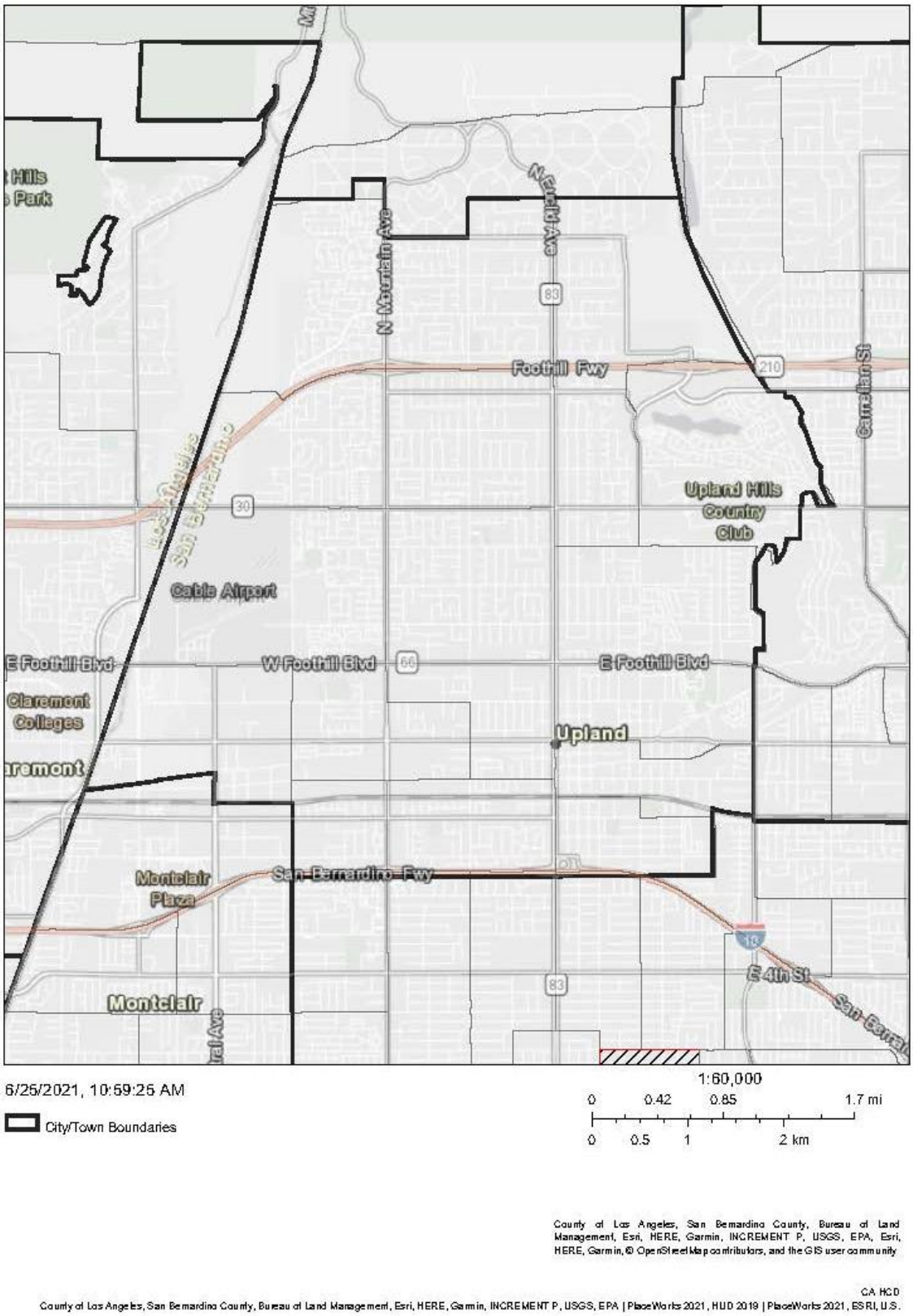


Figure C6. TCAC Educational Opportunity Areas – Upland

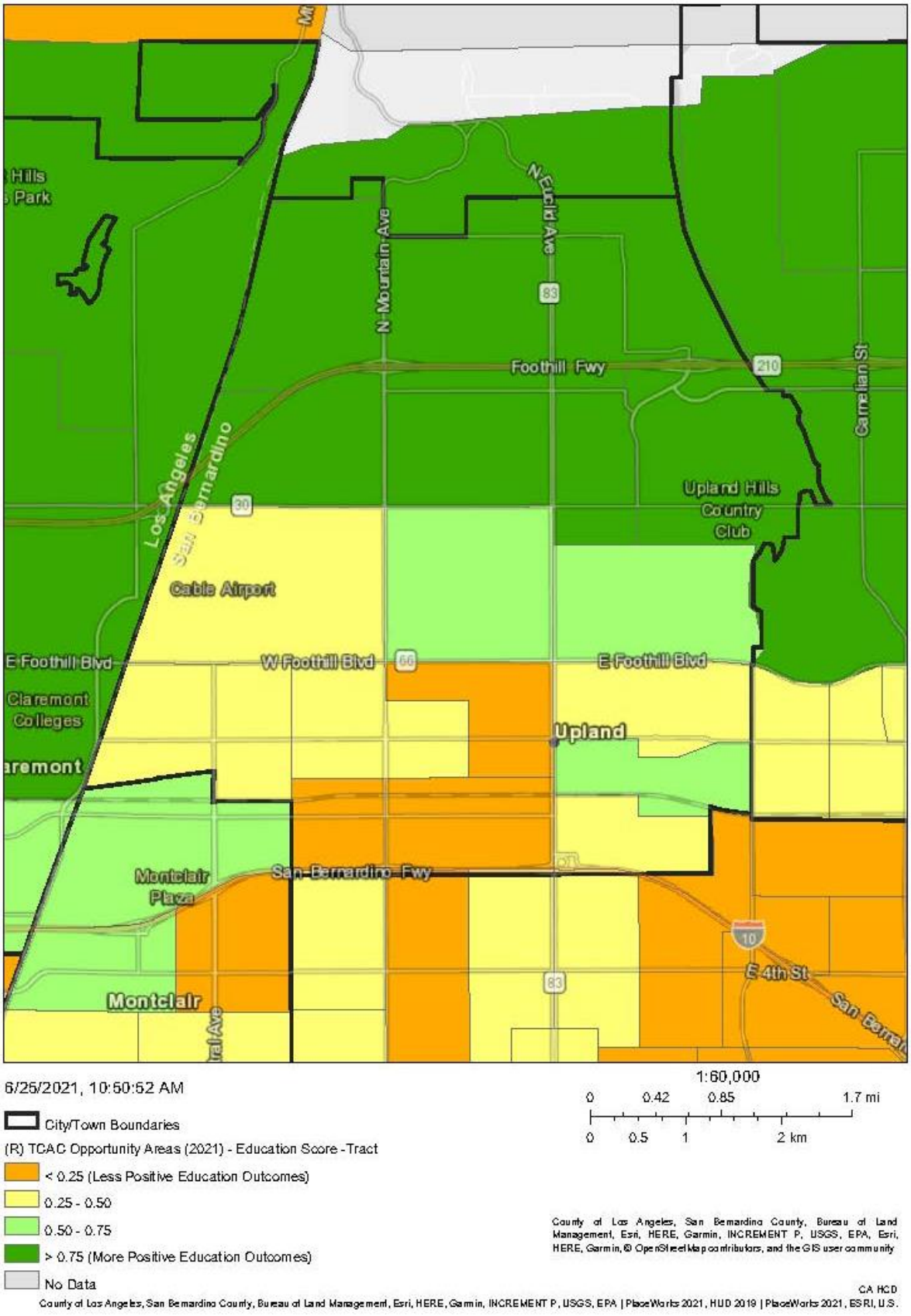
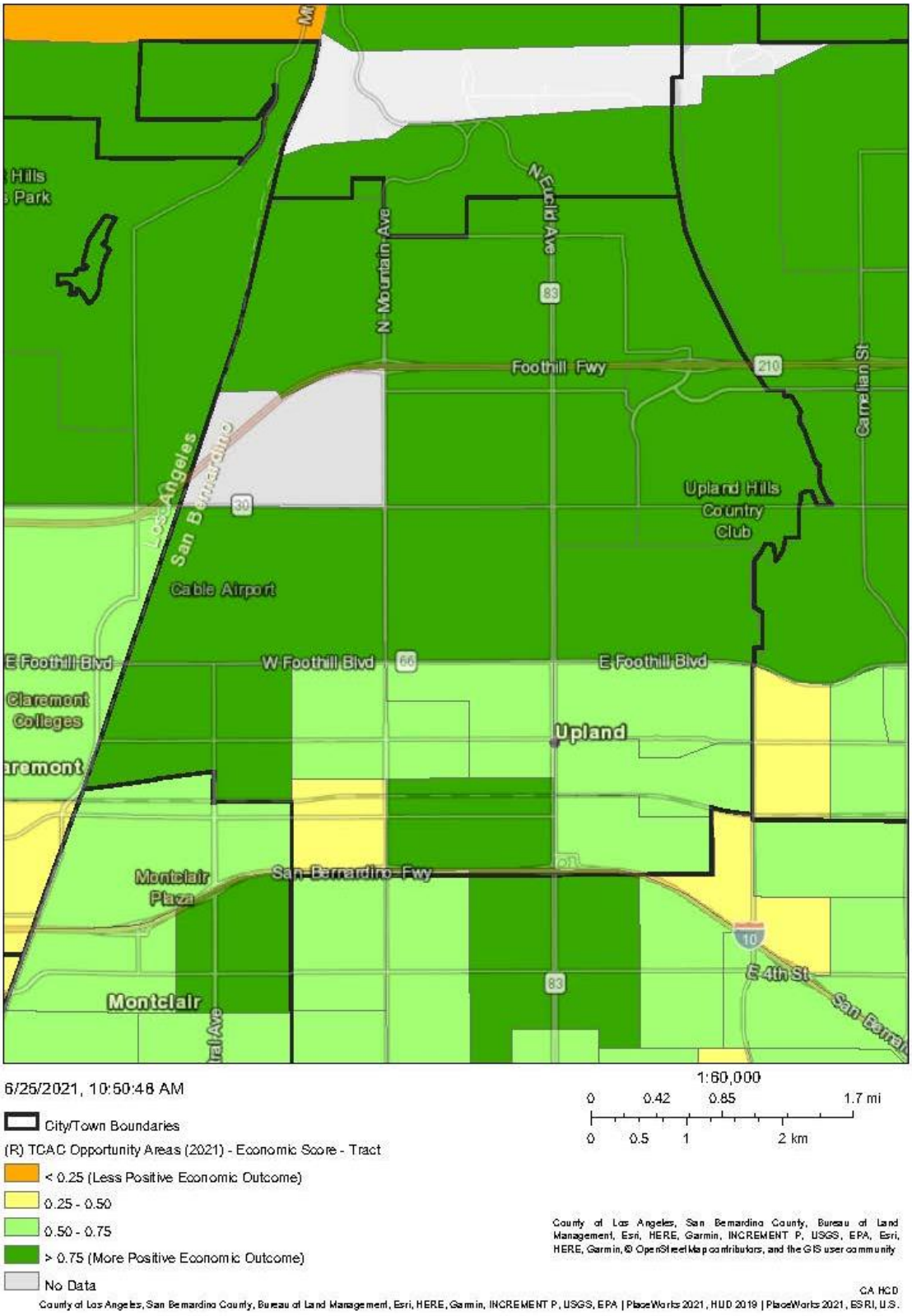


Figure C7. TCAC Economic Opportunity – Upland



4) Transportation Opportunities

According to the City's AI, Upland residents enjoy superior access to transportation infrastructure, which includes the Burlington Northern/Santa Fe Railroad and the Upland Metrolink Station; the location of both a local airport (Cable Airport) and an International airport (Ontario Airport); and the traversing of the two major freeways through its boundaries (Interstates 10 and 210).

5) Environmental Opportunity

According to HUD, "The environmental health index summarizes potential exposure to harmful toxins at a neighborhood level." The Index combines standardized EPA estimates of air quality carcinogenic, respiratory and neurological hazards with indexing census tracts.

Values are inverted and then percentile ranked nationally. Values range from 0 to 100: the higher the index value, the less exposure to toxins harmful to human health; or, put differently, the higher the value, the better the environmental quality of a neighborhood, where a neighborhood is a census tract.

The EPA standardizes its estimates of air quality hazards using the National Air Toxics Assessment (NATA), which is EPA's ongoing review of air toxics in the United States. EPA developed NATA as a screening tool for state, local and tribal air agencies. NATA's results help these local agencies identify which pollutants, emission sources and places they may wish to study further to better understand any possible risks to public health from air toxics. EPA suggests that local communities use NATA to "prioritize pollutants and emission source types; identify places of interest for further study; get a starting point for local assessments; focus community efforts; inform monitoring programs." According to EPA, communities have found that using NATA helps "inform and empower citizens to make local decisions about their community's health. Local projects often improve air quality faster than federal regulations alone."

Although EPA characterizes NATA results as "a snapshot of outdoor air quality with respect to emissions of air toxics," it nonetheless suggests long-term risks to human health if air toxics emissions are steady over time, including estimates of the cancer risks from breathing air toxics over many years. It also estimates non-cancer health effects for some pollutants, including diesel particulate matter (PM). It is important to note that NATA only includes outdoor sources of pollutants, and its estimates of risk "assume a person breathes these emissions each year over a lifetime (or approximately 70 years). NATA only considers health effects from breathing these air toxics. It ignores indoor hazards, contacting or ingesting toxics, and any other ways people might be exposed." (http://www.epa.gov/national-airtoxics-assessment/nata-overviewepa.gov)

The Upland AI[5] analyzed Environmental Health Index values for various groups within Upland and within the region at large. Across every category, including those results reported for communities below the federal poverty level, Upland scores are significantly lower than those for the region. These lower scores are an indication of significantly greater exposure to cancer risks for City residents and of the potential for elevated non-cancer health effects from pollutants such as diesel particulate matter.

While Whites in Upland score the highest on the Index, at 35.55, their score is 35.92 percent lower than the score for Whites in the region, at 55.48. For Blacks the differential is -37.68 percent (27.56 vs. 44.22); For Hispanics, -33.15 percent (28.33 vs. 42.38). For Asians, the score within the jurisdiction is 17.07 percent lower than that for the region (35.07 vs. 42.29), and Native Americans within the City score 45.70 percent lower (30.54 vs. 56.24). For communities living under the federal poverty level, the jurisdiction compares similarly

[5] City of Upland, Analysis of Impediments to Fair Housing Choice 2019-2023, p. II-37

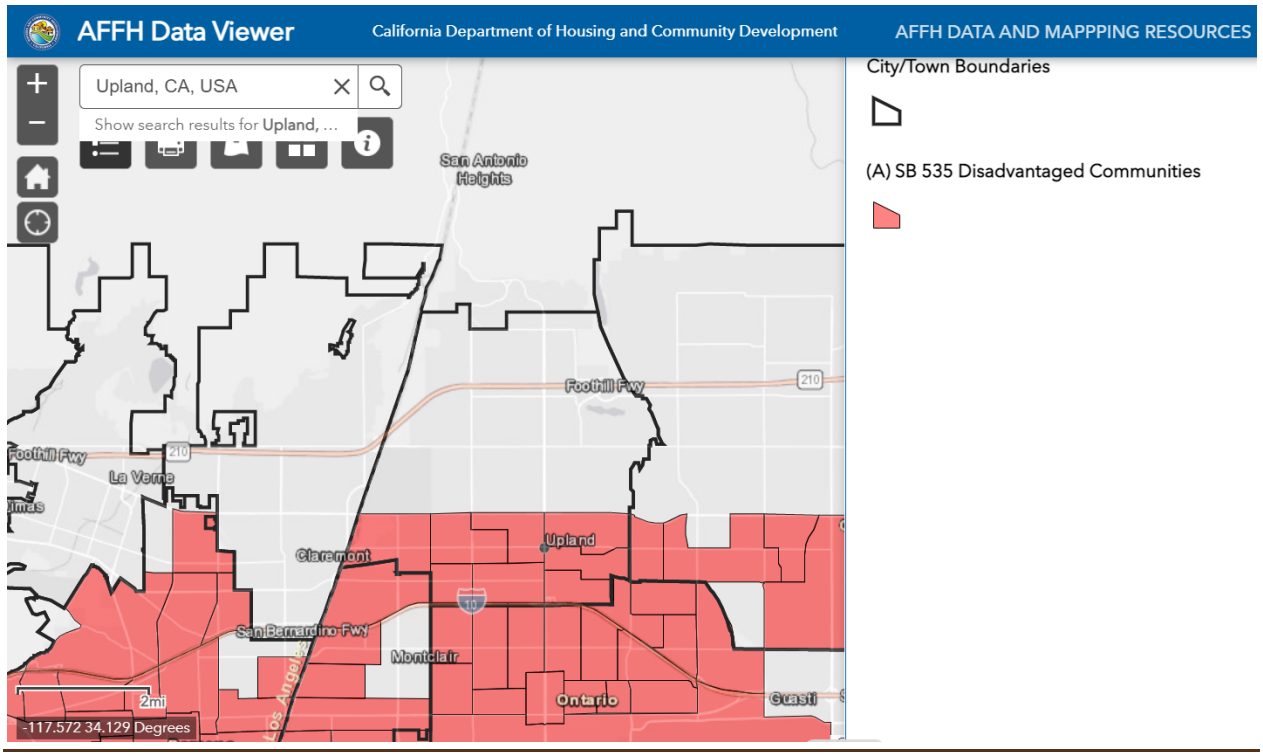
unfavorably to the region: 32.37 vs. 56.84 for Whites; 20.44 vs. 44.86 for Blacks; 24.12 vs. 42.23 for Hispanics; 31.99 vs. 39.74 for Asians; and 25.67 vs. 50.63 for Native Americans.

The lowest scoring census tracts in Upland are located south of Foothill Boulevard and nearer in proximity to Interstate 10, the rail line, industrial uses and Ontario International Airport.

6) Disadvantaged Communities

Senate Bill 1000 (SB 1000) requires cities with designated disadvantaged communities to include environmental justice goals and policies in the General Plan. Per SB 1000, the California EPA uses CalEnviroScreen, a mapping tool to identify disadvantaged communities. CalEnviroScreen examines various indicators to characterize pollution and socioeconomic factors. As seen in Figure C8 below, the southern portion of the city is classified as a disadvantaged community.

Figure C8. Disadvantaged Communities – Upland



E. Disproportionate Housing Needs and Displacement Risk

The AFFH Rule Guidebook (24 C.F.R. § 5.152) defines "disproportionate housing needs" as "a condition in which there are significant disparities in the proportion of members of a protected class experiencing a category of housing needs when compared to the proportion of a member of any other relevant groups or the total population experiencing the category of housing need in the applicable geographic area." The analysis is completed by assessing cost burden, severe cost burden, overcrowding, and substandard housing. In addition, this analysis examines homelessness and displacement risk.

1) Cost Burden (Overpayment)

A household is considered cost-burdened if it spends more than 30 percent of its income in housing costs, including utilities. Reducing housing cost burden can also help foster more inclusive communities and increase access to opportunities for persons of color, persons with disabilities, and other protected classes.

Overpayment is a problem for many Upland residents, particularly for lower-income households. According to recent HUD estimates (Table C3) approximately 6,265 renter households (52% of all renters) and 4,325 owner households (29% of all owners) were paying more than 30% of income for housing. The highest rates of overpayment occur among very-low-income and extremely-low-income households. The impact of housing overpayment on lower income households is particularly significant for special needs populations – seniors, persons with disabilities, and female-headed households with children.

Table C3. Cost Burden by Tenure and Income Category - Upland

Income by Cost Burden (Renters only)	Cost burden > 30%	Cost burden > 50%	Total
Household Income less-than or= 30% HAMFI	1,475	1,415	1,960
Household Income >30% to less-than or= 50% HAMFI	1,415	1,125	1,585
Household Income >50% to less-than or= 80% HAMFI	1,695	500	2,000
Household Income >80% to less-than or= 100% HAMFI	840	55	1,385
Household Income >100% HAMFI	840	55	5,230
Total	6,265	3,150	12,155
Income by Cost Burden (Owners only)	**Cost burden > 30%**	**Cost burden > 50%**	**Total**
Household Income less-than or= 30% HAMFI	535	475	755
Household Income >30% to less-than or= 50% HAMFI	415	365	645
Household Income >50% to less-than or= 80% HAMFI	700	425	1,265
Household Income >80% to less-than or= 100% HAMFI	520	170	1,010
Household Income >100% HAMFI	2,155	265	11,045
Total	4,325	1,700	14,720

As shown in Figure C9, overpayment among renters is most prevalent in the southern portions of the city. Overpayment among Upland homeowners is highest in the central and southern portions of the city (Figure C10).

The problems of overpayment are addressed in the Housing Plan through efforts to facilitate production and preservation of affordable housing.

Figure C9. Renters Overpaying for Housing - Upland

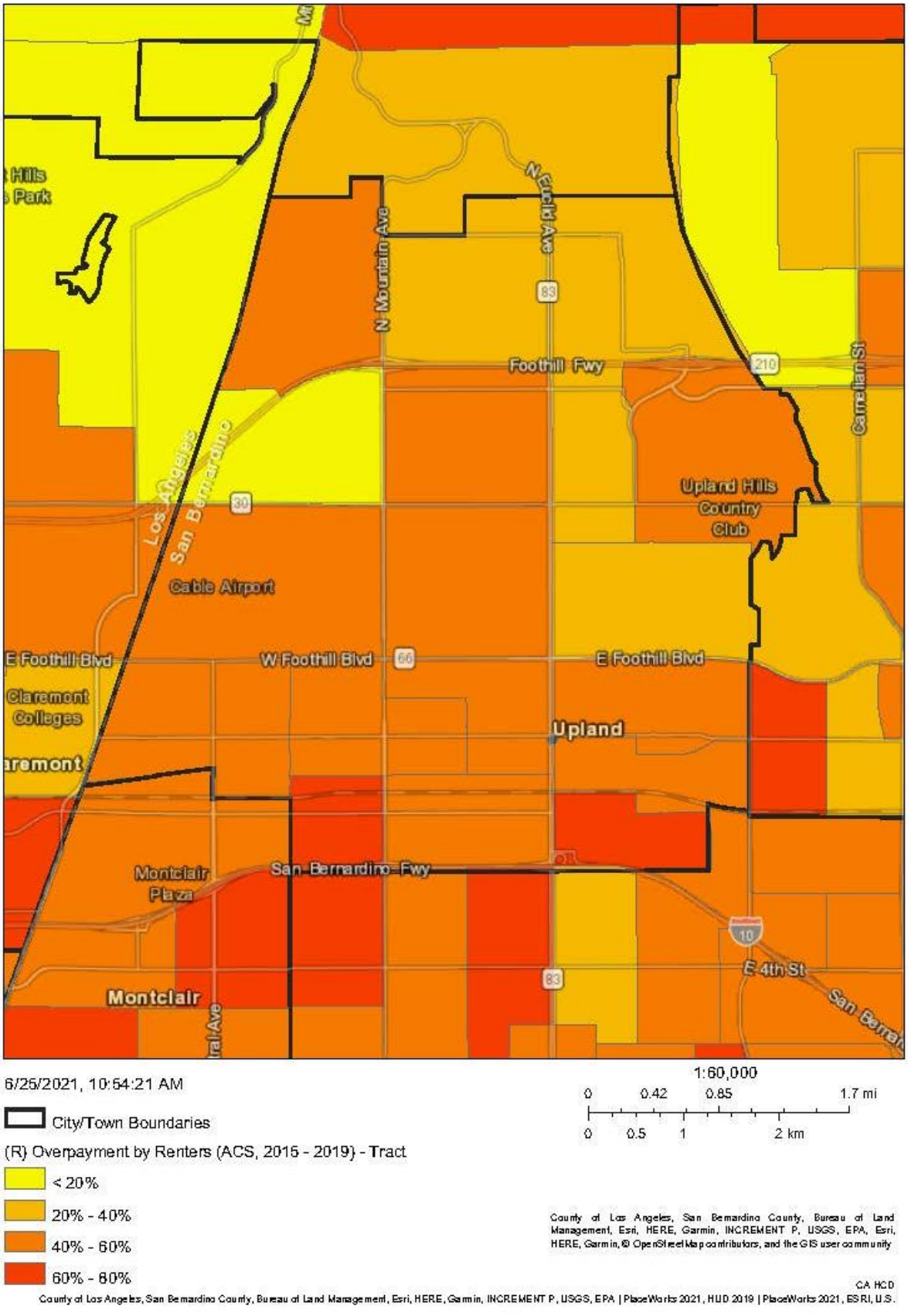
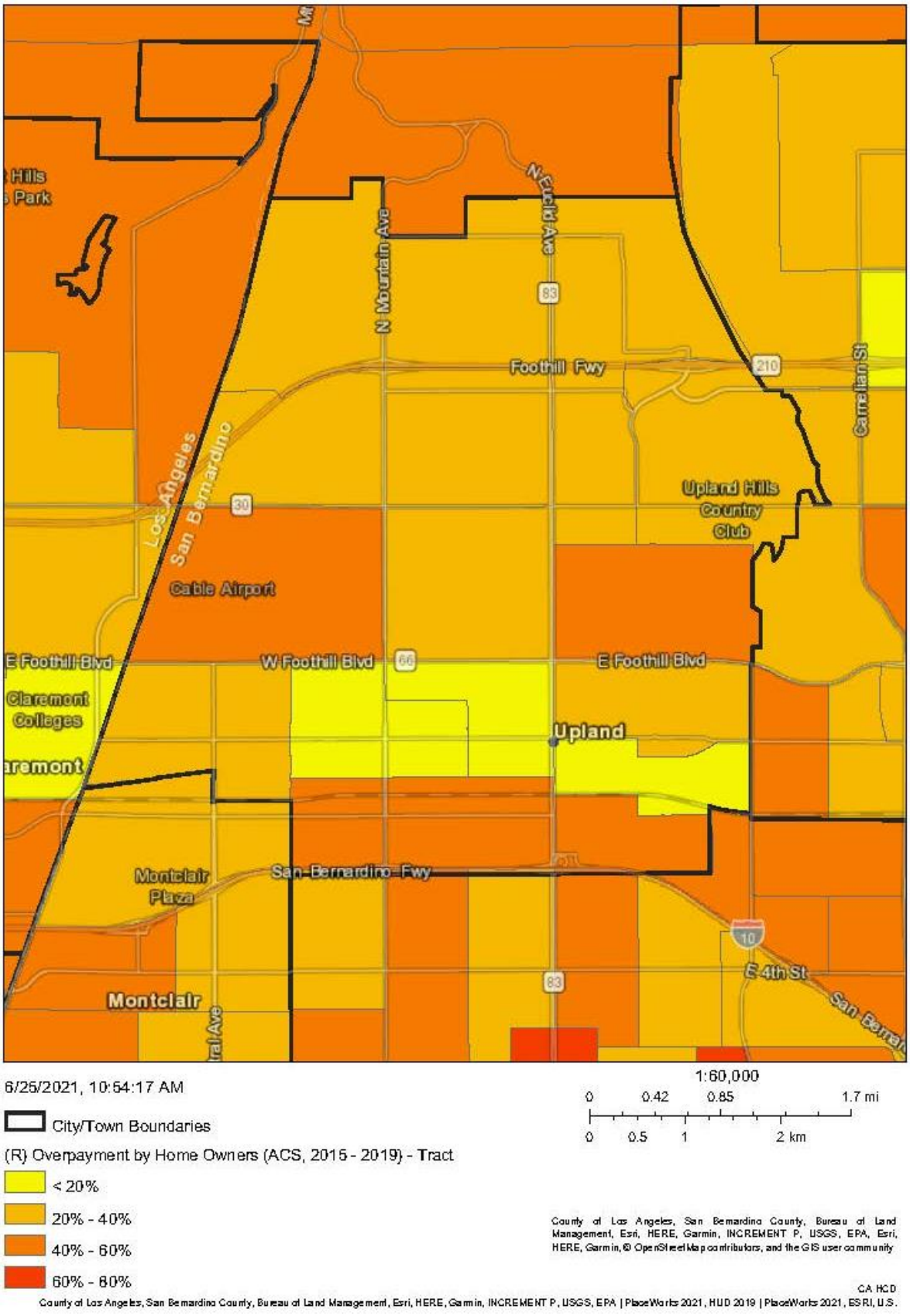


Figure C10. Homeowners Overpaying for Housing – Upland



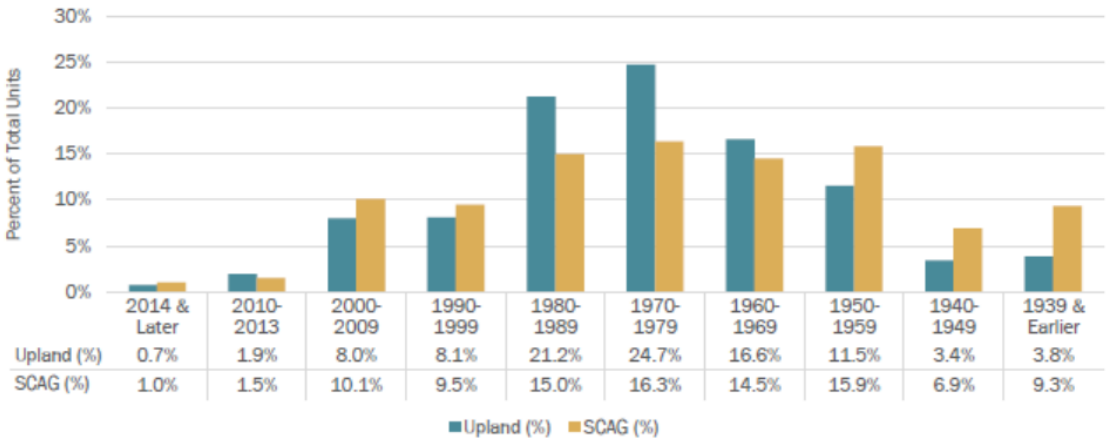
2) Substandard Housing

The age of a housing unit is often an indicator of housing conditions. Housing units without proper maintenance can deteriorate over time. Housing units built before 1970 are the most likely to need rehabilitation and to have lead-based paint in deteriorated condition. Lead-based paint becomes hazardous to children under age six and to pregnant women when it peels off walls or is pulverized by windows and doors opening and closing.

Housing over 50 years old is considered aged and is more likely to exhibit a need for major repairs. Additionally, older units may not be built to current building standards for fire and earthquake safety.

The age of housing units in Upland compared to the SCAG region as a whole is shown in Figure C11. Approximately 60% of Upland's housing units were constructed prior to 1980 and are now more than 40 years old. These findings suggest that there may be a substantial need for maintenance and rehabilitation, including remediation of lead-based paint. Based upon field observations of City building inspectors and code enforcement staff, it is estimated there may be 9,000 housing units currently in the City that are in need of substantial rehabilitation. Housing programs to assist lower-income households with needed repairs are described in Chapter 4.

Figure C11. : Age of Housing Units – Upland vs. SCAG Region



American Community Survey 2014-2018 5-year estimates.

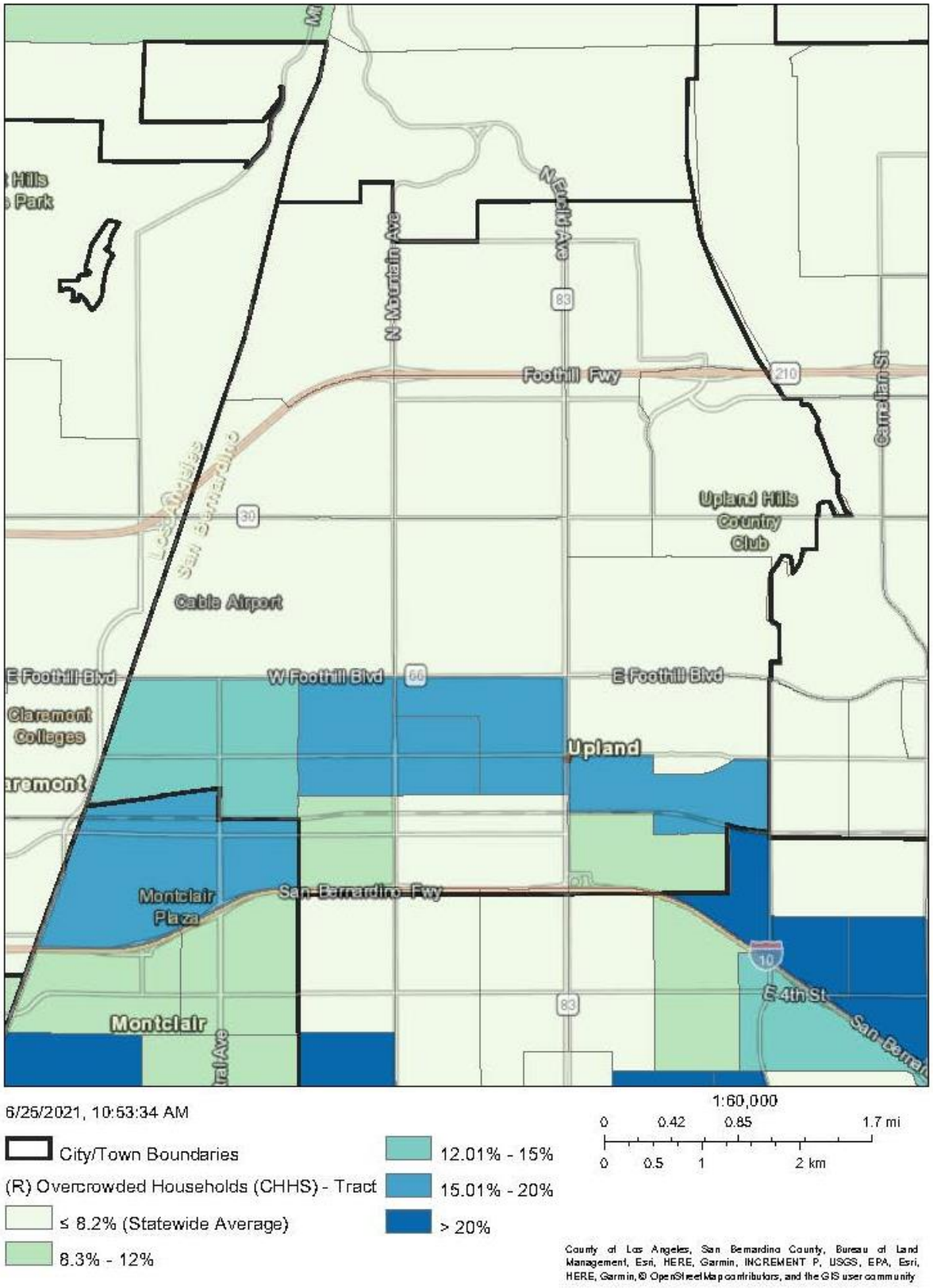
3) Overcrowding

"Overcrowding" is defined as a housing unit occupied by more than 1.01 persons per room (excluding kitchens, porches, and hallways). A unit with more than 1.51 occupants per room is considered "severely overcrowded." The incidence of overcrowded housing is a general measure of whether there is an available supply of adequately sized housing units. Overcrowding is also related to overpayment, because households may not be able to afford a large enough home to accommodate their needs. Overcrowding can lead to a variety of other problems such as lower educational performance among children, psychological stress and adverse health impacts.

In Upland, the highest rates of overcrowding occur in the southern portion of the city (Figure C12), which are also the areas with higher percentages of minority residents.

The problems of overcrowding are addressed in the Housing Plan through efforts to facilitate production and preservation of affordable housing and also through financial assistance such as Section 8 vouchers.

Figure C12. Overcrowded Households – Upland



4) Homelessness

Persons threatened with homelessness are often those with incomes at 30% of area median income or below who are paying more than 30% of their income for rent. Homeless persons are defined as those who lack a fixed and adequate residence. Homelessness is a pressing issue for many communities, and the varied dimensions involved have implications for housing programs. People who are homeless may be chronically homeless (perhaps due to substance abuse) or situationally homeless resulting from job loss, family strife, incarceration, or violence. Homeless people face critical housing challenges due to their very low incomes and other problems.

Counting the homeless population is problematic due to its transient nature. According to the 2020 San Bernardino County Homeless Count and Subpopulation Survey Report[6] there were 44 unsheltered and no sheltered homeless persons in Upland at the time of the survey.

Housing accommodations for homeless people include emergency shelters, navigation centers, transitional housing, and permanent supportive housing. Facilities serving Upland residents are described in Chapter 2: Housing Needs.

5) Displacement Risk

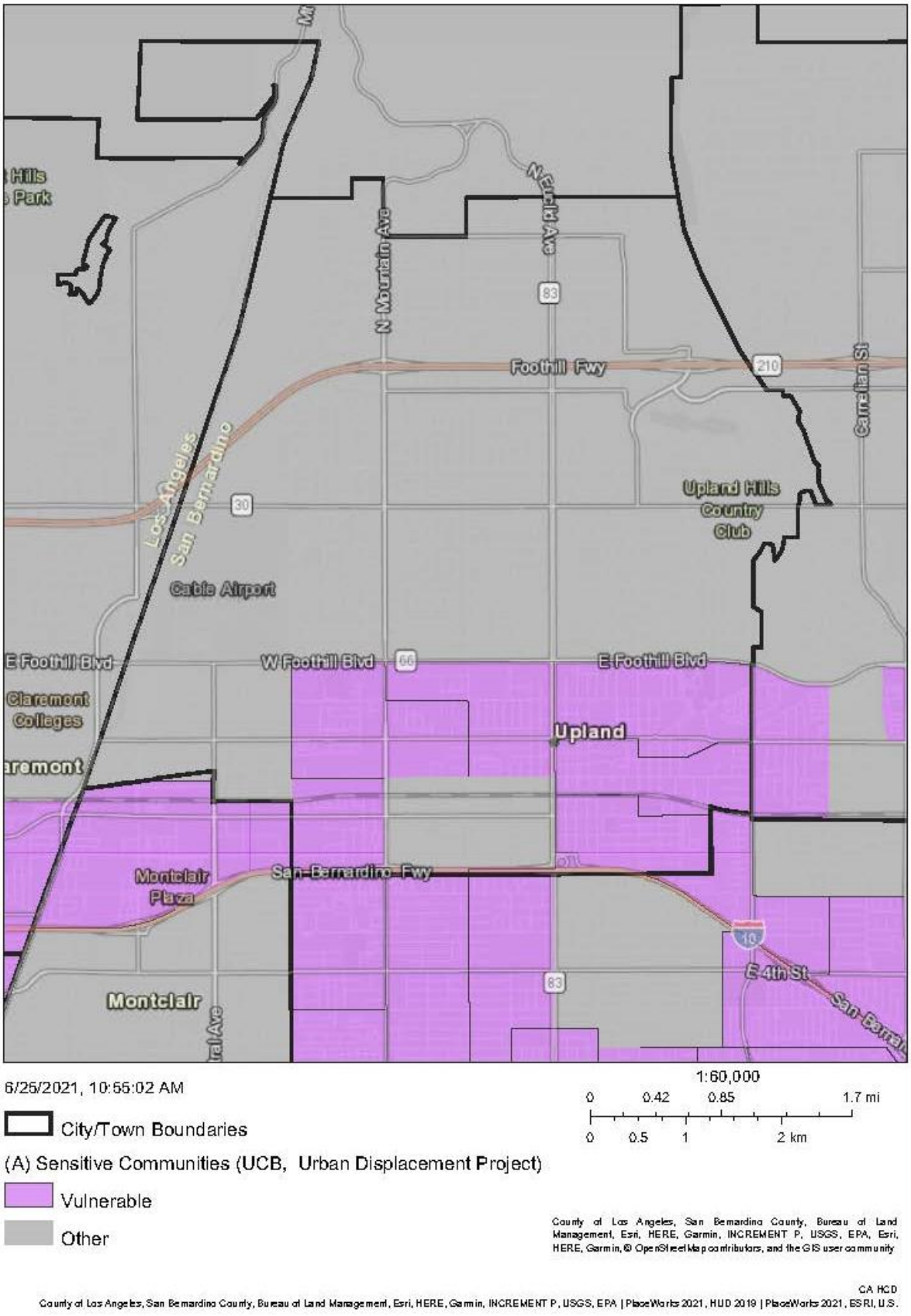
Displacement refers to any involuntary household move caused by landlord action or market changes. Displacement can be caused by rising housing costs, insufficient affordable housing opportunities, expiration of affordability covenants, evictions, housing discrimination, or the physical demolition of existing housing to make way for new development.

The Urban Displacement Project at UC Berkeley identifies that are areas vulnerable to displacement. As shown in Figure C13, portions of Upland south of Foothill Boulevard are considered vulnerable to displacement.

Displacement mitigation strategies include tenant protections, physical maintenance and conservation of the existing affordable housing stock, preservation of existing deed-restricted affordable units at-risk of conversion to market-rate, acquisition and rehabilitation of existing housing units, requiring the replacement of existing affordable units demolished as part of redevelopment, and facilitating construction of additional affordable housing. The Housing Plan (Chapter 5) includes programs to implement all of these strategies.

[6] https://wp.sbcounty.gov/dbh/sbchp/wp-content/uploads/sites/2/2020/04/2020-SBC-Homeless-Count-Report.pdf

Figure C13. Vulnerability to Displacement - Upland



3. Sites Inventory Analysis

The City's inventory of sites for potential housing is presented in Appendix B. As summarized in Table B-1, the inventory is comprised of approved projects, vacant sites, non-vacant underutilized sites and future ADUs. The sites analysis shows that as with most cities in the urbanized areas of Southern California, vacant developable land is very rare and underutilized sites provide the majority of future housing capacity.

As illustrated in Figures B-1 through B-4 in Appendix B, the majority of potential sites for housing development are on redevelopment of underutilized sites in the southern portions of the city and the Historic Downtown near the Metrolink rail station. Most of these sites are within areas designated by the TCAC/HCD opportunity maps as Moderate or High Resource (see Figure C14 below).

Because the northern portions of the city are almost completely built-out and are stable neighborhoods, future residential development in those areas during the 2021-2029 planning period is expected to focus on ADUs.

4. Contributing Factors

The Housing Element must include an identification and prioritization of significant contributing factors to segregation, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs. "Fair housing contributing factor" means a factor that creates, contributes to, perpetuates, or increases the severity of one or more fair housing issues. Contributing factors should be based on all the prior efforts and analyses: outreach, assessment of fair housing, and site inventory. Contributing factors must also be prioritized in terms of needed impact on fair housing choice and strongly connect to goals and actions.

Through the participation of stakeholders, fair housing advocates, and the assessment of fair housing issues described in this appendix, the City has identified fair housing issues and contributing factors as well as meaningful actions to address those issues as described in Table C4: Fair Housing Issues, Contributing Factors and Meaningful Actions.

5. Goals, Policies and Actions

Based upon the analysis presented above, the City has identified fair housing issues, contributing factors, and meaningful actions that will be taken to address those issues during the planning period. These actions are consistent with the Upland 2019-2023 Analysis of Impediments to Fair Housing Choice.

Figure C14. TCAC Opportunity Areas Composite Score - Upland

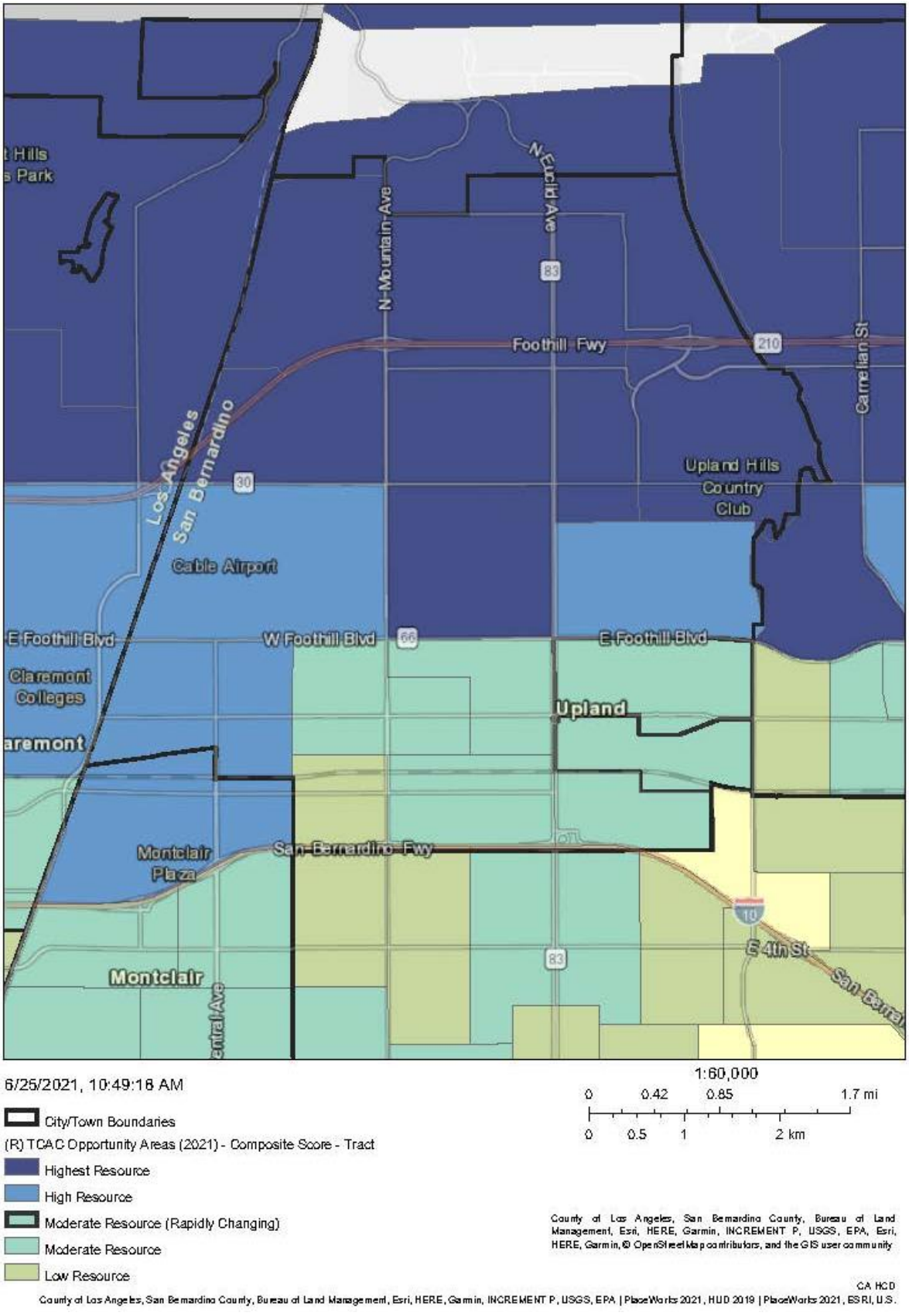


Table C4. Fair Housing Issues, Contributing Factors and Meaningful Actions

Fair Housing Issue	Contributing Factor	Priority	Meaningful Action
1. Transit Access	Transit provides elderly residents, low-income residents, youth, and others access to jobs, medical facilities, parks, housing, and public services. Omnitrans, the City's transit provider, has adopted service standards to ensure an equitable distribution of services. For instance, all areas having a minimum residential density of 3.5 dwelling units per acre or employment density of 10 jobs per acre, as measured over an area of 25 acres, should be provided with a transit service that places 90 percent of residences and jobs within one-half mile of a bus stop. The Omnitrans Short-Range Transit Plan indicated that all neighborhoods and employment nodes in Upland are well-served. Closer analysis of Upland's development patterns in the 2013-2018 A.I. revealed a then-underserved area. At that time, Omnitrans did not have any bus routes connecting the new Colonies Crossroads commercial development within the Colonies San Antonio Specific Plan area, more specifically the commercial area that includes the Home Depot, LA Fitness, Nordstrom Rack, etc. Omnitrans Route 83 was subsequently modified and now connects with the commercial area. However, there is no fixed route service in the City of Upland north of the 210 Freeway.	High	The City will monitor residential and commercial developments that may impact ridership potential for expanded fixed route service north of the 210 Freeway and if any new developments in this area have the potential to generate ridership, the City will share this information with Omnitrans for consideration in future transit planning. (Housing Element Program 19)
2. Discrimination against Persons with Disabilities	Approximately two-thirds of discrimination complaints in Upland over the last five years were on the basis of physical or mental disability. The high proportion of disability complaints to IFHMB in Upland is consistent with other communities in the area and is also consistent with data at the state and federal level. Fair housing discrimination on the basis of disability demonstrates a lack of understanding in the housing industry of the housing rights of persons with disabilities. Disabled persons are particularly experiencing difficulties when requesting reasonable accommodations or modifications from their housing provides. In particular, persons with cognitive disabilities experience significantly more problems with these accommodations. This impediment was addressed in the past through fair housing outreach and education; however, given that two-thirds of all fair housing complaints received locally are on the basis of disability, this impediment remains a priority.	High	The Upland Development Services Department and IFHMB will continue providing educational opportunities for property owners, property managers, and residents in Upland concerning the law as it pertains to reasonable accommodations and reasonable modifications. The City will contract with IFHMB to provide two workshops per year in the City, with one workshop per year serving as a general introduction to fair housing laws and possible discrimination, and one workshop each year being specifically focused on housing issues faced by persons with disabilities and the reasonable accommodation and modification processes. The City will also contract with IFHMB at least once during the planning period to fund matched pair testing in Upland to address issues of possible discrimination based on disability as well as race, familial status, national origin, disability and other protected categories. (Housing Element Program 19)

Fair Housing Issue	Contributing Factor	Priority	Meaningful Action
3. Lack of Rental Housing Opportunities in Northern Upland	Examination of the General Plan Land Use Map and Zoning Map and comparison to Affirmatively Furthering Fair Housing Data and Mapping Tool (AFFH-T) maps illustrating the tenure of occupied housing units geographically reveals that tenure is consistent with land use and zoning in Upland. In the Census Tracts north of Foothill Boulevard, between 68.4 and 81.43 percent of housing units are owner-occupied. In the Census Tracts north of Baseline Avenue, between 81.43 and 100 percent of housing units are owner occupied. South of Foothill Boulevard, only 33.51 percent of the housing units are owner-occupied in most Census Tracts. HUD AFFH data suggests that northern Upland is characterized by higher performing schools and relatively less exposure to poverty. Therefore, the limited rental housing opportunities in the northern portion of the city is a contributing factor and an impediment to fair housing.	High	To foster development of a balanced community that provides access to a diverse array of housing opportunities for all Upland residents including members of protected classes, the City will seek to expand affordable rental housing opportunities north of Foothill Boulevard by encouraging multi-family affordable rental housing developments as part of infill projects or as part of Specific Plans where mixed use and flexible residential uses are currently allowable. (Housing Element Programs 5 and 19)

Appendix D Public Comments

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YIMBY LAW CALIFORNIA YIMBY

February 28, 2022

Policy Recommendations for 6th Cycle Housing Element

Dear Planning staff:

YIMBY Law submits this letter to share our policy goals and recommendations for the Policies and Programs section of your Housing Element. We appreciate the opportunity to participate in the Housing Element process.

The Policies and Programs section of the city's Housing Element must respond to data, analysis and findings presented in the Housing Needs section. We repeatedly see findings that housing prices are high, segregation exists, and there is a lack of housing for special populations, but the Policies and Programs don't respond to these findings or try to change outcomes. The overview of the city's housing environment should set the scene, and the policies and programs should explain what the city is going to do to fix it.

Our policy goals are as follows:

Affirmatively Furthering Fair Housing

1. **Prioritize rezoning in high resource, historically exclusionary neighborhoods.** Many of the highest resource neighborhoods with the best access to jobs, good schools, and other amenities have histories of exclusion which are still reflected in their zoning. Cities should rezone to allow more housing opportunities in those neighborhoods, particularly those with low Vehicle Miles Traveled, as part of their

Housing Elements.

2. **Establish a strong tenant protection ordinance so that new housing benefits everyone.** Development should not permanently displace current residents. Housing replacement programs, temporary housing vouchers, right of return, and demolition controls will create stability for renters while allowing new homes to be built for new households and to accommodate the growth associated with RHNA. In your sites inventory and rezoning programs, you should prioritize development on sites with owner-occupied housing & commercial uses over those with existing rent-controlled apartments or other rental housing with lower income residents.

3. **Support homeownership opportunities for historically excluded groups.** Homeownership continues to be a path to building financial security and inter-generational wealth, which has been systematically denied to many Americans. As a society, we need to make this right by intentionally offering opportunities to communities who have been excluded. The housing element should identify opportunities to create a variety of for-sale housing types and create programs to facilitate property ownership among excluded groups.

Site Capacity

4. **Adequately plan for density.** Ensure that a site's density will accommodate the number of homes that are projected to be built. In addition, make sure height limits, setback requirements, FAR, and other controls allow for adequate density and the ability to achieve a site's realistic capacity. Housing will not be feasible if you have a high density paired with low height limits. This density should be emphasized around jobs and transit and should go beyond the Mullin density in those areas.

5. **Provide sufficient zoned capacity to accommodate all income levels, including a minimum No Net Loss buffer of 30%.** Not every site will be developed at maximum density during the eight-year planning period. Identify an ample amount of opportunity sites and zone the sites to accommodate lower-income housing types (usually a statutory minimum of 30 dwelling units per acre) to give the city the best chance at meeting its RHNA.

6. **Use data from the 5th Cycle to calculate the likelihood of development for your 6th Cycle site inventory.** Likelihood of development is a measure of the probability of an inventory site being developed during the planning period. The median likelihood of development across the state is 25%, meaning only one of every four sites will likely be developed during the planning period for the median city. Incorporating the likelihood of development into the zoned capacity will set the city up to successfully achieve their RHNA, making the housing element less of a paper exercise and more of an actionable, functional document.

Accessory Dwelling Units

7. **Commit to an automatic mid-cycle adjustment if ADU permitting activity is lower than estimated in the housing element.** We highly recommend complying with HCD's standards of using one of its "safe harbor" methodologies to anticipate future ADU production. However, if the city is optimistic about ADU growth, then creating an automatic mid-cycle adjustment will automatically facilitate alternative housing options (i.e., a rezoning program, removing development constraints, ADU incentives, etc.) if the city falls behind the estimated ADU production.

8. **Incentivize new ADUs, including those that are rent-restricted for moderate- or lower-income households or that are prioritized for households with housing choice vouchers.** Consider offering low- or no-interest loans, forgivable loans, impact fee waivers for ADUs that are 750 square feet or larger, allowances to facilitate two-story and second-story ADU construction, etc.

Zoning

9. **Allow residential to be built in areas that are zoned for commercial use.** There are a myriad of ways to do this, but a housing overlay is one common policy. Additionally, consider eliminating new commercial space in mixed-use developments where there is not a strong demand or there is otherwise a glut of commercial space that is unused or frequently vacant.

10. **Allow flexibility in inclusionary zoning.** Cities should require different percentages for different AMI levels. Additionally, we urge cities to incentivize land

dedication to affordable developers in order for market-rate developers to meet their inclusionary requirements. Avoid getting trapped into thinking that the affordable units must be "sprinkled throughout" the market-rate units, or require the market-rate units to look exactly the same as the affordable ones. This should be balanced against not locating all of the affordable units in one place and ghettoizing neighborhoods by creating or perpetuating racially concentrated areas of poverty.

Better Entitlement Process & Reducing Barriers to Development

11. **Ensure that the city has a ministerial process for housing permitting, especially multi-family housing, and remove impact fees for deed-restricted housing.** A discretionary process for housing development creates uncertainty and adds to the cost of construction. For example, multi-family housing should not require a conditional use permit or city council approval unless the builder is asking for unique and extraordinary concessions. Right-sizing governmental constraints, entitlement processes, and impact fees will help the city successfully meet its RHNA.

12. **Reduce parking standards and eliminate parking minimums.** Minimum parking requirements are a major constraint on housing, especially for lower cost housing types. They can cost in excess of $30,000 per spot and can raise rents by as much as 17%, and eliminating them is particularly important for smaller & other spatially constrained sites. Consider adopting a parking maximum.

13. **Cap fees on all new housing.** Most construction costs are outside the City's control, but reducing impact fees can demonstrate that a city is serious about building new housing. At a minimum, cities should delay the collection of impact fees until the issuance of the certificate of occupancy to reduce financial impacts on new housing and make the units cheaper by not asking the developer to carry impact fee charges or debt throughout the construction phase.

14. **Provide local funding.** One of the largest barriers to building new affordable homes is the lack of city/county funds available to assemble sites, provide gap funding, and to pay for dedicated staff. Without new funding, especially at the local level, we will not be able to build more affordable homes. There are three

new revenue streams that should be considered: 1) **Transfer tax**, a one-time payment levied by a jurisdiction on the sale of a home, may be utilized to raise much needed revenue to fund affordable homes; 2) **Vacancy tax** may be collected on vacant land to convince landowners to sell their underutilized properties and be used to fund the construction of affordable homes; 3) **Commercial linkage** fees should be adopted or revisited for increases on new commercial developments.

We urge you to include these policies in your 6th cycle Housing Element.

Best regards,

Sonja Trauss
Executive Director
YIMBY Law
sonja@yimbylaw.org

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DIVISION OF HOUSING POLICY DEVELOPMENT
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www.hcd.ca.gov

November 22, 2021

Robert Dalquest, Director
Development Services Department
City of Upland
460 N. Euclid Ave
Upland, CA 91786

Dear Robert Dalquest:

RE: City of Upland's 6th Cycle (2021-2029) Draft Housing Element

Thank you for submitting the City of Upland's (City) draft housing element received for review on September 24, 2021. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation on November 10, 2021 with you, City Associate Planner, Josh Winter and the City's consultant, John Douglas.

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes revisions needed to comply with State Housing Element Law.

As a reminder, the City's 6th cycle housing element was due October 15, 2021. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the City to revise the element as described above, adopt, and submit to HCD to regain housing element compliance.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of this statutory deadline, then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element

process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

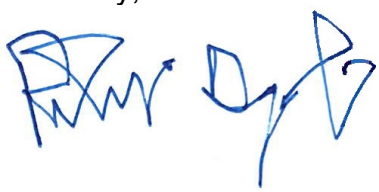
Pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory. Please see HCD's housing element webpage at https://www.hcd.ca.gov/community-development/housing-element/index.shtml for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance. Upon adoption of the housing element, the City must submit an electronic version of the sites inventory with its adopted housing element to sitesinventory@hcd.ca.gov.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf and http://opr.ca.gov/docs/Final_6.26.15.pdf.

HCD appreciates the hard work and dedication the City's housing element team provided during the review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Reid Miller, of our staff, at Reid.Miller@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

APPENDIX
CITY OF UPLAND

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml. Among other resources, the housing element section contains HCD's latest technical assistance tool, Building Blocks for Effective Housing Elements (Building Blocks), available at http://www.hcd.ca.gov/community-development/building-blocks/index.shtml and includes the Government Code addressing State Housing Element Law and other resources.

A. Review and Revision

Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)

General: While the element includes some information on the progress in implementation from the previous element, it must evaluate the effectiveness of programs and reflect the results in the current element. Table A1 provides the "Status of Program Implementation" for each program in the 2013-2021 Housing element, but it does not provide adequate analysis of the effectiveness of each activity, what was learned from implementing the program in the previous element, and how that knowledge has been incorporated to either continue, modify, or discontinue the program in the current housing element cycle. Table A1 should also specifically name which programs will be continued in the 6th cycle housing element.

Special Needs Populations: As part of the review of programs in the past cycle, the element must provide cumulative evaluation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female headed households, farmworkers and persons experiencing homelessness).

B. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2…shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

   The element provides a general overview of Affirmatively Furthering Fair Housing (AFFH), beginning on page H-22, including general information on outreach. However, it generally does not address this requirement. The element, among other things, must include outreach, an assessment of fair housing, analysis of the sites inventory, identification, and prioritization of contributing factors to fair housing issues and goals and actions sufficient to overcome patterns of segregation and foster inclusive communities free from barriers

that restrict access to opportunity. For further guidance, please visit HCD's AFFH in California webpage at https://www.hcd.ca.gov/community-development/affh/index.shtml.

2. *Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income (ELI) households. (Gov. Code, § 65583, subd. (a)(1).)*

   Employment Trends: While the City does provide some analysis of employment trends on Page H-6, it should also provide an analysis of the largest employers in the City as well as the City's unemployment rate.

3. *Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)*

   Overpayment: While the element identifies the total number of overpaying households, it must quantify and analyze the number of overpaying households by tenure (i.e., renter and owner), including lower-income households.

   Housing Conditions: The element identifies the age of the housing stock (p. H-19). However, it must include analysis of the condition of the existing housing stock and estimate the number of units in need of rehabilitation and replacement. For example, the analysis could include estimates from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from knowledgeable builders/developers, including non-profit housing developers or organizations.

   Average Rental Costs: While the element provides some information as to housing costs on page H-12, it does not include the average rental cost in the City. This number must be included to complete the housing needs assessment.

   Vacancy Rates: While the element identifies the total percentage for the overall vacancy rate in the City (p. H-8), it must quantify and analyze the vacancy rate by tenure (i.e., renter and owner).

4. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

   The City has a regional housing need allocation (RHNA) of 5,686 housing units, of which 2,543 are for lower-income households. To address this need, the element relies on vacant sites, underutilized sites, as well as sites to be upzoned and rezoned. To demonstrate the adequacy of these sites and strategies to accommodate the City's RHNA, the element must include complete analyses:

Progress in Meeting the RHNA: The City's RHNA may be reduced by the number of new units built since July 1, 2021. The element indicates (p. H-48 and H-71) 921 approved units toward the RHNA but must also demonstrate the affordability of the units. Specifically, the element must assign these units to the various income groups based on actual or anticipated sales price or rent level of the units or other mechanisms ensuring affordability (e.g., deed-restrictions) and demonstrate their availability in the planning period. Additionally, the element must list the current status and estimated completion date of the approved projects listed in the sites inventory.

Sites Inventory: The element lists parcels by various factors such as size, zoning, general plan designation and existing use. However, the description of existing use must include sufficient detail to facilitate an analysis of the potential for additional development on nonvacant sites. For example, many sites that are listed as "vacant" and candidate sites for rezoning have existing uses (e.g., Site 90 has an existing use of "well site", Site 93 has a parcel with an existing use of "storage yard", and some sites list an existing use as "flood control"), but those uses are not sufficiently described nor analyzed to demonstrate additional development potential in the planning period.

In addition, for sites that are candidates for upzoning and rezoning, the inventory should also list both the current and proposed general plan and zoning designations. The element must also include realistic capacity by parcel, include general plan and zoning designations for all parcels.

Realistic Capacity: While the element (p. H-48) mentions an assumption of 80 percent of maximum allowable densities to calculate residential capacity on identified sites, it must also provide support for these assumptions. For example, the element should demonstrate what specific trends, factors, and other evidence led to the assumptions. The estimate of the number of units for each site must be adjusted as necessary, based on the land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities. The element also needs to analyze the likelihood that the identified units will be developed as noted in the inventory in zones that allow 100 percent nonresidential uses (e.g., mixed-use). This analysis should consider the likelihood of nonresidential development, performance standards, and development trends supporting residential development. The analysis should include examples of recent developments with similar capacities to support the assumptions in the inventory for both vacant and nonvacant sites.

Nonvacant Sites: The element identifies nonvacant sites to accommodate the regional housing need for lower-income households, but does not describe the methodology used to determine the additional development potential within the planning period. The methodology must consider factors including the extent to which existing uses may impede additional residential development, development trends, market conditions, any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, and regulatory or other incentives or standards to encourage additional residential development on these sites. (Gov. Code, § 65583.2, subd. (g).) For sites with residential uses, the inventory could also

describe structural conditions or other circumstances and trends demonstrating the redevelopment potential to more intense residential uses. For nonresidential sites, the inventory could also describe whether the use is operating, marginal or discontinued, and the condition of the structure or could describe any expressed interest in redevelopment.

In addition, if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households, the housing element must demonstrate that the existing use is not an impediment to additional residential development in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) This can be demonstrated by providing substantial evidence that the existing use is likely to be discontinued during the planning period. (Gov. Code, § 65583.2, subd. (g)(2).)

Sites Identified in Prior Planning Periods: Sites identified in prior planning periods shall not be deemed adequate to accommodate the housing needs for lower-income households unless a program, meeting statutory requirements, requires rezoning within three years. The element should clarify if sites were identified in prior planning periods and if so, which sites and include a program if utilizing previously identified sites in the current planning period. For more information on program requirements, please see HCD's Housing Element Sites Inventory Guidebook at https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml.

Small Sites: The element identifies several sites consisting of aggregated small parcels with less than 50 units per site capacity. The element must describe whether these aggregated parcels are expected to develop individually or consolidated with the other small parcels. For parcels anticipated to be consolidated, the element must demonstrate the potential for lot consolidation. For example, analysis describing the City's role or track record in facilitating small-lot consolidation, policies or incentives offered or proposed to encourage and facilitate lot consolidation, conditions rendering parcels suitable and ready for redevelopment, recent trends of lot consolidation, and information on the owners of each aggregated site. For parcels anticipated to develop individually, the element must describe existing and proposed policies or incentives the City will offer to facilitate development of small sites. Please be aware sites smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income housing unless it is demonstrated that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower-income housing units as projected for the site or unless the housing element describes other evidence to HCD that the site is adequate to accommodate lower-income housing. (Gov. Code, § 65583.2, subd. (c)(2)(A).)

Replacement Housing Requirements: If the sites inventory identifies sites with existing residential uses, it must identify whether the current residential uses are affordable to lower-income households or describe whether the additional residential development on the site requires the demolition of the existing residential use. For nonvacant sites with existing, vacated, or demolished residential uses and occupied by, or subject to an affordability requirement for, lower-income households within the last five years there must be a replacement housing program for units affordable to lower-income households. (Gov. Code, § 65583.2, subd. (g)(3).) Absent a replacement housing program, these sites are not adequate sites to accommodate lower-income households. The replacement housing

program has the same requirements as set forth in Government Code section 65915, subdivision (c)(3). The housing element must be revised to include such analysis and a program, if necessary.

Infrastructure: While the element describes water and sewer infrastructure, it must also demonstrate sufficient existing or planned dry utilities supply capacity, including the availability and access to distribution facilities to accommodate the City's regional housing need for the planning period. (Gov. Code, § 65583.2, subd. (b).)

Environmental Constraints: While the element generally describes a few environmental conditions within the City (Table H-46), it must describe how these conditions relate to identified sites including any known environmental constraints within the City that could impact housing development in the planning period. (Gov. Code, § 65583.2, subd. (b).) Specifically, the City should analyze the appropriateness and additional costs of producing housing in Very High Fire Hazard Severity zones and areas prone to earthquakes and other geological hazards, and whether these additional constitute a constraint on the City's ability to meet their RHNA.

Accessory Dwelling Units (ADUs): The element projects 240 ADUs over the planning period or approximately 30 ADUs per year over the eight-year planning period. The element also notes permitting 5 ADUs in 2018, 19 in 2019 and 24 in 2020. These trends are inconsistent with HCD records (nothing reported in 2018, 14 in 2019 and 41 in 2020) and do not support an assumption of 18 ADUs per year. To support assumptions for ADUs in the planning period, the element should reduce the number of ADUs assumed per year and reconcile trends with HCD records, including additional information such as more recent permitted units and inquiries, resources and incentives, other relevant factors and modify policies and programs as appropriate. Further, programs should commit to additional incentives and strategies, frequent monitoring (every other year) and specific commitment to adopt alternative measures such as rezoning or amending the element within a specific time (e.g., 6 months) if ADU assumptions for the number of units and affordability are not met.

Zoning for a Variety of Housing Types:

- *Accessory Dwelling Units*: After a cursory review of the City's ordinance, HCD discovered a few areas in which were not consistent with State ADU Law. HCD will provide a complete listing of ADU non-compliance issues under a separate cover. As a result, the element should add a program to update the City's ADU ordinance in order to comply with state law. For more information, please consult HCD's ADU Guidebook, published in December 2020, which provides detailed information on new state requirements surrounding ADU development.

- *Transitional and Supportive Housing*: The element mentions (p. H-36) transitional housing and supportive housing briefly. However, the section of the element only states the state law. Transitional housing and supportive housing must be permitted as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (a)(5).) The element must describe and analyze the City's transitional and supportive

housing standards and codes and demonstrate consistency with Government Code section 65583, subdivision (a)(5) or add or revise programs which comply with the statutory requirements.

- *Emergency Shelters*: The element should describe the development standards of the zone that allows emergency shelters without a conditional use permit or other discretionary action and should also describe the characteristics and suitability of the zone(s) for emergency shelters which may include proximity to transportation and services, hazardous conditions, and any conditions in appropriate for human habitability. In addition, the element should describe how emergency shelter parking requirements are in line with AB139/Government Code section 65583, subdivision (a)(4)(A) or include a program to comply with this requirement.

- *Housing for Agricultural Employees*: The element must demonstrate zoning is consistent with the Employee Housing Act (Health and Safety Code, § 17000 et seq.), specifically, sections 17021.5 and 17021.6. Section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. Section 17021.6 requires employee housing consisting of no more than 12 units or 36 beds to be permitted in the same manner as other agricultural uses in the same zone. For additional information and sample analysis, see the Building Blocks at http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/farmworkers.shtml.

5. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures… (Gov. Code, § 65583, subd. (a)(5).)*

   Land Use Controls: While the element describes most land use controls; the element must analyze all relevant land use controls impacts as potential constraints on a variety of housing types. The analysis should analyze land use controls independently and cumulatively with other land use controls. The analysis should specifically address parking requirements for multifamily development, particularly smaller bedroom types for impacts on cost, supply, housing choice and affordability and include programs to address identified constraints. For example, the City should analyze whether it is a constraint to require a two-car garage per unit for multifamily projects (studio, one-, and two-bedroom units), including infill projects and add a program as appropriate. In addition, parking for residential care must be the same as other residential uses in the same zone.

   In addition, the element must include development standards for all zones that are included in the sites inventory. Currently, there are sites identified in the element with “Citrus Transp.” And “Old Town” as zoning designations, but those zoning designations are not included in the analysis of building and development standards. The element must also clarify whether standalone residential is allowed in mixed-use zones or if it must be paired with commercial development.

Local Processing and Permitting Procedures: While the element provides a description (pg. 42-43) of permits required for housing developments, it must describe and analyze the permitting process, identify what is reviewed, typical findings and approval procedures by zone and housing type. The analysis must evaluate the processing and permit procedures' impacts as potential constraints on housing supply and affordability (including a conditional use permit and design review). For example, the analysis should consider processing and approval procedures and time for typical single family and multifamily developments, including type of permit, level of review, approval findings and any discretionary approval procedures.

Specifically, based on the permitted uses in zones allowing residential uses in Table H-12, it appears that multifamily housing is not allowed as a permitted use without a administrative use permit (AUP) or conditional use permit (CUP) anywhere in the City. If this is not true, Table H-12 should be modified to ensure that it accurately reflects permitted residential uses throughout the City. In addition, the element must analyze the AUP process and the requirement that all projects larger than 15 units apply for a CUP, which requires a public hearing as a constraint on housing supply and affordability. The analysis should identify findings of approval for the use permits and their potential impact on development approval certainty, timing, and cost. The City should add a program to revise this process to remove or mitigate.

Design Review: The element must describe and analyze the design review process, including approval procedures and decision-making criteria, for their impact as potential constraints on housing supply and affordability. For example, the analysis could describe required findings and discuss whether objective standards and guidelines improve development certainty and mitigate cost impacts. The element must demonstrate this process is not a constraint or it must include a program to address this permitting requirement, as appropriate.

Fees: While the element includes Table H-9 describing some planning and development impact fees, the element must describe all required fees for single family and multifamily housing development, including but not limited to impact fees, general plan amendments, variances, zoning changes, design review, specific plans, and analyze their impact as potential constraints on housing supply and affordability. In addition, the analysis could identify the total amount of fees and their proportion to the development costs for both single family and multifamily housing.

Zoning, Development Standards and Fees: The element must clarify compliance with new transparency requirements for posting all zoning, development standards and fees on the City's website and add a program to address these requirements, if necessary.

Other Local Ordinances: The element must analyze any locally adopted ordinances that directly impacts the cost and supply or residential development (e.g., inclusionary requirements, short term rentals, growth controls).

Streamlining Provisions: The element should clarify whether the City has procedures consistent with streamlining procedures pursuant to Government Code section 65913.4 and include programs as appropriate.

Definition of a Family: The element defines a family on page H-36. The current definition is a constraint, and the element must include a program to revise the definition to remove the characteristic of having to "chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease". Requiring a single written lease can be a constraint to shared housing and other types of living arrangements for persons with disabilities.

Housing for Persons with Disabilities: The element excludes group homes for seven or more persons from some residential zones and subjects the use to a conditional use permit, unlike other similar uses. The element should specifically analyze these constraints for impacts on housing supply and choices and approval certainty and objectivity for housing for persons with disabilities and include programs as appropriate. The element must include a program to review and revise procedural requirements to permit group homes for seven or more persons in all zones allowing residential uses based on objective criteria to facilitate approval certainty by a specified date. In addition, residential care facilities for six or fewer residents must be allowed in all zones that allow residential uses, not only residential zones.

6. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584… (Gov. Code, § 65583, subd. (a)(6).)*

   Availability of Financing: The element includes some general discussion of land prices, construction costs and availability of financing, but availability of financing should include financing for residents in addition to financing for developers.

   Developed Densities and Permit Times: The element must include analysis of requests to develop housing at densities below those anticipated, and the length of time between receiving approval for a housing development and submittal of an application for building permits that potentially hinder the construction of a locality's share of the regional housing need.

7. *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)*

   Special Housing Needs: While the element includes the number of large families and female headed households, it must also analyze their special housing needs. For a complete analysis of each population group, the element should discuss challenges faced by the population, the existing resources to meet those needs (availability senior housing units, number of large units, number of deed restricted units, etc.,), an assessment of any

gaps in resources, and proposed policies, programs, and funding to help address those gaps. In addition, the analysis should quantify the number of farmworkers in the City (USDA agricultural census) and must also provide an analysis of housing needs for farmworkers.

8. *Analyze existing assisted housing developments that are eligible to change to non- low-income housing uses during the next ten years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. (Gov. Code, § 65583, subd.(a)(9) through 65583(a)(9)(D).*

   The element identifies properties at-risk of conversion to market-rate during the planning period (p. H-21 & 22). While the element includes some of the required analysis, it is lacking required information. For example, the element must provide information on how it determined the risk of units converting to market-rate. It should include outreach to owners of the affordable properties to determine interest in renewing the affordable covenants. The element should also identify specific funding sources that could be used to preserve the affordability. The element must also identify qualified entities that would be able to acquire and manage the affordable properties at risk of converting to market-rate. It should also clarify whether sites that have "perpetual" dates of affordable covenant expiration are at risk of conversion in this planning period, and if so, these properties must be included in the at-risk analysis.

C. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)*

   To have a beneficial impact in the planning period and address the goals of the housing element, all programs must be revised with discrete timelines (i.e., month and year), specific commitment, and descriptions on how the program will be implemented. For example, programs to be revised with specific timelines include, but are not limited to Programs 6 (Specific Plans), Program 9 (Water Priority System), Program 10 (Neighborhood Improvements), Program 13 (Housing Incentives), Program 14 (Mobile Home Rent Stabilization), Program 15 (Housing at Risk of Conversion), and Program 17 (Administrative Capacity). Programs to be revised with specific commitment include but are not limited to:

   - Program 1 (Code Enforcement): The program should be revised to reference a referral system to Program 2 (HOME Improvement) for lower-income households in need of funds for home repair work.
   - Program 2 (HOME Improvement): The program should be revised to include what

methods and how often proactive outreach will occur to inform residents about its services.

- Program 3 (Emergency Repairs for Homeowners): The program should also be revised to include what methods and how often proactive outreach will occur to inform residents of the City about this program.
- Program 4 (Rental Acquisition and Rehabilitation): This program should commit to proactively reaching out to property owners and tenants eligible for the program.
- Program 13 (Housing Incentives): This program should clarify if the City's density bonus ordinance is up to date with recent changes in State law. If the City's density bonus ordinance needs to be updated, the program should be revised and include a specific date as to when the update will occur. In addition, the program should outline the requirements and process of the "lot consolidation efforts" it mentions. This program should commit to proactive outreach, as well as listing explicit incentives given to encourage potential developers to take advantage of them.
- Program 17 (Administrative Capacity): This program requires a more detailed plan of implementation, along with a more specific timeframe for when this program is going to be carried out.

2. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

   As noted in Finding B4, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

   The element describes a shortfall of sites and indicates rezoning will occur to accommodate the RHNA. While the element includes Program 5 (Adequate Sites to Accommodate Regional Housing Needs, it must specifically commit to acreage, allowable densities, and anticipated units. In addition, if necessary, to accommodate the housing needs of lower-income households, the program should specifically commit to rezoning pursuant to Government Code section 65583.2, subdivisions (h) and (i). Specifically, the Program must commit to:

   - permit owner-occupied and rental multifamily uses by-right for developments in which 20 percent or more of the units are affordable to lower-income households. By-right means local government review must not require a CUP, planned unit development permit, or other discretionary review or approval;
   - accommodate a minimum of 16 units per site;

- require a minimum density of 20 units per acre; and
- at least 50 percent of the lower-income need must be accommodated on sites designated for residential use only or on sites zoned for mixed uses that accommodate all the very low and low-income housing need, if those sites:
  - allow 100 percent residential use, and
  - require residential use occupy 50 percent of the total floor area of a mixed-use project.

Also noted in Finding B4, Program 16 (Homelessness Services and Facilities) should be revised to amend the zoning code to allow transitional and supportive housing to be permitted as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (a)(5).)

Finally, As noted in Finding B4, the element must add or modify programs based on the outcomes of a complete analysis to address the suitability of small sites towards the RHNA for lower-income households.

3. *The housing element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

   The element must include a program(s) with specific actions and timelines to assist in the development of housing for extremely low-income households. The program(s) could commit the City to adopting priority processing, granting fee waivers or deferrals, modifying development standards, granting concessions and incentives for housing developments that include units affordable to extremely low-income households; assisting, supporting or pursuing funding applications; and outreach and coordination with affordable housing developers.

4. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

   As noted in Finding B5 and B6, the element requires a complete analysis of potential governmental and non-governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

   In addition, the City must add a program to ensure that group homes serving both six or fewer and seven or more persons are not unduly constrained and to ensure zoning permits group homes objectively with approval certainty, as mentioned in Finding B4. Additionally, Program 18 (Housing for People with Disabilities) should be revised to include *all* special needs groups and include a specific timeline as to when the reasonable accommodation process zoning code update will be completed. Since this program is a carryover program from the past cycle, the zoning code update should be completed within the first year of the planning period.

5. *Promote Affirmatively Furthering Fair Housing opportunities and promote housing*

throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)

As noted in Finding B1, the element must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs. While the element include Program 19 (Fair Housing Program) Goals and actions must create meaningful impact to overcome contributing factors to fair housing issues and actions must have specific metrics and milestones. In addition, the program should be updated to commit to implementing all community development and housing programs in a manner that AFFH pursuant to Government Code section 8899.50.

In addition, currently the element only addresses AFFH in Program 19. The element could revise other program actions to address the City's obligation to AFFH including how programs address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection. The programs should also include metrics and milestones for evaluating progress on programs, actions, and fair housing results.

6. *Develop a plan that incentivizes and promotes the creation of ADUs that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, "accessory dwelling units (ADUs)" has the same meaning as "accessory dwelling unit" as defined in paragraph (4) of subdivision (i) of Section 65852.2. (Gov. Code, § 65583, subd. (c)(7).)*

   Program 8 (Accessory Dwelling Units) must be expanded to include incentives to promote the creation and affordability of ADUs. Examples include exploring and pursuing funding, modifying development standards, and reducing fees beyond state law, increasing awareness, and homeowner/applicant assistance tools. In addition, given the City's assumptions for ADUs exceed recent trends, the element should include a program to monitor permitted ADUs and affordability every other year and take appropriate action such as adjusting assumptions or rezoning within a specified time period (e.g., 6 months).

7. *The housing program shall preserve for low-income household the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance. (Gov. Code, § 65583, subd. (c)(6).)*

   Program 15 (Housing at Risk of Conversion): This program should commit to proactive outreach to affected owners and entities qualified to purchase and manage such sites. It should also incorporate the requirements of State preservation notice law (Government Code section 65863,10, 65863.11, and 65863.13) to inform the property owners of their responsibilities to tenants beginning three years before the property's potential conversion to market-rate.

D. Quantified Objectives

Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)

The element provides a summary of quantified objectives on pg. H-64. However, it should be noted that the number of preservation units should be based on the number of affordable units expected to be preserved in the planning period, not the total count of affordable units in the City. This will need to be corrected so that the number of preserved units is reflected accurately.

E. Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(8).)

While the element includes a general summary of the public participation process, it must also demonstrate diligent efforts were made to involve all economic segments of the community in the development of the housing element. The element should be revised to discuss outreach to lower-income and special needs groups during the public participation efforts, and participation in community workshops, and if translation services were provided. In addition, the element should also summarize the public comments and describe how they were considered and incorporated into the element. Further, the element should describe additional methods for public outreach efforts in the future, particularly to include lower-income and special needs households and neighborhoods with higher concentrations of lower-income households. The City must also confirm that the element was available for public comment prior to submitting the draft to HCD for review. For additional information, see the Building Blocks at http://www.hcd.ca.gov/community-development/building-blocks/getting-started/public-participation.shtml.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
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May 23, 2022

Robert Dalquest, Director
Development Services Department
City of Upland
460 N. Euclid Ave
Upland, CA 91786

Dear Robert Dalquest:

RE: City of Upland's 6th Cycle (2021-2029) Revised Draft Housing Element

Thank you for submitting the City of Upland's (City) revised draft housing element received for review on March 24, 2022. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review.

The revised draft element addresses some statutory requirements described in HCD's November 22, 2021 review; however, additional revisions are necessary to fully comply with State Housing Element Law (Article 10.6 of the Gov. Code) See enclosed Appendix.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. During the housing element revision process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), as the City failed to adopt a compliant housing element within 120 days of the statutory deadline (October 15, 2021), any rezone needed to accommodate the City's regional housing needs allocation (RHNA) must be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: https://www.opr.ca.gov/planning/general-plan/guidelines.html.

We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact, Reid Miller of our staff, at Reid.Miller@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

APPENDIX
CITY OF UPLAND

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks),* available at http://www.hcd.ca.gov/community-development/building-blocks/index.shtml and includes the Government Code addressing State Housing Element Law and other resources.

A. Review and Revision

Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)

General: While the draft element was revised to include some information on the effectiveness of programs from the previous element, it does not reflect the results in the current element. Table A1 must was revised to state when a program will be continued, but it must also provide an analysis of the effectiveness of each activity, and it must state what was learned from implementing the program in the previous element.

Special Needs Populations: The revised draft did not address this finding. Please see HCD's prior review.

B. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2…shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

   Enforcement and Outreach: While the element was revised to describe enforcement capacity, it must address compliance with existing fair housing laws as well as any past or current fair housing lawsuits, findings, settlements, judgments, or complaints.

   Integration and Segregation: The revised element provided some data on integration and segregation, but additional information and analysis is needed. The element included data across racial groups and one map displaying income by census tracts, but it must discuss and analyze this data for trends over time and patterns across census tracts. Additionally, it must evaluate patterns at a regional level, comparing the City to the region. The element must also analyze integration and segregation for persons with disabilities both locally and regionally including patterns over time, availability of services, and concentrations within or

between census tracts. The element must also include an analysis of familial status including whether there are concentrations within the City and also provide a regional analysis. In addition, the element must analyze integration and segregation of income both locally and regionally as well as analyze the distinguished pattern provided in the map. Lastly, the element must integrate local data and knowledge into the analysis.

Racial/Ethnic Areas of Concentration of Poverty and Affluence (R/ECAP): While the revised element includes information relative to R/ECAP and concentrated areas of affluence, the combined R/ECAP and areas of affluence analyses should evaluate the patterns and changes over time at a local (e.g., neighborhood to neighborhood) and regional level (e.g., city to region). This analysis will help guide goals and actions to address fair housing issues. The element should also address the effects of the nearby R/ECAP. In addition, the element must provide a geographic analysis of concentrated areas of affluence both locally and regionally.

Disparities in Access to Opportunity: The revised element provides information on the disparities in access to opportunity through the TCAC opportunity maps but must also provide a complete local and regional analysis of patterns and trends for all components. A comprehensive analysis should include the local and regional disparities of the educational, environmental, and economic scores through local, federal, and/or state data. It should also analyze persons with disabilities as well as access to transit. Please refer to page 35 of the AFFH guidebook (link: https://www.hcd.ca.gov/community-development/affh/index.shtml#guidance) for specific factors that should be considered when analyzing access to opportunities as it pertains to educational, employment, environmental, transportation, and any factors that are unique to Upland. In addition, the element should analyze any overall patterns in disparities in access to opportunity within the City.

Disproportionate Housing Needs and Displacement Risk: While the revised element includes some information on all components of disproportionate housing needs (e.g., overpayment, overcrowding, substandard housing, and homelessness), analyses should evaluate the patterns and changes over time at a local (e.g., neighborhood to neighborhood) and regional level (e.g., city to region) for each of these components. The element must also provide an analysis of regional patterns and trends in relation to displacement risk. The element should include a regional analysis for overpayment as well as analyze local and regional concentrations of substandard housing. For overcrowding, the local analysis should include details on what contributes to overcrowding in certain areas of the City, how it relates to other fair housing factors, as well as a regional analysis. The analysis of persons experiencing homelessness should describe any demographics or characteristics for impacts on protected characteristics (e.g., race and disability) and access to shelter and services. Lastly, the element must analyze displacement risk both locally and regionally including displacement due to investment, disinvestment, and disaster driven displacement.

Sites Inventory: The analysis must identify whether sites improve or exacerbate conditions and whether sites are isolated by income group. A full analysis should address the income categories of identified sites with respect to location, the number of sites and units by all income groups and how that affects the existing patterns for all components of the

assessment of fair housing (e.g., segregation and integration, access to opportunity). The element should also discuss whether the distribution of sites improves or exacerbates conditions. If sites exacerbate conditions, the element should identify further program actions that will be taken to promote equitable quality of life throughout the community (e.g., anti-displacement and place-based community revitalization strategies).

Contributing Factors to Fair Housing Issues: The element mentions fair housing issues and goals and priorities from the City's Analysis of Impediments. However, these issues and goals do not appear to be rooted in any analysis related to Upland and do not appear adequate to facilitate the formulation of meaningful action to Affirmatively Furthering Fair Housing (AFFH). The element should re-assess and prioritize contributing factors upon completion of analysis and make revisions as appropriate.

Goals, Priorities, Metrics, and Milestones: The element must be revised to add or modify goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, metrics and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.

2. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

   Progress in Meeting the Regional Housing Need Allocation (RHNA): The City's RHNA may be reduced by the number of new units built since July 1, 2021. The element indicates (p. H-81) 921 approved units toward the RHNA but must also demonstrate their availability in the planning period. While the revised element lists the current status of these approved projects as "entitled," it should indicate whether projects will be built within the planning period.

   Sites Inventory: The element was revised to list parcels by various factors such as size, zoning, general plan designation and existing use. However, the description of existing use must include sufficient detail to facilitate an analysis of the potential for additional development on nonvacant sites. For example, many sites that are listed as "vacant" and candidate sites for rezoning have existing uses (e.g., Site 90 has an existing use of "well site", Site 93 has a parcel with an existing use of "storage yard", and some sites list an existing use as "flood control"), but those uses are not sufficiently described nor analyzed to demonstrate additional development potential in the planning period.' While table B5 was revised to include current and proposed zoning, table B6 must also include this information.

   Realistic Capacity: The element must provide analysis to support its stated realistic capacity assumptions. While the revised element provides some examples of recent

projects on pages H-56 and H-57 indicating that there are projects developing at densities of above the 80 percent capacity, only one of the projects listed have actually been built, and all the others are described as being in "preliminary conversations" regarding their development without application submittals. In addition, only two projects list buildout assumptions and none of the projects listed include levels of affordability. The estimate of the number of units for each site must be adjusted as necessary, based on the land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities. The element must also analyze the likelihood that the identified units will be developed as noted in the inventory in zones that allow 100 percent nonresidential uses (e.g., mixed-use). Please see HCD's prior review.

Suitability of Nonvacant Sites: The element was not revised to meet these requirements. Please see HCD's prior review.

Sites Identified in Prior Planning Periods: As indicated in the prior review, the element must list which sites were identified in prior planning periods. In addition, while the revised element's Program 5 (Adequate Sites to Accommodate Regional Housing Needs) states that any nonvacant sites identified in previous planning periods will allow projects with 20 percent of its units affordable to lower income by-right, it gives no defined actions as to when or how this will occur. Sites identified in prior planning periods shall not be deemed adequate to accommodate the housing needs for lower-income households unless a program, meeting statutory requirements, requires rezoning within three years.

Small Sites: While Program 13 (Housing Incentives) has been revised to state that lot consolidation is "encouraged when developers initially approach the City with preliminary applications," the element was not revised to meet any of the other requirements listed in HCD's November 22, 2021 letter. Please see HCD's previous review.

Availability of Infrastructure: While the revised element states on page H-52 that dry utilities will be available to meet expanding need in planning period, the element does not specify what dry utilities it is referring to, nor whether all sites identified in the inventory will have access to them. The element must be revised to include this information.

Environmental Constraints: The element was not revised to meet the requirements stated in HCD's November 22, 2021 letter. Please see HCD's prior review.

Zoning for a Variety of Housing Types:

- *Accessory Dwelling Units*: While the program does include a program to update the ordinance, the program should include the date of first review and revision since the ordinance is not consistent with state law.
- *Emergency Shelters*: While the element was revised to describe development standards for emergency shelters and update the parking requirements, however, the element must demonstrate the permit processing, development, and management standards for emergency shelters are objective and encourage and facilitate the development of, or conversion to, emergency shelters. In particular,

the element describes development standards for emergency shelters, however these standards are beyond the development standards allowed under housing element law. The element must demonstrate that emergency shelters are subject to the same development and management standards applicable to residential or commercial development within the same zone except for those standards prescribed by Government Code section 65583 (a)(4)(A).

- *Employee Housing*: While the element was revised, Program 18 should clarify the conflicting information on page 21 and 40 regarding how the City will amend the zoning code to be consistent with the Employee Housing Act (Health and Safety Code, § 17000 et seq.), specifically, sections 17021.5 and 17021.6. Section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. Section 17021.6 requires employee housing consisting of no more than 12 units or 36 beds to be permitted in the same manner as other agricultural uses in the same zone.

3. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

   Land Use Controls: While Program 7 was revised to eliminate the use permit for multifamily housing, the element must specify whether it is the administrative use permit, conditional use permit (CUP), or both that will be eliminated. In addition, while Program 18 addresses parking requirements for residential care facilities of six or fewer residents, it must also address the parking requirements for residential care facilities with seven or more residents. The element must also specifically address parking requirements for multifamily development (i.e., requiring garage spaces), for impacts on cost, supply, housing choice, and affordability and include programs to address identified constraints. Lastly, the element must specify whether 100 percent nonresidential uses are allowed in the mixed-use zones.

   Local Processing and Permit Procedures: While the revised element added language in Program 7 (Reduce Potential Constraints to Housing Development) to remove use permit requirements for “conforming” Multifamily projects, the element was not revised to address any of the other issues mentioned in HCD’s November 22, 2021 letter. Please see our prior review.

   Design Review: While the revised element offers the “more pertinent” findings related to the design review process, it does not describe criteria and evaluation process as a whole, nor does it analyze the design review process as a potential constraint on housing development. The element must be revised to provide this analysis. In addition, Program 7 was revised to include the development of objective design standards, but the program must clarify which projects will be eligible for ministerial review (i.e., all single family and multifamily projects).

Fees: The element was not revised to meet the requirements outlined in HCD's November 22, 2021 letter. Please see HCD's prior review.

Zoning, Development Standards and Fees: Program 5 (Adequate Sites to Accommodate Regional Housing Needs) states that zoning, development standards and fees will be posted "throughout the planning period," but the program must provide an implementation date of when they will be initially posted and how often they will be updated.

Streamlining Provisions: While Program 5 was revised to add streamlining provisions by October 2022, the element must clarify that the City will comply with Government Code section 65913.4.

Definition of Family: Program 18 (Housing for People with Disabilities or Other Special Needs) was revised to state it will revise the definition of family to be "in compliance with state housing law" but does not specify what it needs to change or how it will change it. The element should be revised to provide this information as well as remove the ambiguous language "as necessary" to ensure constraint will be revised.

Constraints on Housing for Persons with Disabilities: Program 17 (Administrative Capacity) states it will review and amend zoning to come into compliance with state law on group homes of seven or more, it does not analyze why its zoning code out of compliance in the first place, nor does it analyze it as a constraint on housing for persons with disabilities. It also does not state when it expects to complete the review and revision process. The element must be revised to provide this information. For your information, zoning should simply implement a barrier-free definition of family instead of subjecting, potentially persons with disabilities, to special regulations such as the number of persons, population types and licenses. These housing types should not be excluded from residential zones, most notably low-density zones, which can constrain the availability of housing choices for persons with disabilities. Requiring these housing types to obtain a special use or CUP could potentially subject housing for persons with disabilities to higher discretionary standards where an applicant must demonstrate compatibility with the neighborhood, unlike other residential uses. The element must commit to address CUP requirements and allow group homes for seven or more residents in all residential zones.

4. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including… …requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584... (Gov. Code, § 65583, subd. (a)(6).)*

   Developed Densities and Permit Times: Page H-47 of the revised element states there have been no requests to develop at densities "substantially" lower than anticipated and was revised to state that the time between approval and submitting an application for building permits can vary widely. However, the element should be revised with information

and analysis to support these statements. See HCD's November 22, 2021 review for additional information.

5. *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)*

   Special Housing Needs: the element was not revised to meet this requirement. Please see HCD's prior review.

6. *Analyze existing assisted housing developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. (Gov. Code, § 65583, subd. (a)(9) through 65583(a)(9)(D).).*

   While the element was revised regarding the date of expiration for listed properties and the addition of qualified entities, the element does not identify specific funding sources that can be used to preserve the affordability.

C. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element... (Gov. Code, § 65583, subd. (c).)*

   To address the program requirements of Government Code section 65583, subdivision (c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City's specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs to be revised include the following:

   Program 2 (HOME Improvement): While the program was revised to add some general outreach through the City's website and word of mouth, the program should include proactive outreach to developers annually.

   Program 3 (Emergency Repairs for Homeowners): While the program was revised to provide outreach via word of mouth and annually through a newsletter, the program should include proactive outreach to developers annually.

   Program 6 (Specific Plans): While the timeframe was changed in the objective, the overall program timeframe should include a specific timeline.

Program 9 (Water Priority System): The element must revise the timeframe from ongoing and clarify whether the program is already in place with the adoption of the housing element.

Program 10 (Neighborhood Improvements): The timing of the overall program still lists ongoing and must be revised.

Program 13 (Housing Incentives): While the program was revised to provide a specific timeframe, it must outline the lot consolidation requirements. In addition, it must commit to proactive outreach and list incentives that the City will implement.

Program 14 (Mobile Home Rent Stabilization): The program is currently listed as dependent on litigation. The program must clarify the timeframe and include back-up implementation actions to take with a set timeframe depending on the litigation results.

Program 17 (Administrative Capacity): This program must be revised to add specific timing of implementation as well as a more detailed plan of implementation.

2. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (*Gov. Code, § *65583, subd. (c)(1).)*

   As noted in Finding B3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

   The element describes a shortfall of sites and indicates rezoning will occur to accommodate the RHNA. While the element includes Program 5 (Adequate Sites to Accommodate Regional Housing Needs), it must specifically commit to acreage, allowable densities, and anticipated units.

   In addition, if necessary, to accommodate the housing needs of lower-income households, the program should specifically commit to rezoning pursuant Gov. Code, § 65583.2, subd. (h) and (i). Specifically, the program must commit to:

   - permit owner-occupied and rental multifamily uses by-right for developments in which 20 percent or more of the units are affordable to lower income households. By-right means local government review must not require a CUP, planned unit development permit, or other discretionary review or approval.

- accommodate a minimum of 16 units per site;
- require a minimum density of 20 units per acre; and
- at least 50 percent of the lower-income need must be accommodated on sites designated for residential use only or on sites zoned for mixed uses that accommodate all of the very low and low-income housing need, if those sites:
  - allow 100 percent residential use, and
  - require residential use occupy 50 percent of the total floor area of a mixed-use project.

Finally, As noted in Finding B3, the element must add or modify programs based on the outcomes of a complete analysis to address the suitability of small sites towards the RHNA for lower-income households. While Program 13 mentions lot consolidation, it does not describe incentives or other methods to encourage affordable development on small lots or demonstrate suitability of small sites towards the RHNA for lower-income households.

3. *The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

   While Program 18 states that it will assist in developing housing for persons with special needs including extremely low-income households, the program must commit to specific timing of when the incentives will be implemented, and also include quantifiable objectives for the program.

4. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

   As noted in Finding(s) B4 and B5, the element requires a complete analysis of potential governmental and non-governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

5. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)*

   As noted in Finding B1, the element must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs. While the element revised Program 19 (Fair Housing Program) to add a few additional actions, it is not clear how the additional actions are tied to the contributing factors and whether they

will provide meaningful change throughout the planning period. Goals and actions must create meaningful impact to overcome contributing factors to fair housing issues and actions must have specific metrics and milestones. In addition, the program should be updated to commit to implementing all community development and fair housing programs in a manner that AFFH pursuant to Government Code section 8899.50.

In addition, currently the element only addresses AFFH in Program 19. The element should revise other program actions to address the City's obligation to AFFH including how programs address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection. The programs must also include metrics and milestones for evaluating progress on programs, actions, and fair housing results.

6. *The housing program shall preserve for low-income household the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance. (Gov. Code, § 65583, subd. (c)(6).)*

   While Program 15 (Housing at Risk of Conversion) was revised to include an implementation date for outreach, it must still include actions to incorporate State preservation notice law (Government Code section 65863,10, 65863.11, and 65863.13) to inform the property owners of their responsibilities to tenants beginning three years before the property's potential conversion to market-rate.

7. *Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, "accessory dwelling units" has the same meaning as "accessory dwelling unit" as defined in paragraph (4) of subdivision (i) of Section 65852.2. (Gov. Code, § 65583, subd. (c)(7).)*

   While Program 8 (Accessory Dwelling Units) was revised to add general language regarding incentives and strategies for accessory dwelling units (ADUs), the element must describe incentives and strategies that will be provided if ADU production goals (both number and affordability) are not met. In addition, the program must include specific timing to implement the additional incentives and strategies if needed. The program must include a description of activities and incentives to encourage ADU construction and affordability.

D. Quantified Objectives

Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)

The element provides a summary of quantified objectives on page H-74. While the number of units being preserved in the planning period was revised, it must be listed by income category.

E. Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd. (c)(9).)

While the element was revised to include a list of stakeholders that were contacted, the element must describe specific outreach to lower-income and special needs groups. The element must describe future methods for additional public outreach efforts in the future to include lower-income and special needs households. The element must also clarify if translation services were available. The City must also confirm that the element was available for public comment prior to submitting the second draft to HCD for review. Lastly, the element must expand on the brief summary of public comments received on page H-3, and describe how they were considered and incorporated into the element.

HCD Housing Element Comments and Responses
City of Upland

HCD Comment (Letter of 5/23/2022)	Revised Draft Housing Element Page No.	Response/Revision
A. Review and revision	Appendix A	Appendix A has been revised to provide additional information regarding the effectiveness of programs in the prior housing element cycle, including the City's effectiveness in addressing special housing needs.
B.1 Affirmatively furthering fair housing	H-74/75 Appendix C	The element includes extensive analysis of fair housing issues, including enforcement and outreach, integration and segregation, racially concentrated areas of poverty and affluence, disparities in access to opportunity, disproportionate housing needs, displacement risk and contributing factors to fair housing issues pursuant to State law. In addition, Program 19 describes actions the City will take to affirmatively further fair housing.
B.2 Inventory of land suitable for residential development	Appendix B	Progress in Meeting the RHNA: The element has been revised to state that the approved projects listed in Table B2 are expected to be completed during the planning period.
	Appendix B	Sites inventory. The inventory has been revised to include additional analysis of existing uses on non-vacant sites and proposed General Plan and zoning designations.
	Appendix B	Realistic Capacity. Additional analysis of the realistic capacity of the sites inventory has been provided.
	Appendix B	Suitability of Nonvacant sites. Additional analysis has been provided regarding the potential capacity for additional housing on nonvacant sites.
	Appendix B H-67	Sites identified in a prior planning period. The sites inventory has been expanded to include sites identified in a prior planning period. In addition, Program 5 has been revised to include a zoning amendment to permit qualifying housing developments on previously identified sites by-right in conformance with State law.
	Appendix B	Small sites. As noted in the prior draft element, sites smaller than 0.5 acre have been assigned to the moderate or above-moderate income categories.

HCD Comment (Letter of 5/23/2022)	Revised Draft Housing Element Page No.	Response/Revision
	H-52	Infrastructure: The element identifies dry utilities to include electricity, telephone, cable and internet services.
	H-52/53	Environmental Constraints: The original draft element included analysis of environmental constraints, including wildland fire hazard zones, flood hazard zones, and geological hazards, and stated that these potential constraints would not preclude the City from accommodating the RHNA. Additional analysis has been provided regarding the appropriateness and additional costs of producing housing in fire hazard zones and areas prone to earthquakes and other geological hazards.
	H-69	ADUs. Program 8 has been revised to include annual monitoring to ensure that the ordinance is being successful and that the Housing Element goals and RHNA production can be met.
	H-38 to 41 H-72/73	Emergency Shelters: The element has been revised to provide additional analysis of the City's development standards for emergency shelters. In addition, Program 16 has been revised to ensure compliance with Government Code sec 65583(a)(4)(A).
	H-41 H-73/74	Employee Housing: The element identifies the requirements of the Employee Housing Act (Health and Safety Code, §17000 et seq.) This issue is also addressed in Program 18.
B.3 Governmental constraints	H-36 H-68/69 H-73/74	Land use controls. Program 7 has been revised to clarify that "use permit" refers to both AUP and CUP and to eliminate garage parking requirements for multi-family housing. Program 18 has been revised to include parking standards for large residential care facilities. In addition, the element has been revised to clarify whether 100% non-residential development is allowed in mixed-use zones.
	H-48/49 H-68/69	Local Processing and Permit Procedures: The element has been revised to provide additional analysis of permit processing and approval procedures by zone and housing type. In addition, Program 7 has been revised to include a Code amendment to eliminate the use permit and administrative use permit requirements for multi-family residential development.
	H-51 H-68/69	Design review. The element has been revised to provide additional analysis of the Development Plan Review process, approval procedures and decision-making criteria, for their impact as potential constraints on housing supply

HCD Comment (Letter of 5/23/2022)	Revised Draft Housing Element Page No.	Response/Revision
		and affordability, including required findings. In addition, Program 7 was revised to include the preparation of objective development standards for qualifying projects.
	H-33	Fees. The element has been revised to provide the fees for General Plan amendments, zone changes, specific plans and variances.
	H-66 to 68	Zoning, Development Standards, and Fees. Program 5 has been revised to provide an implementation date of when they will be initially posted and how often they will be updated.
	H-66/67	SB 35 Streamlined Ministerial Approval Process. Program 5 in the previous draft element included reference to Government Code Sec. 65913.4.
	H-73/74	Definition of "Family". Program 18 has been revised to include an amendment the definition of "family" in conformance with current law.
	H-73/74	Housing for Persons with Disabilities. Program 18 has been revised to address this comment.
B.4 Non-governmental constraints	H-48/49	Approval Time and Requests Lesser Densities: The element has been revised to include additional analysis of requests to develop housing at densities below those allowed, and typical permit processing times are provided in Table H-18.
B.5 Special needs	H-22 to 28	The element has been revised to provide additional analysis of challenges and resources to address special housing needs.
B.6 Assisted housing developments that are eligible to change to non-low-income housing	H-31	The element has been revised to include additional information regarding potential funding sources for the preservation of housing at risk of conversion to market rate.
C.1 Programs that set forth a schedule of actions during the planning period	Chapter 5	Housing programs have been revised to address this comment and include more specific timing and description of the City's role in implementation.
C.2 Programs to make sites available during the planning period	H-66 to 68	Program 5 has been revised to address the requirements of Government Code section 65583.2, subdivisions (h) and (i). No sites smaller than one-half acre are used to accommodate lower-income needs.

HCD Comment (Letter of 5/23/2022)	Revised Draft Housing Element Page No.	Response/Revision
C.3 Programs to assist development of housing for extremely-low-income households	H-73/74	Program 18 has been revised to commit to specific timing of when the incentives will be implemented, and also include quantifiable objectives for the program.
C.4 Programs to remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing		This comment is addressed in B3 and B4 above.
C.5 Affirmatively furthering fair housing	H-74/75 Appendix C	Analysis of AFFH issues is provided in Appendix C and Program 19 describes actions the City will take to further fair housing.
C.6 Programs to preserve low-income housing	H-72	Program 15 has been expanded to include actions to incorporate State preservation notice law (Government Code section 65863,10, 65863.11, and 65863.13) to inform the property owners of their responsibilities to tenants beginning three years before the property's potential conversion to market-rate.
C.7 Programs to promote ADUs	H-69	Program 8 has been expanded to address this comment.
D. Quantified objectives	H-76	Table H-18 (Quantified Objectives) has been revised to reflect the quantified objectives for the number of affordable units at risk of conversion by income category.
E. Public Participation	H-2 to 10 Appendix D H-74/75	The element has been revised to provide additional information regarding the public participation process. In addition, Program 19: Affirmatively Furthering Fair Housing includes a commitment to encourage continuing stakeholder involvement in local housing issues through ongoing, proactive outreach to engage members of all socio-economic groups and recruit members of underrepresented groups to participate in City meetings.

RESOLUTION NO. 4976

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UPLAND, CALIFORNIA RECOMMENDING THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT NO. GPA-22-0001 FOR THE 2021-2029 HOUSING ELEMENT UPDATE.

Intent of the Parties and Findings

WHEREAS, local governments are authorized by Government Code section 65350 et seq. to prepare, adopt and amend general plans; and

WHEREAS, Government Code Section 65580 et seq. requires cities to update their Housing Elements on a regular basis; and

WHEREAS, a comprehensive update to the Housing Element of the Upland General Plan for the 2021-2029 planning period has been initiated and prepared by the City of Upland; and

WHEREAS, the staff report and supporting materials accompanying this resolution are found to be true, are adopted as Facts and Findings, and are incorporated by reference in this resolution; and

WHEREAS, pursuant to State Law, the draft 2021-2029 Housing Element was submitted to the California Department of Housing and Community Development ("HCD") for review in September 2021; and

WHEREAS, on November 22, 2021, HCD issued a letter finding that the draft 2021-2029 Housing Element addressed many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law; and

WHEREAS, a revised draft 2021-2029 Housing Element addressing HCD's November 22, 2021 comments was prepared and submitted to HCD for review in March 2022; and

WHEREAS, on May 23, 2022, HCD issued a letter finding that the revised draft 2021-2029 Housing Element addressed some statutory requirements; however, additional revisions will be necessary to fully comply with State Housing Element Law; and

WHEREAS, additional revisions to the draft 2021-2029 Housing Element have been made to address the issues raised in HCD's review letters, as summarized in the Planning Commission staff report; and

WHEREAS, based on the factors and substantial evidence described in Appendix B of the Housing Element, incorporated herein by reference, the existing uses on underutilized sites identified to accommodate the lower-income RHNA allocation are likely to be discontinued during the planning period and therefore do not constitute an impediment to additional residential development during the period covered by the Housing Element; and

WHEREAS, this General Plan amendment is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000, et seq.), pursuant to State CEQA Regulation §15061(b)(3) (14 Cal. Code Regs. § 15061(b)(3)), the common sense exemption covering activities with no possibility of having a significant effect on the environment; and

WHEREAS, during the preparation of the 2021-2029 Housing Element update the City of Upland conducted public meetings on February 25, 2021, June 22, 2021, September 23, 2021, March 23, 2022 and October 5, 2022 during which all interested persons were invited to offer testimony concerning the Housing Element; and

WHEREAS, the City of Upland Planning Division on September 22, 2022 posted two (2) true and correct copies of the legal notice at the Upland City Hall Bulletin Board and at the Upland Public Library, and posted on the City's website in accordance with the Upland Municipal Code Section 17.46.020; and

WHEREAS, the City of Upland Planning Division on September 22, 2022 mailed copies of the legal notice to 320 effected property owners, stakeholders, and surrounding jurisdictions; and

WHEREAS, the City of Upland Planning Division on September 23, 2022, published a legal notice in the Inland Valley Daily Bulletin, a local paper of general circulation, indicating the date and time of the public hearing in compliance with state law concerning the Project; and

WHEREAS, Upland Municipal Code Section 17.49.050 requires that the City Council take action on General Plan Amendments, and UMC Section 17.49.040 requires that the Planning Commission make a recommendation to the City Council on such amendments; and

WHEREAS, the City of Upland Planning Commission conducted a duly noticed public hearing on October 5, 2022, at which time it solicited public testimony concerning the Housing Element update, and considered the CEQA determination for the proposed project; and

NOW, THEREFORE, the Planning Commission hereby finds, determines, and resolves and recommends as follows:

Section 1. FINDINGS. The Planning Commission hereby makes the following findings and determinations in connection with the approval of the Project:

A. The above Recitals are true and correct and are incorporated herein by this reference.

B. Pursuant to Upland Municipal Code Section 17.49.040, which requires that the Planning Commission forward a written recommendation, and reasons for the recommendation, to the City Council concerning a proposed General Plan

amendment, the Planning Commission hereby makes the following required findings pursuant to Upland Municipal Code Section 17.49.060:

1. Finding: The proposed General Plan Amendment is in the public interest.

   Evidence: The proposed General Plan Amendment is in the public interest because the Housing Element includes policies and programs to facilitate the provision of housing opportunities for all economic segments of the community, including persons with special needs.

2. Finding: The proposed General Plan Amendment is consistent and compatible with the rest of the General Plan.

   Evidence: The 2021-2029 Housing Element identifies land use policies to accommodate the City's assigned share of regional housing needs as required by State law and includes programs to ensure consistency between the Land Use Element and the Housing Element.

3. Finding: The potential effects of the proposed General Plan Amendment have been evaluated and have been determined not to be detrimental to the public health, safety, or welfare.

   Evidence: The proposed Housing Element Amendment furthers the public health, safety, and welfare by facilitating the production of housing to address the needs of all Upland residents, including those of all ages, incomes, household sizes and persons with disabilities.

4. Finding: The proposed General Plan Amendment has been processed in accordance with the applicable provisions of the California Government Code and CEQA.

   Evidence: The proposed General Plan Amendment has been processed in accordance with the applicable provisions of the California Government Code, including Government Code §65352.3 which regulates tribal consultation requirements for General Plan Amendments and Government Code §65358 which regulates amendments to General Plans. The project is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000, et seq.), pursuant to State CEQA Regulation §15061(b)(3), because the Housing Element would not approve any development project or other physical change to the environment.

Section 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). The Project is exempt from the CEQA Guidelines 14 Cal. Code. Regs Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Project may have a significant effect on the environment. The Project is further exempt pursuant to 14

Cal. Code. Regs Section 15162(a) of the CEQA Guidelines. Further, to the extent the Regional Housing Needs determinations are made, the Project is further exempt from the CEQA Guidelines 14 Cal. Code. Regs Section 15283, which provides, "CEQA does not apply to regional housing needs determinations made by the Department of Housing and Community Development, a council of governments, or a city or county pursuant to Section 65584 of the Government Code."

Section 3. DETERMINATION. The Planning Commission recommends that the City Council approve General Plan Amendment No. GPA-22-0001, a comprehensive update to the Housing Element for the 2021-2029 planning period as shown in Exhibit A, attached hereto, and incorporated herein by reference.

Section 4. SEVERABILITY. If any section, subsection, subdivision, sentence, or clause or phrase in this Resolution or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Resolution or any part thereof. The Planning Commission hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

Section 5. CERTIFICATION. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this Resolution, and shall cause this Resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Section 6. EFFECTIVE DATE. This Resolution shall become effective ten (10) days after its passage and adoption unless appealed prior to that time.

PASSED, APPROVED and ADOPTED this 5th day of October, 2022.

_____
Robin Aspinall, CHAIR

ATTEST:

Robert D. Dalquest, SECRETARY

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of Upland at a special adjourned meeting thereof held on the 5th day of October, 2022 by the following vote:

AYES: Chair Aspinall, Vice Chair Grahn, Commissioners Caldwell, Marotte, Mayer, and Staton.

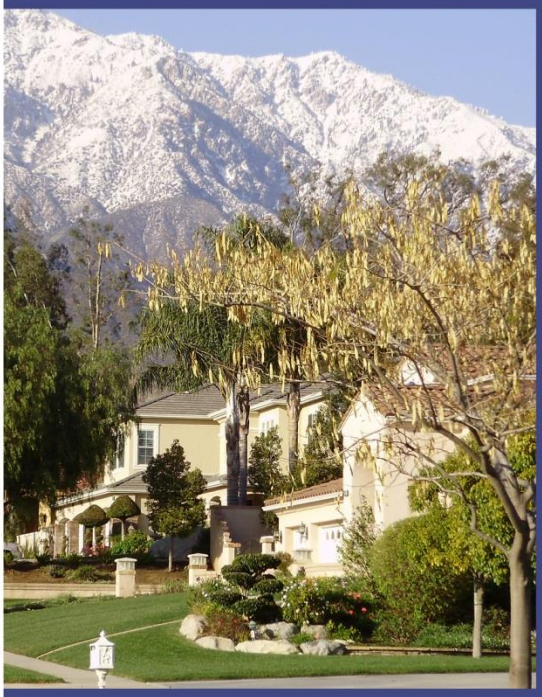
NAYS: Commissioner Johnson.

ABSENT: none

ABSTAIN: none

Robert D. Dalquest, SECRETARY

CITY OF UPLAND









City of Upland
Housing Element

Revised Draft | October~~March~~ 2022

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1. INTRODUCTION

A. Background

The State of California recognizes that an adequate supply of affordable housing for all income levels is a fundamental need for all communities. To achieve that goal, it is critical that all local governments share in the responsibility of implementing solutions to address local and regional housing needs. To that end, all California local governments are required to prepare a Housing Element that specifies how the community will plan for its housing needs.

The detailed statutory requirements for Housing Elements are codified in the California Government Code (§§65580–65589). The Housing Element must contain an identification and analysis of its existing and projected housing needs; an analysis of governmental and nongovernmental constraints to meeting those needs; and goals, policies, programs and objectives to further the development, improvement, and preservation of housing.

This Housing Element includes the following six sections:

- *Chapter 1, Introduction* provides an introduction to the statutory authority and requirements for the Housing Element, related planning efforts, and a description of the public outreach process.
- *Chapter 2, Community Profile* provides an analysis of demographic and housing characteristics; current and future housing needs; and analysis of fair housing issues.
- *Chapter 3, Constraints Analysis* provides an analysis of the governmental and nongovernmental constraints that affect the development, maintenance, and improvement of housing for all income groups.
- *Chapter 4, Housing Resources* provides an analysis of the available land for housing, as well as the financial resources and administrative capacity to manage housing programs.
- *Chapter 5, Program Evaluation* provides a review of the City's accomplishments relative to the programs and objectives established in the prior Housing Element.
- *Chapter 6, Housing Plan* establishes goals, policies, and implementation programs to address the development, improvement, and conservation of housing to address housing needs in Upland for the next 8 years.

B. Related Plans

This Housing Element is related to several other local planning efforts, some of which are mandated by the State of California or the federal government. The most important of these related plans and programs are summarized below.

- **General Plan Consistency.** The Housing Element is a component of the City's General Plan and must be consistent with other General Plan elements. The sites identified in this Housing Element for future housing development are correlated with the Land Use Plan shown in the Land Use Element. The City will maintain consistency between General Plan elements by ensuring that any proposed changes in this Housing Element that would result in an inconsistency with another element will be reconciled through amendments to other elements. As an example, a Housing Element program calling for changes to land

use designations to create additional capacity for future housing development would be implemented through amendments to the Land Use Element.

- **Water and Sewer Services.** The Water Division of the Public Works Department, San Antonio Water Company, West End Consolidated Water Company, and Water District of Southern California provide water to Upland residents. The Inland Empire Utilities Agency (IEUA) and the City provide wastewater services in Upland. In accordance with State law, the City provides a copy of its Housing Element to each water and wastewater service agency. These agencies are required to establish a priority system for water and sewer services to housing projects serving lower-income households in accordance with Section 65589.7 of the Government Code.

- **City of Upland Consolidated Plan.** The City of Upland is an entitlement jurisdiction and receives housing and community development funds directly from the federal government. Upland's Consolidated Plan was last revised for the 2021–2024 period. The housing, community development, and economic needs identified in the Consolidated Plan have been evaluated as part of the 2021 Housing Element update process to ensure that these efforts work together to address the community's needs. The Housing Element also reflects the public housing agency plan prepared by the Upland Housing Authority.

C. Public Outreach

The Housing Element Update process provided numerous opportunities for Upland residents and other stakeholders to be involved in shaping the City's housing policies and programs. From the outset, diligent efforts were made to involve all economic segments of the community and persons with special needs in the development of the housing element. A list of community stakeholders was compiled based upon City knowledge and previous projects including the Upland Consolidated Plan, and direct mail notice was sent to all parties inviting them to participate. As an entitlement city, Upland also conducts an extensive public outreach process every four years as part of the Consolidated Plan process.

The following is a summary of the outreach activities that were held over the course of the Housing Element update. Table H-1 below provides a summary of public comments received during preparation of the Housing Element and how those comments are addressed in the Housing Element. Written correspondence received during the course of the Housing Element update is provided in Appendix D. Copies of HCD's review letters and summaries of the City's revisions to the Housing Element in response to HCD comments are also available as part of the Planning Commission and City Council meeting materials posted on the City's Housing Element website (https://www.uplandca.gov/2021-2029-housing-element-update).

- **Housing Element Interest List**. At the beginning of the Housing Element update process the City compiled a list of agencies, organizations and other stakeholders with expertise in housing issues, particularly those that provide or advocate for lower-income households and persons with special needs. The City distributed notices of public meetings to these parties by direct mail or email prior to each meeting.

- **Housing Element Website.** At the beginning of the update process a web page was created on the City's website where background information, meeting notices, draft documents, and other relevant materials regarding the Housing Element update were posted. The website was updated throughout the course of the project.

- **Frequently Asked Questions.** The City prepared an FAQ containing background information regarding Housing Element requirements, including the RHNA process and assessment of housing needs, which was posted on the Housing Element web page.

- **Public Workshops**. The City held two public workshops with the City Council and Planning Commission in February and June 2021 prior to the preparation of the draft Housing Element to provide decision-makers and interested stakeholders with background information on Housing Element requirements and to solicit comments regarding housing needs and policy options. Public comments were considered in the preparation of the draft Housing Element, which was posted for public review on September 16, 2021.

- **Joint Study Session**. After preparing the draft Housing Element and prior to submitting the draft to the Department of Housing and Community Development (HCD), a ~~draft Housing Element was published in early September and a~~ joint study session was held on September 23, 2021 with the Planning Commission and City Council to review the draft Housing Element and its goals, policies, and implementation programs. Stakeholders on the Housing Element interest list were invited to attend and offer comments on the draft Housing Element. The draft Housing Element was then revised to incorporate comments received at this meeting.

  Comments on the draft Housing Element focused on housing affordability and the challenges faced by local governments in addressing those needs. Specific comments included the following:

  - ✓ The elimination of the redevelopment agency has diminished the City's ability to address housing problems
  - ✓ ADUs provide opportunities for affordable housing but also bring challenges such as adequate parking
  - ✓ More housing also increases the City's cost of providing adequate services such as infrastructure and public safety

- **HCD Review**. The draft Housing Element was submitted to HCD for review ~~in~~ on September 24, 2021. On November 22, 2021 HCD issued a letter finding that the draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law. ~~The draft Housing Element was then revised to address the comments in HCD's review letter.~~

- **Planning Commission Review**. After receiving HCD's November 22, 2021 review, a revised draft Housing Element was prepared addressing HCD's comments. The revised draft Housing Element was posted for public review on March 16, 2022 and a public meeting was held by the Planning Commission on March 23, 2022 to review HCD comments, other public comments and the revised draft Housing Element. An agenda and invitation to attend the meeting was sent to all parties on the Housing Element interest list. Comments offered at the meeting included whether changes to parking requirements would result in adequate parking for new housing developments. A letter dated February 28, 2022 was also submitted by YIMBY Law (see Appendix D).

- **HCD Review #2**. Following the March 23, 2022 Planning Commission meeting the revised draft Housing Element was submitted to HCD for review on March 24, 2022. On May 23, 2022 HCD issued a letter finding that the draft element addresses some statutory requirements described in HCD's November 22, 2021 review; however, additional revisions are necessary to fully comply with State Housing Element Law.

- **Planning Commission Public Hearings**. After receiving HCD's May 23, 2022 comments a revised draft Housing Element was prepared addressing HCD's comments. The revised draft Housing Element was

posted for public review on September 29, 2022 and on October 5, 2022 the Planning Commission conducted a public hearing to review the revised draft Housing Element. At the conclusion of the hearing the Planning Commission adopted a recommendation for City Council approval of the Housing Element. Public hearings were conducted by the Planning Commission on (TBD) and City Council on (TBD) to review the revised draft Housing Element. In addition to the formal public hearing notice, direct notice of thesе hearings was provided to all parties on the Housing Element stakeholder list.

- **City Council Public Hearing**. TBD

Chapter 5, the Housing Plan, describes the City's goals, policies and specific program actions over the next 8 years to address issues raised during the public outreach process (see also **Table H-1**).

Table H-1 Public Comment Summary

Comment	Response
There is a limited amount of vacant land remaining for housing development in Upland. The RHNA goals assigned to the city are far higher than in the past. How can the city achieve these goals?	The availability of vacant land suitable for housing development is a significant problem in most cities in Southern California, particularly those that are near major employment centers. Over the past several decades, most of the vacant properties in the urban areas without major development constraints such as steep slopes, floodplains, or wildland fire hazards have already been developed. Therefore, a large component of new housing development is occurring through redevelopment of previously developed properties that are economically or physically underutilized. Appendix B of the Housing Element identifies underutilized properties that are suitable for redevelopment and the following programs encourage the redevelopment of those properties for housing or mixed use: Program 5: Adequate Sites to Accommodate Regional Housing Needs; Program 6: Specific Plans; Program 7: Reduce Potential Constraints to Housing Development; Program 8: Accessory Dwelling Units; Program 10. Neighborhood Improvements; Program 13. Housing Incentives.
Accessory dwelling units (ADUs) can provide additional housing opportunities.	ADUs are an important strategy for meeting housing needs, especially for single persons and small households. The City encourages production of ADUs through a variety of methods as described in Program 8: Accessory Dwelling Units.
Past underproduction of housing has resulted in higher prices and rents that make it difficult for younger persons to live in the community. A market-based solution is needed to provide more housing.	Many factors contribute to high housing cost, and the problem is not unique to California. While cities play an important role in housing production, there are also many factors that are beyond the City's control, such as housing speculators and investors, State environmental regulations, private business decisions, the cost of labor and materials, federal economic policies, interest rates, etc. The following programs are intended to facilitate housing production in Upland: Program 5: Adequate Sites to Accommodate Regional Housing Needs; Program 6: Specific Plans; Program 7: Reduce Potential Constraints to Housing Development; Program 8: Accessory Dwelling Units; Program 10. Neighborhood Improvements; Program 13. Housing Incentives.

Comment	Response
How will the City pay for the additional cost of providing public services to new housing?	California cities face major fiscal challenges in providing public services. After the passage of Proposition 13 in 1978 and its limitation on local governments' property tax revenues, local governments have faced increased difficulty in providing and financing appropriate public services and facilities to serve residents. One of the main consequences of Proposition 13 has been the shift in funding of new infrastructure from general tax revenues to development impact fees and improvement requirements on developers, which has contributed to increased housing costs. The Housing Element addresses this issue by encouraging efficient housing development patterns and provision of infrastructure as described in Program 5: Adequate Sites to Accommodate Regional Housing Needs; Program 6: Specific Plans; Program 7: Reduce Potential Constraints to Housing Development; Program 8: Accessory Dwelling Units; Program 9. Water Priority System; Program 10. Neighborhood Improvements; Program 13. Housing Incentives; and Program 17: Administrative Capacity.
Prioritize rezoning in high resource, historically exclusionary neighborhoods. Many of the highest resource neighborhoods with the best access to jobs, good schools, and other amenities have histories of exclusion which are still reflected in their zoning. Cities should rezone to allow more housing opportunities in those neighborhoods, particularly those with low Vehicle Miles Traveled, as part of their Housing Elements.	It is important to recognize that the residential areas of the city are nearly built-out, and State laws already facilitate more housing opportunities in existing residential areas through ADUs and SB 9 lot splits. Redevelopment in residential areas also could lead to displacement of existing occupants. Commercial and industrial areas have the greatest opportunity for additional housing. The following programs are intended to facilitate housing production in all areas of Upland: Program 5: Adequate Sites to Accommodate Regional Housing Needs; Program 6: Specific Plans; Program 7: Reduce Potential Constraints to Housing Development; Program 8: Accessory Dwelling Units; Program 10. Neighborhood Improvements; Program 13. Housing Incentives.
Establish a strong tenant protection ordinance so that new housing benefits everyone. Development should not permanently displace current residents. Housing replacement programs, temporary housing vouchers, right of return, and demolition controls will create stability for renters while allowing new homes to be built for new households and to accommodate the growth associated with RHNA. In your sites inventory and rezoning programs, you should prioritize development on sites with owner-occupied housing & commercial uses over those with existing rent-controlled apartments or other rental housing with lower income residents.	Strong tenant protections are already provided under State and Federal law. The City helps to facilitate tenant protection through partnerships with fair housing organizations and enforcement of existing laws. The following programs address this comment: Program 2: HOME Improvement; Program 4. Rental Acquisition and Rehabilitation; Program 5: Adequate Sites to Accommodate Regional Housing Needs; Program 12: Rental Housing Assistance; Program 13. Housing Incentives; Program 14: Mobile Home Rent Stabilization; Program 15: Affordable Housing at Risk of Conversion to Market Rate; Program 17: Administrative Capacity; Program 18: Housing for People with Disabilities or other Special Needs; Program 19: Affirmatively Furthering Fair Housing.
Support homeownership opportunities for historically excluded groups. Homeownership continues to be a path to building financial security and inter-generational wealth, which has been systematically denied to many Americans. As a society, we need to make this right by intentionally offering opportunities to communities who have been	The City helps to facilitate homeownership for all segments of the community through the following programs: Program 2: HOME Improvement; Program 3: Emergency Repairs for Homeowners; Program 5: Adequate Sites to Accommodate Regional Housing Needs; Program 11. Homeownership Assistance; Program 13. Housing Incentives; Program 17:

Comment	Response
excluded. The housing element should identify opportunities to create a variety of for-sale housing types and create programs to facilitate property ownership among excluded groups.	Administrative Capacity; Program 19: Affirmatively Furthering Fair Housing.
Adequately plan for density. Ensure that a site's density will accommodate the number of homes that are projected to be built. In addition, make sure height limits, setback requirements, FAR, and other controls allow for adequate density and the ability to achieve a site's realistic capacity. Housing will not be feasible if you have a high density paired with low height limits. This density should be emphasized around jobs and transit and should go beyond the Mullin density in those areas.	The following programs are intended to facilitate housing production at appropriate densities in Upland: Program 5: Adequate Sites to Accommodate Regional Housing Needs; Program 6: Specific Plans; Program 7: Reduce Potential Constraints to Housing Development; Program 13. Housing Incentives.
Provide sufficient zoned capacity to accommodate all income levels, including a minimum No Net Loss buffer of 30%. Not every site will be developed at maximum density during the eight-year planning period. Identify an ample amount of opportunity sites and zone the sites to accommodate lower-income housing types (usually a statutory minimum of 30 dwelling units per acre) to give the city the best chance at meeting its RHNA.	The Housing Plan identifies sites and zoning strategies to accommodate all income levels as assigned through the RHNA. State law (Government Code 65583.2(h)) requires zoning to accommodate 100% (not 130%) of the RHNA allocation for lower-income households. The following programs are intended to facilitate housing production at appropriate densities in Upland: Program 5: Adequate Sites to Accommodate Regional Housing Needs; Program 6: Specific Plans; Program 7: Reduce Potential Constraints to Housing Development; Program 13. Housing Incentives.
Use data from the 5th Cycle to calculate the likelihood of development for your 6th Cycle site inventory Likelihood of development is a measure of the probability of an inventory site being developed during the planning period. The median likelihood of development across the state is 25%, meaning only one of every four sites will likely be developed during the planning period for the median city. Incorporating the likelihood of development into the zoned capacity will set the city up to successfully achieve their RHNA, making the housing element less of a paper exercise and more of an actionable, functional document.	Calculating the likelihood of development on the basis of development during the previous housing cycle is not a valid methodology for estimating current potential for development due to significant changes in market conditions over the past decade. The "Great Recession" that began in 2007-08 resulted in an near-catastrophic collapse in property values and housing construction, particularly in the Inland Empire. The RHNA is a planning goal, and cities are required to identify adequate sites that could accommodate the RHNA allocation. State law recognizes that cities do not have control over many aspects of the development process, and therefore achieving the RHNA is not a legal mandate. Many strategies have been suggested that the State Legislature could adopt to stimulate housing production, such as CEQA reform and real estate tax policy, but it has declined to do so. To address this comment, the following programs identify actions the City intends to take to facilitate additional housing development: Program 5: Adequate Sites to Accommodate Regional Housing Needs; Program 6: Specific Plans; Program 7: Reduce Potential Constraints to Housing Development; Program 8: Accessory Dwelling Units; Program 10. Neighborhood Improvements; Program 13. Housing Incentives.
Commit to an automatic mid-cycle adjustment if ADU permitting activity is lower than estimated in the housing element. We highly recommend complying with HCD's standards of using one of its "safe harbor" methodologies to anticipate future ADU production. However, if the city is	The Housing Element utilizes HCD "safe harbor" methodology in estimating future potential for ADU production. This comment is addressed in Program 8: Accessory Dwelling Units.

Comment	Response
optimistic about ADU growth, then creating an automatic mid-cycle adjustment will automatically facilitate alternative housing options (i.e., a rezoning program, removing development constraints, ADU incentives, etc.) if the city falls behind the estimated ADU production.	
Incentivize new ADUs, including those that are rent-restricted for moderate or lower-income households or that are prioritized for households with housing choice vouchers. Consider offering low- or no-interest loans, forgivable loans, impact fee waivers for ADUs that are 750 square feet or larger, allowances to facilitate two-story and second-story ADU construction, etc.	It should be noted that ADU regulations beyond those authorized in State law is prohibited. Also, after the State's dissolution of redevelopment agencies a significant source of City funding for housing was eliminated. Many worthwhile housing activities now compete for scarce public subsidies such as CDBG and HOME funds. This comment is also addressed in Program 8: Accessory Dwelling Units.
Allow residential to be built in areas that are zoned for commercial use. There are a myriad of ways to do this, but a housing overlay is one common policy. Additionally, consider eliminating new commercial space in mixed-use developments where there is not a strong demand or there is otherwise a glut of commercial space that is unused or frequently vacant.	The following programs are intended to facilitate housing production in areas currently zoned for commercial use: Program 5: Adequate Sites to Accommodate Regional Housing Needs; Program 6: Specific Plans; Program 7: Reduce Potential Constraints to Housing Development; Program 8: Accessory Dwelling Units; Program 10. Neighborhood Improvements; Program 13. Housing Incentives.
Allow flexibility in inclusionary zoning. Cities should require different percentages for different AMI levels. Additionally, we urge cities to incentivize land dedication to affordable developers in order for market-rate developers to meet their inclusionary requirements. Avoid getting trapped into thinking that the affordable units must be "sprinkled throughout" the market-rate units, or require the market-rate units to look exactly the same as the affordable ones. This should be balanced against not locating all of the affordable units in one place and ghettoizing neighborhoods by creating or perpetuating racially concentrated areas of poverty.	"Inclusionary housing" refers to a requirement that a portion of new housing is made available at affordable rents or prices. There are valid arguments among experts for and against such policies, and each city must evaluate whether inclusionary requirements are appropriate. There are currently no inclusionary requirements in Upland, and inclusionary housing is not a requirement of State housing law.
Ensure that the city has a ministerial process for housing permitting, especially multi-family housing, and remove impact fees for deed-restricted housing. A discretionary process for housing development creates uncertainty and adds to the cost of construction. For example, multi-family housing should not require a conditional use permit or city council approval unless the builder is asking for unique and extraordinary concessions. Right-sizing governmental constraints, entitlement processes, and impact fees will help the city successfully meet its RHNA.	This comment is addressed in Program 7: Reduce Potential Constraints to Housing Development. With regard to impact fees, the elimination of such fees for affordable housing would need to be backfilled from another source or there would be insufficient funds to provide the public facilities paid for by impact fees. There are limited sources of funding that could be used to offset that loss.
Reduce parking standards and eliminate parking minimums. Minimum parking requirements are a major constraint on housing, especially for lower cost housing types. They can cost in excess of $30,000 per spot and can raise rents by as much as 17%, and eliminating them is particularly important for smaller & other spatially constrained sites. Consider adopting a parking maximum.	This comment is addressed in Program 7: Reduce Potential Constraints to Housing Development.
Cap fees on all new housing. Most construction costs are outside the City's control, but reducing impact fees can demonstrate that a city is serious about building new housing. At a minimum, cities should delay the collection of	The City is serious about facilitating the construction of new housing. However, this comment disregards the fact that impact fees are determined by the cost of providing public

Comment	Response
impact fees until the issuance of the certificate of occupancy to reduce financial impacts on new housing and make the units cheaper by not asking the developer to carry impact fee charges or debt throughout the construction phase.	services and facilities, and cannot be reduced without rendering the services financially infeasible.
Provide local funding. One of the largest barriers to building new affordable homes is the lack of city/county funds available to assemble sites, provide gap funding, and to pay for dedicated staff. Without new funding, especially at the local level, we will not be able to build more affordable homes. There are three new revenue streams that should be considered: 1) Transfer tax, a one-time payment levied by a jurisdiction on the sale of a home, may be utilized to raise much needed revenue to fund affordable homes; 2) Vacancy tax may be collected on vacant land to convince landowners to sell their underutilized properties and be used to fund the construction of affordable homes; 3) Commercial linkage fees should be adopted or revisited for increases on new commercial developments.	This comment correctly notes that public funding is a major limiting factor on affordable housing development. However, increased taxes on real estate is not a universally accepted strategy for raising additional funding. A statewide real estate transfer tax of $1.10 per $1,000 is assessed on transactions. In addition, SB 2 of 2017 (the Building Homes and Job Act) requires County Recorders to charge an additional $75 fee at the time of recording every real estate instrument, paper, or notice, except those expressly exempted from payment of recording fees, per each transaction per parcel of real property, not to exceed $225 per single transaction. Funds raised by this fee are used to support affordable housing.

Upland Housing Element Stakeholders

Pacific Lifeline
315 N. San Antonio Avenue
Upland, CA 91786

Foothill Family Shelter
1501 W. 9th Street, Suite D
Upland, CA 91786

Inland Regional Center
1365 S. Waterman Avenue
San Bernardino, CA 92408

San Bernardino County Housing Authority
1200 N. Campus Avenue
Upland, CA 91786

Inland Valley Hope Partners
1753 N. Park Avenue
Pomona, CA 91786

Inland Valley Recovery Services
1260 E. Arrow Hwy
Upland, CA 91786

Time for Change Foundation
2164 N. Mountain View Ave
San Bernardino, CA 92405
info@timeforchangefoundation.org

Linc Housing
3590 Elm Avenue.
Long Beach, CA 90807

National CORE
9421 Haven Avenue
Rancho Cucamonga, CA 91730

Inland Fair Housing and Mediation Board
1500 South Haven Avenue, Suite 100
Ontario, CA 91761

Neighborhood Partnership Housing Services
9551 Pittsburgh Avenue
Rancho Cucamonga, CA 91730

Neighborhood Housing Services of The Inland Empire
1845 Business Center Drive South, Suite 120
San Bernardino, CA 92408

Building Industry Association
3891 11th Street
Riverside, CA 92501

Apartment Association Greater Inland Empire
8250 White Oak Avenue, Suite 00
Rancho Cucamonga, CA 91730

County of San Bernardino Economic Development Agency
385 N. Arrowhead Avenue
San Bernardino, CA 92455

Lewis Land Developers
1156 N. Mountain Avenue
Upland, CA 91786

KB Homes
36310 Inland Valley Drive
Wildomar, CA 92595

Lennar Homes
980 Montecito Drive, Suite 302
Corona, CA 92879

RC Homes, Inc.
Ridge Crest Real Estate, LLC
550 N. Larchmont Blvd., Suite 201
Los Angeles, CA 90004

GFR Homes
434 N. 2nd Avenue
Upland, CA 91786

Williams Homes
21080 Centre Pointe Pkwy.
Santa Clarita, CA 91350

Diversified Pacific
10621 Civic Center Drive
Rancho Cucamonga, CA 91730

Taylor Morrison
4695 MacArthur Court
8th Floor
Newport Beach, CA 92660

Century Communities
4695 MacArthur Court, Suite #350
Newport Beach, CA 92660

Frontier Communities
2151 E. Convention Center Way
Suite 114
Ontario, CA 91764

San Bernardino Association of Governments
1170 W. 3rd Street, Suite 140
San Bernardino, CA 92410

Upland Chamber of Commerce
215 N. 2nd Ave Suite D
Upland, CA 91786

OmniTrans
1700 W. Fifth Street
San Bernardino, CA 92411

Community Action Partnership of San Bernardino County
696 S. Tippecanoe Avenue
San Bernardino, CA 92408

Upland Unified School District
390 N. Euclid Avenue
Upland, CA 91786

Habitat for Humanity California
2200 Ritchey Street
Santa Ana, CA 92705

Pomona Valley Habitat for Humanity
2111 Bonita Ave
La Verne, CA 91750-4927
ed@habitatpv.org

San Bernardino Area Habitat for Humanity
25948 Business Center Dr
Redlands, CA 92374
dhahn@habitatsb.org

Southern California Association of Non-Profit Housing
340 E. 2nd Street, Suite 406
Los Angeles, CA 90012

Jamboree Housing Corporation
17701 Cowan Suite 200
Irvine, CA 92614

2. HOUSING NEEDS

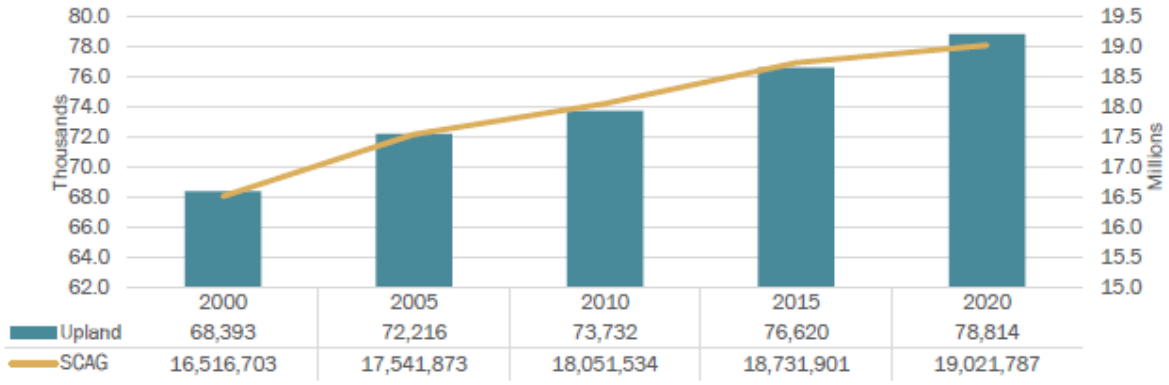
This chapter provides an overview of Upland's demographic, economic, housing, and special needs characteristics and trends and identifies issues that affect the city's existing and future housing needs.

A. Demographic Trends

Population Growth

Upland had an estimated 2020 total population of 78,814 including 682 living in group quarters according to the California Department of Finance. **Figure H-1** shows population growth trends in Upland from 2000 to 2020. Over this period Upland's annual growth rate of 0.7% was the same as the region as a whole.

Figure H-1 Population Growth 2000-2020 – Upland vs. SCAG Region



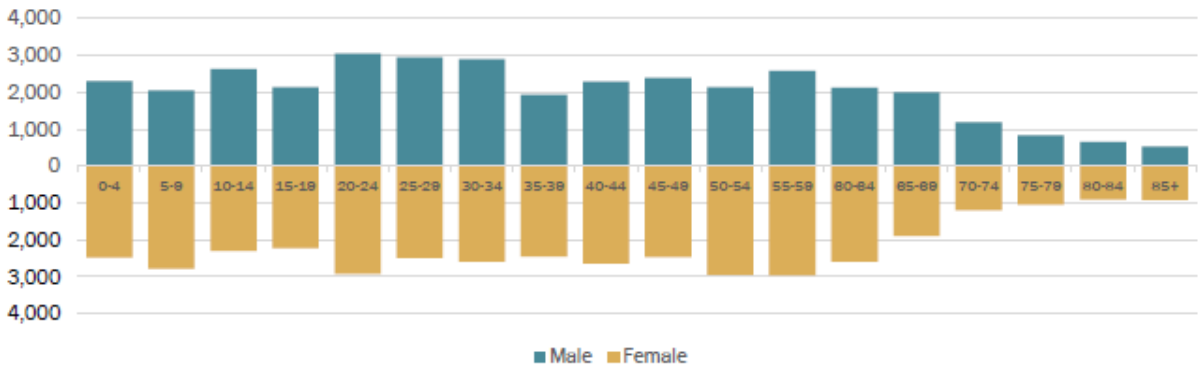
CA DOF E-5 Population and Housing Unit Estimates

Population Age and Gender

Different age groups have different housing needs based on lifestyles, family types, income levels, and housing preference. Typically, younger households seek affordable rental housing opportunities as they begin their careers. As adults spend more time in the workforce and form families, they may seek larger homes and opportunities to build equity through home ownership. Seniors may eventually choose to trade down larger homes that once accommodated children to smaller and more affordable homes.

The population of Upland is 48% male and 52% female. The share of the population of Upland that is under 18 years of age is approximately 22%, which is slightly lower than the regional share of 23%. Upland's seniors (65 and above) make up about 15% of the population compared to 13% for the regional as a whole (**Figure H-2**).

Figure H-2 Population by Age and Gender – Upland

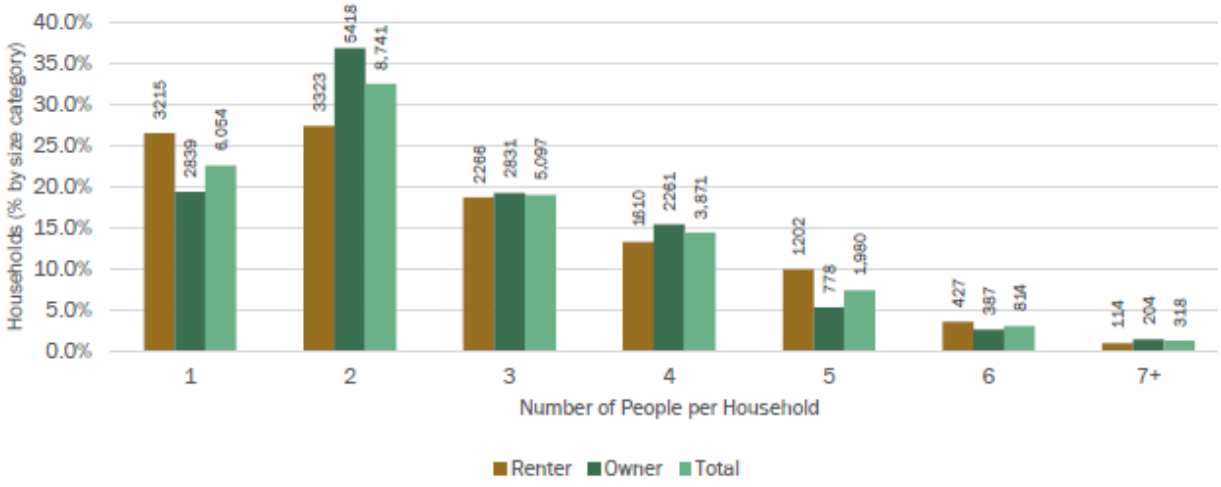


American Community Survey 2014-2018 5-year estimates

Household Size

Figure H-3 illustrates the range of household sizes in Upland for homeowners, renters, and overall. The most commonly occurring household size is of two people (33%) and the second-most commonly occurring household is of one person (23%). Upland has a similar share of single-person households as the SCAG region overall (23%) and a smaller share of large households with 7+ persons than the SCAG region overall (1% vs. 3%).

Figure H-3 Household Size by Tenure - Upland

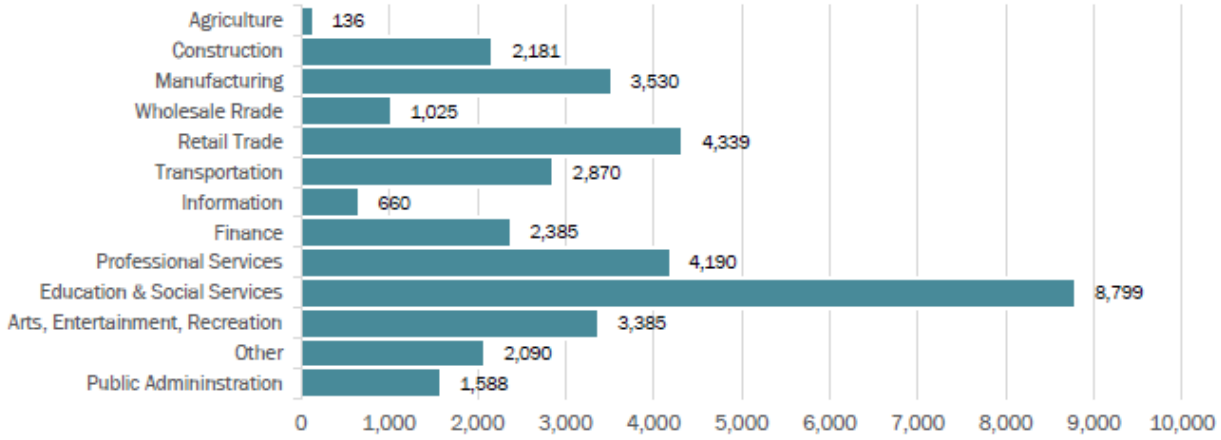


American Community Survey 2014-2018 5-year estimates.

Employment Characteristics

According to recent Census estimates, Upland has 37,178 workers living within its borders who work across 13 major industrial sectors. **Figure H-4** shows that most prevalent industry for Upland residents is Education & Social Services with approximately 24% of the total while the second most prevalent industry is Retail trade with 12% of employed residents. The largest employers in Upland are San Antonio Community Hospital, Upland Unified School District, Home Depot and Upland Rehabilitation and Care Center.

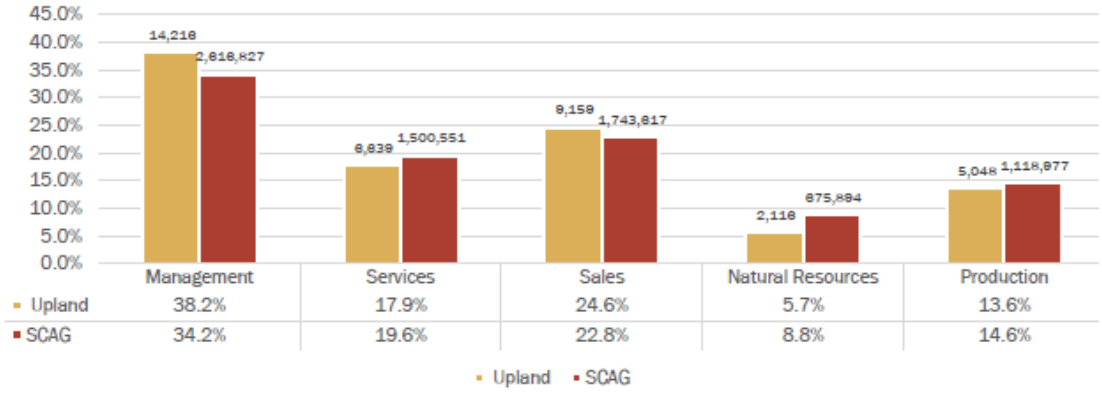
Figure H-4 Employment by Industry - Upland



American Community Survey 2014-2018 5-year estimates using groupings of 2-digit NAICS codes.

As shown in **Figure H-5**, the most prevalent occupational category in Upland is Management, in which about 38% of employees work. The second-most prevalent type of work is in Sales, which employs about 25% of residents.

Figure H-5 Employment by Occupation - Upland

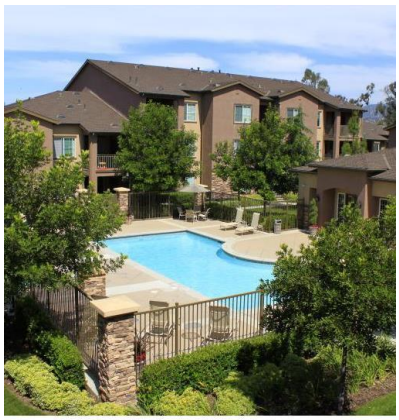


American Community Survey 2014-2018 5-year estimates using groupings of SOC codes.

B. Housing Characteristics

This section describes housing characteristics and trends including housing type, tenure (owner vs. renter), vacancy, age and condition, housing prices and rents, and homeownership rates.

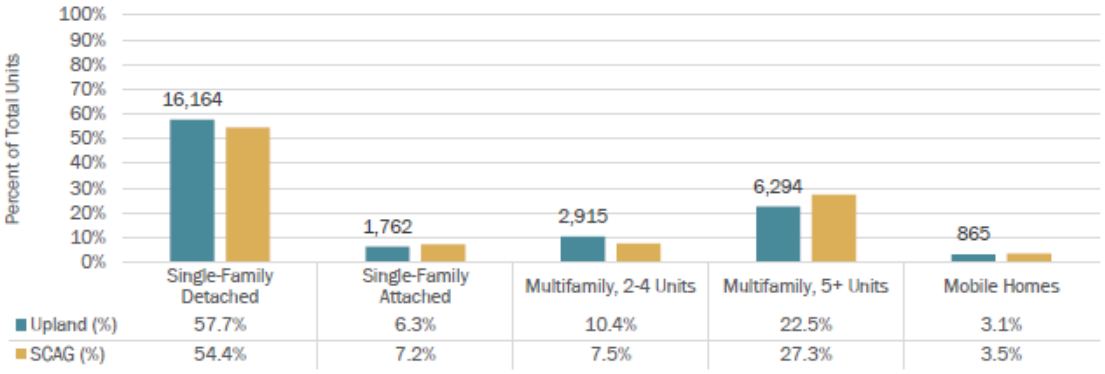
Housing Type



A range in housing types and prices allows residents of all ages and incomes the opportunity to find adequate housing in Upland. As shown in **Figure H-6**, the most prevalent housing type in Upland is single-family detached homes. According to recent Department of Finance estimates, the share of all single-family housing units in Upland is approximately 64%, which is higher than the 62% share for the SCAG region as a whole. The estimated vacancy rate is 2.8% and the average household size (as expressed by the population to housing unit ratio) is approximately 2.9.

Looking forward, the City of Upland anticipates continued residential growth in several focus areas and specific plan areas such as the Foothill Boulevard corridor, College Heights, and Downtown.

Figure H-6 Housing Units by Type – Upland vs. SCAG Region

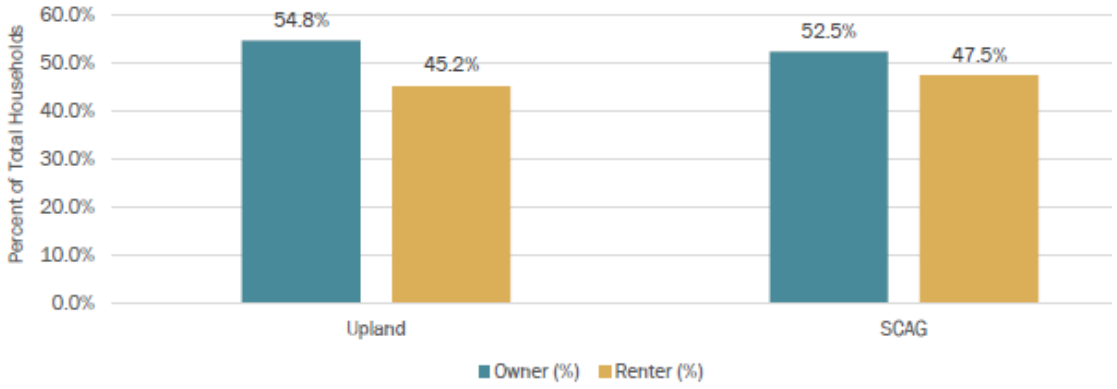


CA DOF E-5 Population and Housing Unit Estimates

Housing Tenure

Tenure refers to whether a household owns or rents a home. Ample homeownership and rental opportunities allow people of all incomes and household sizes to choose the type of housing and location best suited to their needs and preferences. Vacancy rates, in combination with housing tenure, also affect the prices and rents charged for housing. Recent Census data estimated that Upland's housing stock consists of 26,875 total units, 14,718 of which are owner-occupied and 12,157 of which are renter-occupied (**Figure H-7**). The home ownership rate in Upland is slightly higher than in the SCAG region overall.

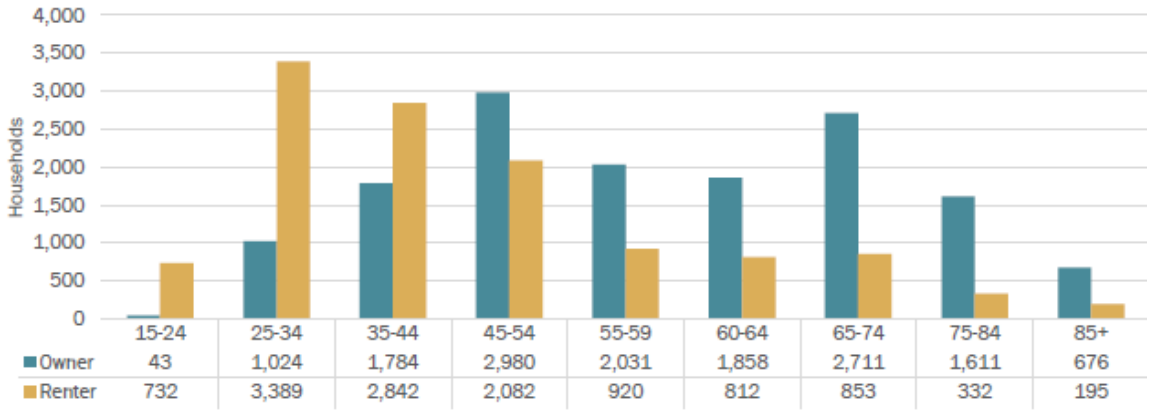
Figure H-7 Housing Tenure – Upland vs. SCAG Region



American Community Survey 2014-2018 5-year estimates.

Figure H-8 shows recent Census estimated of housing tenure for different age groups. As may be expected, younger residents are more likely to be renters while those over age 45 are more often homeowners.

Figure H-8 Housing Tenure by Age – Upland



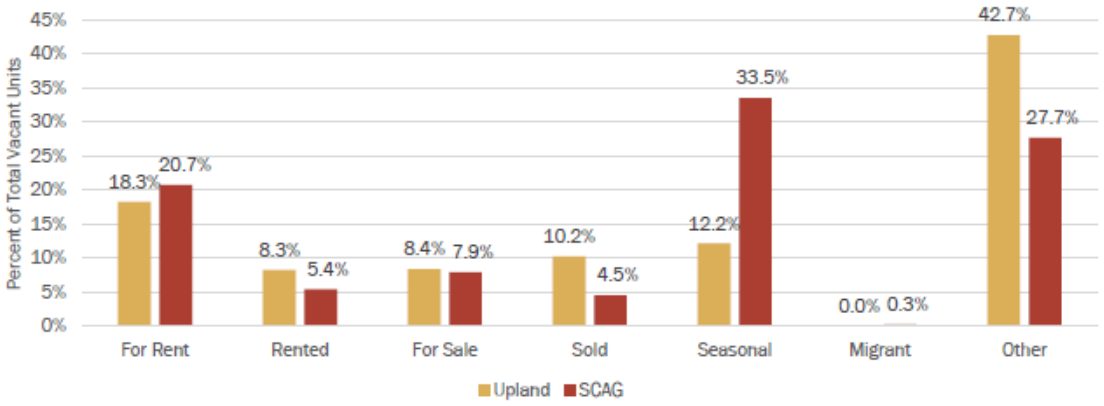
American Community Survey 2014-2018 5-year estimates.

Vacancy Rates

Housing vacancies are one measure of how well the supply of housing matches the demand. Typically, housing vacancy rates of 5% for apartments and 1% to 2% for owner-occupied homes are considered to be a healthy housing market with enough vacancies to provide consumers with sufficient choices for different types of housing products, and that developers have a financial incentive to continue building housing. Higher vacancy rates may lead to price depreciation while lower vacancy rates indicate a tight market and generally cause housing rents and prices to increase.

According to recent Census estimates, Upland's overall vacancy rate is approximately 2.8%. The various categories of vacant units for Upland and the entire SCAG region are shown in **Figure H-9**. In Upland the highest number of reported vacant units was "other" while "seasonal" vacant units were most common throughout the region. The estimated vacancy rate in 2019 was 0% for owner-occupied units and 5.7% for rental units.

Figure H-9 Vacant Units by Type – Upland vs. SCAG Region



American Community Survey 2014-2018 5-year estimates.

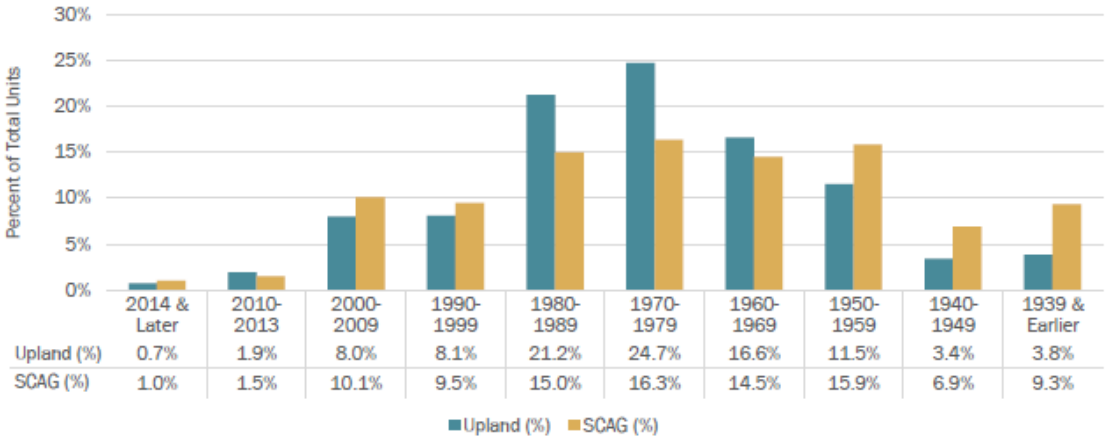
Housing Age and Condition

Well-maintained housing is important for maintaining property values and neighborhood stability. However, the majority of homes in Upland are over 50 years old, indicating a need for ongoing maintenance and rehabilitation such as roof repair, painting, landscaping, and exterior finishes. Homes between 30 and 50 years typically require more significant maintenance and even renovation. Generally, homes built 50 or more years ago (unless well maintained) are more likely to require substantial repairs or need renovation.

Another concern related to the age of housing is That homes built prior to 1978 typically contain lead-based paint, which can cause hazardous health conditions for children (specifically, developmental delays). Health hazards occur when the paint chips and is inhaled by residents, particularly children. Since 1978, the federal government has banned the use of lead-based paint.

Figure H-10 shows the age of Upland's housing stock. City staff estimates that approximately 70-80% of housing units (approximately 21,000 units) may be in need of minor repair while one-third (approximately 9,000 units) may require more substantial rehabilitation. Most of the homes in need of repair are located in the older southern portions of the city, while the majority of newer housing is located in the northern area. The City's code enforcement activities are primarily based on complaints. When violations are noted, City staff directs residents to programs that may be available to assist lower-income residents with needed repairs.

Figure H-10 Age of Housing Stock – Upland vs. SCAG Region



American Community Survey 2014-2018 5-year estimates.

Housing Cost and Affordability

Housing Affordability Criteria

State law establishes five income categories for purposes of housing programs based on the area (i.e., County) median income (AMI): extremely-low (30% or less of AMI), very-low (31-50% of AMI), low (51-80% of AMI), moderate (81-120% of AMI) and above moderate (over 120% of AMI). Housing affordability is based on the relationship between household income and housing expenses. According to HUD and the California Department of Housing and Community Development, housing is considered "affordable" if the monthly payment is no more than 30% of a household's gross income. In some areas, these income limits may be increased to adjust for high housing costs.

Table H-2 shows affordable rent levels and estimated affordable purchase prices for housing in San Bernardino County by income category for on a 4-person family. Based on 2022 State standards, the maximum affordable monthly rent for extremely-low-income households is $694~~655~~, while the maximum affordable rent for very-low-income households is $1,100~~941~~. The maximum affordable rent for low-income households is $1,760~~1,506~~, while the maximum for moderate-income households is $2,623~~2,259~~.

Affordable purchase prices are more difficult to determine due to variations in conditions such as mortgage interest rates and qualifying procedures, down payments, special tax assessments, homeowner association fees, and property insurance rates. With this caveat, the maximum home purchase prices by income category shown in **Table H-2** have been estimated based on typical current conditions.

Table H-1Table H-2 Affordable Housing Costs – San Bernardino County

Income Category	Maximum Income	Affordable Rent	Affordable Price (est.)
Extremely low	$27,75026,200	$694655	*
Very low	$44,00037,650	$1,100941	*
Low	$70,40060,250	$1,7601,506	*
Moderate	$104,90090,350	$2,6232,259	$400,000365,000
Above moderate	Over $104,90090,350	Over $2,6232,259	Over $400,000365,000

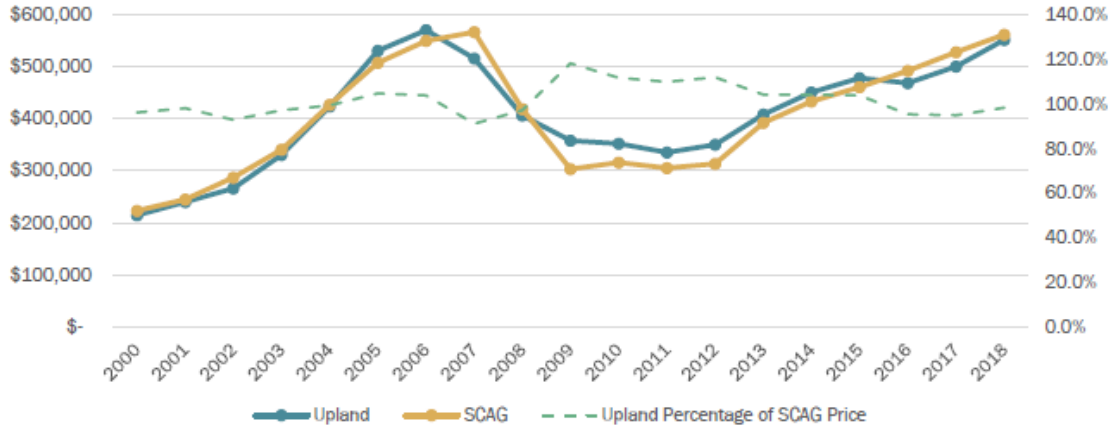
Assumptions:
- Based on a family of 4 and 20220/21 State income limits
- 30% of gross income for rent or principal, interest, taxes & insurance plus utility allowance
- 10% down payment, 5.53.75% interest, 1.25% taxes & insurance, $300 HOA dues

* For-sale affordable housing is typically at the moderate-income level
Source: Cal. HCD; JHD Planning LLC

For-Sale Housing Cost

Between 2000 and 2018, median home sales prices in Upland increased 157% while prices in the SCAG region increased 151%. 2018 median home sales prices in Upland were $551,000 and the highest experienced since 2000 was $569,500 in 2006. Prices in Upland have ranged from a low of 91% of the SCAG region median in 2007 and a high of 118% in 2009 (**Figure H-11**).

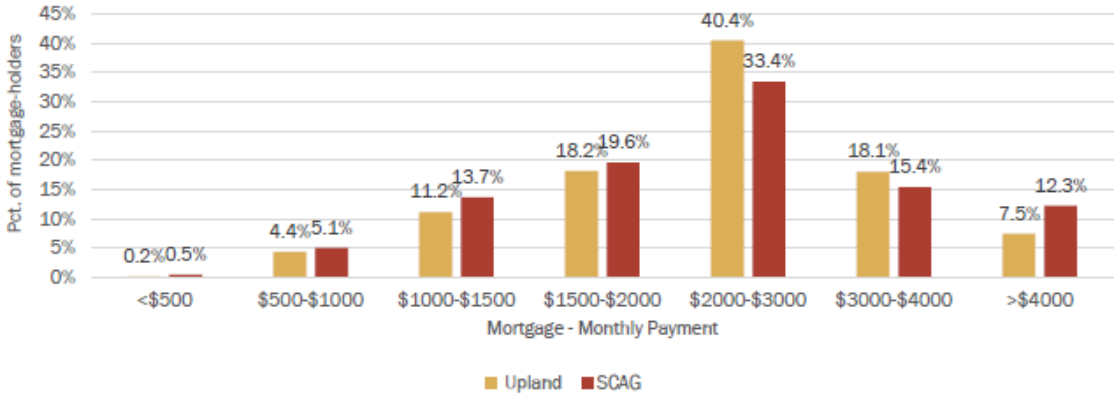
Figure H-11 Median Sale Price for Existing Homes – Upland vs. SCAG Region



SCAG Local Profiles, Core Logic/Data Quick. SCAG median home sales price calculated as household-weighted average of county medians.

Recent data for monthly homeowner housing costs are shown in **Figure H-12**. The most common amount paid is $2,000 to $3,000 in Upland and in the SCAG region as a whole.

Figure H-12 Monthly Owner Cost for Mortgage Holders – Upland vs. SCAG Region

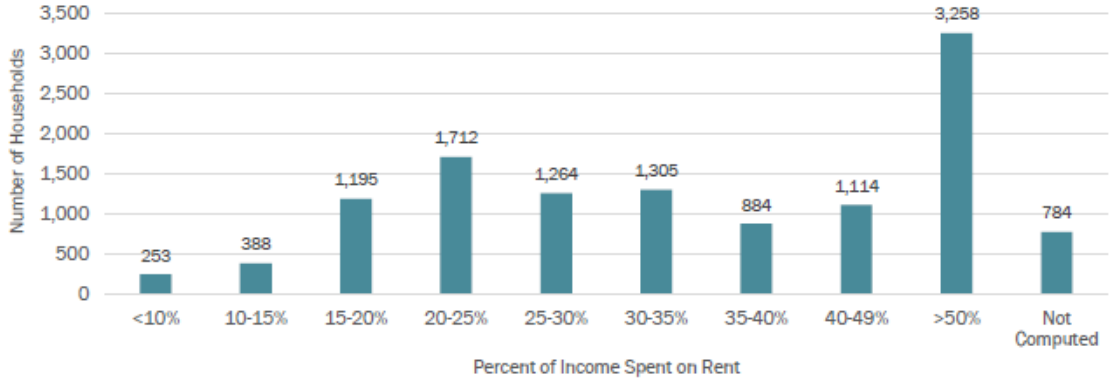


American Community Survey 2014-2018 5-year estimates.

Rental Housing Cost

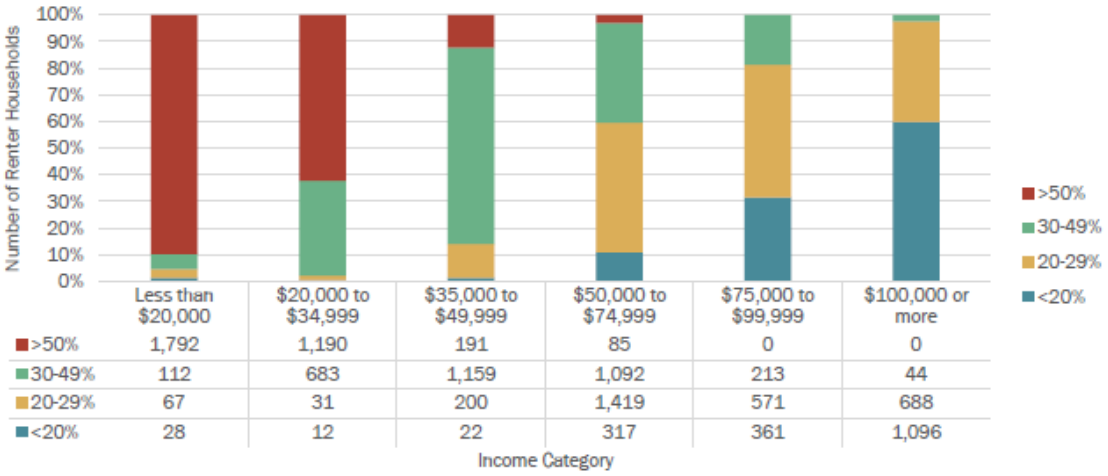
Across Upland's 12,157 renter households, about 54% spend 30% or more of gross income on housing cost, compared to 55% in the SCAG region. About 27% of Upland renters spend 50% or more of gross income on housing cost, compared to 29% in the SCAG region (**Figure H-13**). According to 2019 Census estimates the median rent in Upland was $1,600 per month. An August 2022 internet survey of apartments offered for rent found typical rents for 2-bedroom units in Upland ranging from $1,845 to $2,840 per month.

Figure H-13 Percentage of Income Spent on Rent – Upland



As illustrated in **Figure H-14**, lower-income households typically pay a higher proportion of their incomes for rent.

Figure H-14 Rental Cost by Income Category – Upland



	Less than $20,000	$20,000 to $34,999	$35,000 to $49,999	$50,000 to $74,999	$75,000 to $99,999	$100,000 or more
>50%	1,792	1,190	191	85	0	0
30-49%	112	683	1,159	1,092	213	44
20-29%	67	31	200	1,419	571	688
<20%	28	12	22	317	361	1,096

American Community Survey 2014-2018 5-year estimates.

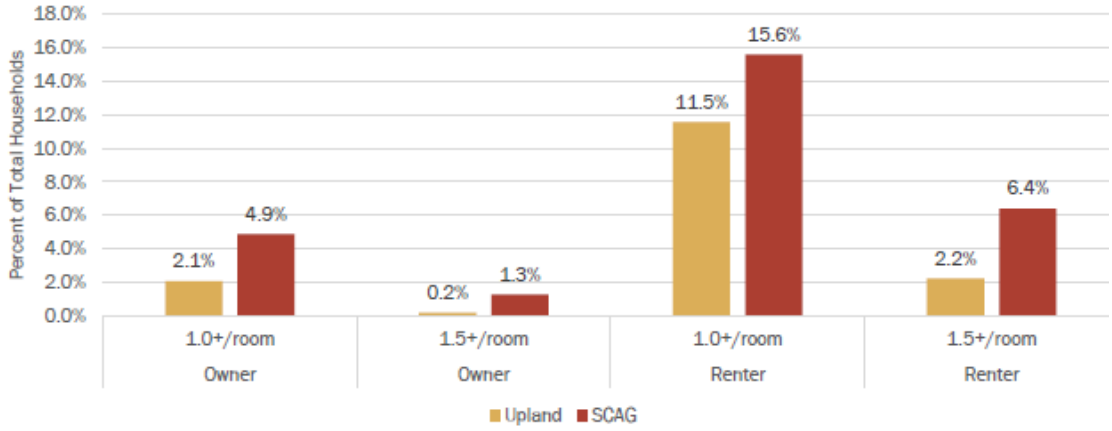
Housing Problems

Housing problems refer to overpayment, overcrowding, and the difficulties faced by extremely-low-income households.

Overcrowding

Overcrowding is often closely related to household income and the cost of housing. The U.S. Census Bureau considers a household to be overcrowded when there is more than one person per room, excluding bathrooms and kitchens, with severe overcrowding when there are more than 1.5 residents per room. Overcrowded households are usually a reflection of a shortage of affordable housing. **Figure H-15** shows recent Census estimates of the prevalence of overcrowding in Upland compared to the SCAG region as a whole. Among renters, approximately 11.5% of Upland renter households reported more than 1.0 person per room while an additional 2.2% reported more than 1.5 persons per room. These rates are substantially lower than for the region as a whole. Rates of overcrowding were significantly lower for owner households.

Figure H-15 Overcrowding by Tenure – Upland vs. SCAG Region



American Community Survey 2014-2018 5-year estimates.

Overpayment

According to State housing policy, overpaying occurs when housing costs exceed 30% of gross household income. **Table H-3** displays recent HUD estimates for overpayment by tenure and income category, and shows that overpayment is closely related to income, with lower-income households far more likely to be cost-burdened than those in higher income categories.

Although homeowners enjoy income and property tax deductions and other benefits that help to compensate for high housing costs, homeowners paying a higher percentage toward a mortgage may need to defer maintenance or repairs due to limited funds, which can lead to deterioration. For renters, severe cost burden can require families to double up resulting in overcrowding and related problems.

Table H-2Table H-3 Overpayment by Income Category – Upland

Income by Cost Burden (Renters only)	Cost burden > 30%	Cost burden > 50%	Total
Household Income less-than or= 30% HAMFI	1,475	1,415	1,960
Household Income >30% to less-than or= 50% HAMFI	1,415	1,125	1,585
Household Income >50% to less-than or= 80% HAMFI	1,695	500	2,000
Household Income >80% to less-than or= 100% HAMFI	840	55	1,385
Household Income >100% HAMFI	840	55	5,230
Total	6,265	3,150	12,155
Income by Cost Burden (Owners only)	**Cost burden > 30%**	**Cost burden > 50%**	**Total**
Household Income less-than or= 30% HAMFI	535	475	755
Household Income >30% to less-than or= 50% HAMFI	415	365	645
Household Income >50% to less-than or= 80% HAMFI	700	425	1,265
Household Income >80% to less-than or= 100% HAMFI	520	170	1,010
Household Income >100% HAMFI	2,155	265	11,045
Total	4,325	1,700	14,720

Source: HUD CHAS, 2014-2018
HAMFI = Housing Urban Development Area Median Family Income

Extremely-Low-Income Households

Housing the extremely-low-income (ELI) population (below 30% of area median income) can be especially challenging. Recent HUD data (**Table H-4**) provides a breakdown of extremely-low-income households by race/ethnicity and tenure. ELI households often experience overcrowding, overpayment and other difficulties.

~~Table H-3~~Table H-4 Extremely-Low-Income Housing Needs – Upland

	Total Households	Households below 30% HAMFI	Share below 30% HAMFI
White, non-Hispanic	13,795	1,205	8.7%
Black, non-Hispanic	1,869	480	25.7%
Asian and other, non-Hispanic	2,658	410	15.4%
Hispanic	8,805	1,255	14.3%
Total	27,127	3,350	12.3%
Renter-occupied	12,325	2,625	21.3%
Owner-occupied	14,830	730	4.9%
Total	27,155	3,355	12.4%

Source: HUD CHAS, 2012-2016
HAMFI = Housing Urban Development Area Median Family Income

C. Special Housing Needs

This section contains a discussion of the housing needs of special needs groups who reside in Upland. Special needs households include seniors, large families, single-parent households, people who are homeless, farmworkers and people with disabilities.

Senior Citizens

Seniors are defined as persons 65 years or older, although for some housing purposes the age may be as low as 55 years. Federal housing data define a household type as 'elderly family' if it consists of two persons with either or both age 62 or over. As shown in **Table H-5**, of Upland's 6,495 such households, approximately 11% earn less than 30% of median income, (compared to 24% in the SCAG region), and 23% earn less than 50% of the surrounding area income (compared to 31% in the SCAG region).

~~Table H-4~~Table H-5 Elderly Households by Income and Tenure – Upland

Income Category, Relative to Surrounding Areas	Owner	Renter	Total	Percent of Total Elderly Households
< 30% HAMFI	355	375	730	11.2%
30-50% HAMFI	430	320	750	11.5%
50-80% HAMFI	785	255	1,040	16.0%
80-100% HAMFI	470	185	655	10.1%
> 100% HAMFI	3,015	305	3,320	51.1%
Total Households	5,055	1,440	6,495	

Providing appropriate housing for seniors has become an increasingly important issue for many communities. In past years, the baby boomer generation provided the impetus and majority of demand for single-family housing. However, as this group ages and approaches retirement or elderly years, many communities will see an increased demand for all types of senior housing, from smaller condominiums to independent age-restricted housing to assisted residential settings for those requiring more supportive services.

In addition to housing, an appropriate mix of affordable support services provided locally can benefit seniors living in Upland. Support services are essential in facilitating the ability of seniors to live as independently as possible without having to change their residences. Services can include transportation, health care, home maintenance assistance, and low-cost loans or grants to rehabilitate homes.

The City uses its CDBG funds, and implements the Emergency Repair Program (ERP), which provides a grant up to $15,000 to make emergency repairs and/or code violations corrections. Many of the ERP grants that the City processes are for low-income seniors living in mobile home parks and help to address safety and emergency repairs that they cannot afford. The City also uses its Home Improvement Program (HIP) funds from CalHOME and HOME which provides a deferred low or no interest loans (silent seconds) of up to $90,000 which allows low-income seniors the ability to address life/safety repairs, or upgrades to their home due to a lack of ongoing maintenance.

The City also supports the housing needs of seniors through reasonable accommodation for persons with disabilities as well as programs including Program 8: Accessory Dwelling Units, Program 12: Rental Housing Assistance and Program 14: Mobile Home Rent Stabilization.

In addition to these housing programs, the City's Gibson Senior Center[1] serves over 3,500 seniors each month with a lunch program and over 40 classes and activities taking place weekly, with over half of those being free.



The Gibson Center also hosts free monthly health lectures with community doctors, free non-invasive medical screenings, free AARP Tax-Aide, AARP 55 Alive Driver Safety courses, a free Fall flu shot clinic and wellness faire, non-biased medical insurance counseling, and a multitude of services at little to no cost to seniors.

Persons with Disabilities

Physical, mental, and/or developmental disabilities are impairments that substantially limit life activities and make it difficult to care for oneself. Because of that, persons with disabilities have special housing needs. Many disabled persons live on fixed incomes, thus limiting their ability to afford housing. Persons with a disability may also have limited housing choices (e.g., single-story homes or projects with elevators). Someone with a visual impairment may require a home that allows service animals.

Recent Census estimates reported that the most prevalent types of disabilities for Upland residents were ambulatory and independent living disabilities (**Figure H-16**). Of those aged 65 and over, ambulatory difficulties were the most common type of disability, with approximately 25% of Upland seniors affected (**Figure H-17**). As seen in **Table H-6**, over one-third of those with a disability in Upland were employed. Housing opportunities for persons with disabilities can be maximized through housing assistance programs and universal design features such as widened doorways, ramps, lowered countertops, single-level units and ground floor units.

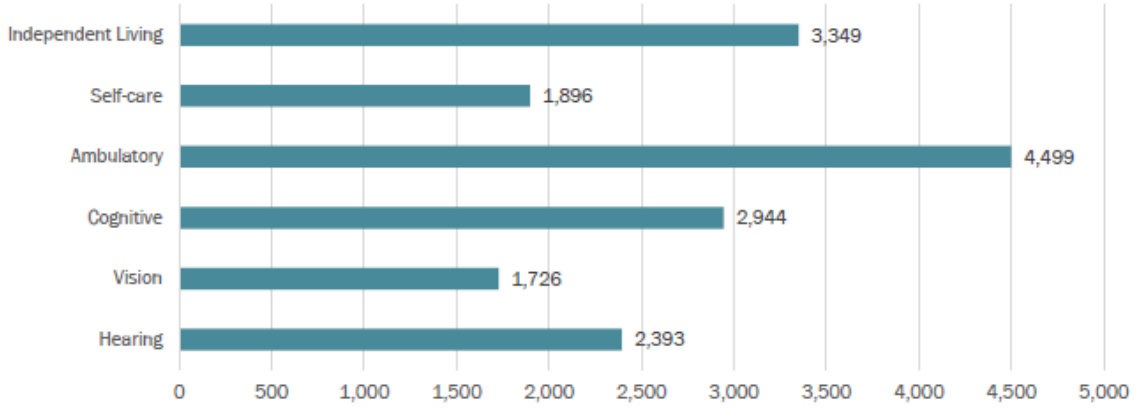
The Housing Plan addresses the housing needs of persons with disabilities through Program 2: HOME Improvement, Program 3: Emergency Repairs for Homeowners, Program 8: Accessory Dwelling Units, Program 12: Rental Housing Assistance, Program 14: Mobile Home Rent Stabilization, Program 15: Affordable

[1] https://www.uplandca.gov/gibson-senior-center

Housing at Risk of Conversion to Market Rate, Program 16: Homeless Services and Facilities, Program 18: Housing for People with Disabilities or other Special Needs, and Program 19: Affirmatively Furthering Fair Housing.

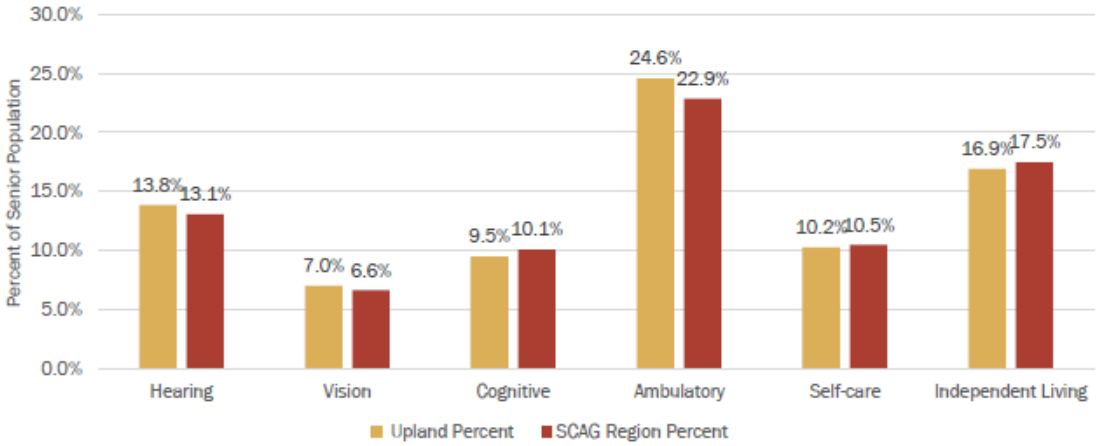
The Emergency Repair Program (ERP), which is funded with the City's share of CDBG, provides a grant up to $15,000 to make emergency repairs and/or code violations corrections, but also includes addressing Americans with Disabilities Act (ADA) such as ramps, widening doorways, and any other improvements necessary to comply with ADA improvements for disabled persons who are on fixed incomes and make up to 80% of the Area Median Income.

Figure H-16 Disabilities by Type – Upland



American Community Survey 2014-2018 5-year estimates.

Figure H-17 Disabilities by Type for Seniors 65+ – Upland



American Community Survey 2014-2018 5-year estimates.

Table H-5Table H-6 Disabilities by Employment Status – Upland

	With a Disability	Percent of Total	No Disability	Percent of Total
Employed	1,488	37%	33,258	76%
Unemployed	262	7%	1,893	4%
Not in Labor Force	2,222	56%	8,880	20%
Total	3,972		44,031	

Source: American Community Survey, 2014-2018 5-year estimates

Developmental Disabilities

State law defines "Developmental disability" to mean a disability that originates before an individual attains age 18 years, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include mental retardation, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, but shall not include other handicapping conditions that are solely physical in nature.

The California Department of Developmental Services (DDS) provides community services to persons with developmental disables and their families through a system of regional centers. In San Bernardino County, the Inland Regional Center (IRC) is the local service provider for the State Department of Developmental Services. The center provides access to a variety of resources such as educational, employment, health, and housing to persons with developmental disabilities. The IRC coordinates housing programs with In-Home Supportive Services (through the County Department of Aging and Adult Services) and family support services such as respite, for persons living at home with the family. Respite services may include a behavior modification specialist and educational services. The IRC also provides transportation vouchers. Recent DDS data for persons in Upland is provided in **Table H-7**.

Many persons with developmental disabilities may live independently with minimal supervision. Others may live in a group facility with some supervision, while more severe conditions may require institutional living with regular supervision.

Table H-6Table H-7 Developmental Disabilities – Upland

By Residence	
Home of parent/family/guardian	455
Independent/supported living	31
Community care facility	30
Intermediate care facility	85
Foster/family home	19
Other	5
By Age	
0-17 years	625
18+ years	297
Total	1,547

California DDS consumer count by California ZIP code, age group, and residence type for the end of June 2019. Data available in 161/197 SCAG jurisdictions

Upland has a variety of services available for people with disabilities. Centerbest Neurofeedback Centers for Success, Scheu Family YMCA, OPARC, and Easter Seals Child Development Center provide programs to

enhance the independent living skills for those with a disability. Services may include advocacy, counseling, employment assistance, housing referrals, and transportation to medical appointments.

Large Families

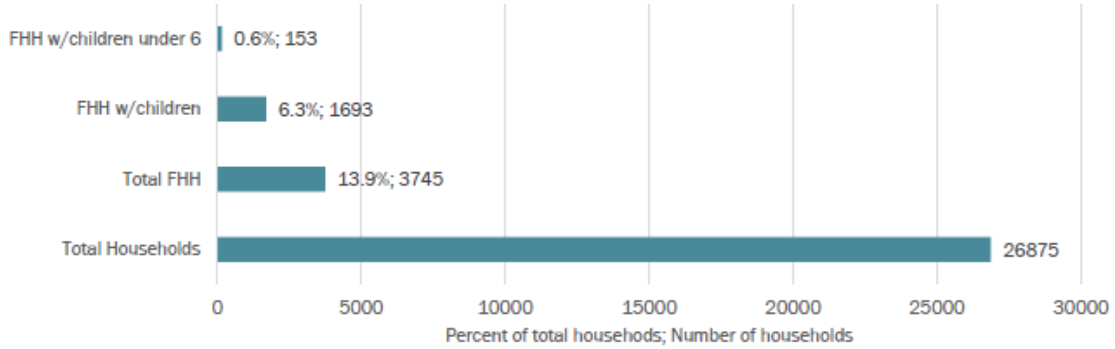
Household size is an indicator of need for large units. Large households are defined as those with five or more members. Among both owners and renters, more than half of all households have only one or two members. According to recent Census estimates, about 12% of all households in Upland had five or more members. Families with five or more persons require larger units with ~~four~~ three or more bedrooms in order to avoid overcrowding.

The Housing Plan addresses the needs of large families, particularly those with lower incomes, through Program 2: HOME Improvement, Program 3: Emergency Repairs for Homeowners, Program 12: Rental Housing Assistance, Program 14: Mobile Home Rent Stabilization, Program 15: Affordable Housing at Risk of Conversion to Market Rate and Program 19: Affirmatively Furthering Fair Housing. The City's Home Improvement Program (HIP) provides a deferred low or no interest loans (silent seconds) of up to $90,000 to low-income households with incomes up to 80% of the Area Median Income for owner-occupied homes. The City uses its CalHOME and HOME funds for this program. The HIP would enable large family household to expand the number of bedrooms to help address overcrowding.

Female-Headed Households

Female headed households typically have greater housing needs than other households due to their limited income and higher expenses. According to recent Census Bureau estimates (**Figure H-18**), approximately 14% of Upland households are female-headed (compared to 14% in the SCAG region), 6% are female-headed and with children (compared to 7% in the SCAG region), and 0.6% are female-headed and with children under 6 (compared to 1% in the SCAG region).

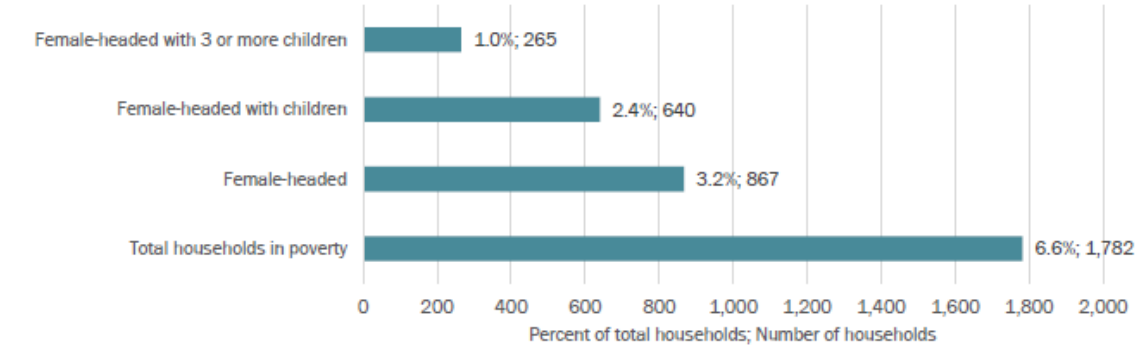
Figure H-18 Female Headed Households – Upland



American Community Survey 2014-2018 5-year estimates.

It is estimated that about 7% percent of Upland's households are experiencing poverty, compared to 8% of all households in the SCAG region. Nearly half of Upland households below the poverty line were female-headed households (**Figure H-19**).

Figure H-19 Female Headed Households by Poverty Status – Upland



American Community Survey 2014-2018 5-year estimates.

The Housing Plan addresses the needs of female headed households, particularly those with lower incomes, through Program 2: HOME Improvement, Program 3: Emergency Repairs for Homeowners, Program 12: Rental Housing Assistance, Program 14: Mobile Home Rent Stabilization, Program 15: Affordable Housing at Risk of Conversion to Market Rate and Program 19: Affirmatively Furthering Fair Housing.

Farmworkers

Unlike most areas of the Southern California metropolitan area, agriculture is still a significant component of the economy in San Bernardino County; however, over the past several decades agriculture has diminished in importance in Upland and adjacent areas. Recent Census estimates for agricultural employment in Upland published by SCAG in its HCD pre-approved data set (**Figure H-20**) shows that there were only about 24 full-time year-round jobs in the farming/fishing/forestry occupations. ~~Since commercial agriculture is not a permitted use in any zoning district, the agricultural employee housing~~Program 18 is included in the Housing Plan to ensure compliance with the Employee Housing Act~~, are not applicable to Upland.~~ and other ~~P~~programs intended to assist lower-income persons and households would also serve any agricultural workers who may live in Upland.

Figure H-20 Agricultural Employment – Upland

Farmworkers by Occupation:

Upland	Percent of total Upland workers:	SCAG Total	
26	0.07%	57,741	Total jobs: Farming, fishing, and forestry occupations
24	0.10%	31,521	Full-time, year-round jobs: Farming, fishing, and forestry occupations

Employment in the Agricultural Industry:

Upland	Percent of total Upland workers:	SCAG Total	
110	0.30%	73,778	Total in agriculture, forestry, fishing, and hunting
134	0.53%	44,979	Full-time, year-round in agriculture, forestry, fishing, and hunting

American Community Survey 2014-2018 5-year estimates using groupings of NAICS and SOC codes.

Homelessness

Homeless persons are defined as those who lack a fixed and adequate residence. Homelessness is a pressing issue for many communities, and the varied dimensions involved have implications for housing programs. People who are homeless may be chronically homeless (perhaps due to substance abuse) or situationally homeless resulting from job loss, family strife, incarceration, or violence. Homeless people face critical housing challenges due to their very low incomes and other problems.

Counting the homeless population is problematic due to its transient nature. According to the 2020 San Bernardino County Homeless Count and Subpopulation Survey Report[2] there were 44 unsheltered and no sheltered homeless persons in Upland at the time of the survey.

Housing accommodations for homeless people include emergency shelters, navigation centers, transitional housing, and permanent supportive housing. The City helps to support the establishment and operation of these types of facilities by ensuring that City regulations are consistent with current law (see Program 18: Housing for People with Disabilities or other Special Needs). Facilities serving the homeless in Upland are briefly summarized below.

- **Foothill Family Shelter**. Foothill Family Shelter is the primary facility serving Upland's homeless. This facility provides emergency shelter, transitional housing, and permanent housing in one center for homeless individuals and families. It includes 75 emergency beds, 7 short-term apartments for homeless families with children, 12 transitional housing apartments, and 8 apartments for affordable permanent housing.
- **Pacific Lifeline Ministry**. Pacific Lifeline Ministry in Upland is a faith-based ministry that empowers women and children facing chronic homelessness to achieve personal and social stability. Pacific Lifeline provides 28 beds for women and their young children at a transitional shelter in Upland. As part of the

[2] https://wp.sbcounty.gov/dbh/sbchp/wp-content/uploads/sites/2/2020/04/2020-SBC-Homeless-Count-Report.pdf

transitional housing, Pacific Lifeline provides services that include case management, individual group and family therapy, tutoring and counseling services, clothes, food, and limited housing services.

- **Substance abuse**. Inland Valley Recovery Services provides a number of programs for the Upland community. The Women and Children Program/Staying Sober provides a support base for recovering parents to restore relationships with children. IVRS also offers residential treatment in a 75-bed treatment center in Upland.

- **Service agencies**. Inland Valley Hope Partners provides emergency assistance with food, utilities, and educational classes. Other groups, such as OUR Homeless, links local ministries to community service providers and other congregations implementing solutions to ending homelessness on the west end of San Bernardino County.

- **Housing Authority**. The County Housing Authority (HACSB) has jurisdiction over a number of housing voucher programs, including those for homeless people. The Upland Housing Authority entered into an memorandum of understanding (MOU) with the San Bernardino County Housing Authority (HACSB) to administer housing assistance contracts with landlords in the City of Upland for applicants/participants of HACSB special purpose homeless voucher programs (Housing Opportunities for Persons with AIDS, Shelter Plus Care, Veterans Affairs Supportive Housing).

D. Affordable Housing at Risk of Conversion

Affordable housing that has received public subsidies in return for long-term affordability covenants represents a significant component of the City of Upland's affordable housing inventory. Assisted lower-income rental units that could convert to market rate due to the expiration of covenants or prepayment of mortgage are considered to be "at-risk" of conversion. **Table H-8** summarizes publicly assisted affordable projects in Upland and identifies those that are at risk of conversion during the 2021-2031 period.

~~Table H-7~~Table H-8 Publicly Assisted Lower Income Rental Units in Upland

Project	Project Characteristics					
	Target Group	Total Units	Affordable Units	Unit Size	Project Funding	Expiration Date of Covenants
Richland Apts.	Family	33	8 LI	2 BR	HOME	2022
Sycamore Terrace	Senior	100	100 VLI	1 BR	LIHTC, HUD	2069
Northwoods	Family	324	64 LI	2 BR	MRB	2024
Arbor Park	Family	260	104 LI	2 BR	MRB	2028
Sunset Ridge[1]	Family	108	16 VLI	1 & 2 BR	MRB, RDA	2037
Village Apts [1]	Family	72	20 VLI	1 & 2 BR	MRB, RDA	2037
Alpine Woods	Family	137	136 LI	1 & 2 BR	LIHTC	2053
Magnolia Colony[1]	Family	40	18 VL; 18 LI 36 Moderate	2 & 3 BR	HOME, RDA	2058
Coy D. Estes	Senior	130	110 LI 20 Moderate	1 & 2 BR	LIHTC, HUD, CalHFA	2051
Los Olivos	Family	97	97 VLI	2 BR	Public Housing	Permanent
9th Street Terrace	Family	24	24 VLI	1 & 2 BR	Section 8	Permanent
FFS	Family	20	13VL; 7 LI	2 BR	RDA	2058

Source: CHPC and City of Upland, 2021

VLI: Very low income
LI: Low income
HUD2: Dept. of Housing and Urban Development
HOME: Federal Home Investment Partnership Funds
MRB: Mortgage Revenue Bonds
LIHTC: Low Income Housing Tax Credit
RDA: Upland Redevelopment Agency
Section 8: Federal Housing Voucher program
[1]Projects owned by the City of Upland

At-Risk Status

Three developments with 176 lower-income units are at risk of converting to market rate during the 2021 to 2031 period.

Preservation and Replacement Alternatives

Options for preserving or replacing at-risk units are described below. The cost to preserve affordable multiple-family housing depends on market rents, availability of funding sources, and the administrative capacity of housing organizations.

Project Acquisition

The estimated market value of the 176 at-risk units is approximately $48 million. The actual property values will change over time based on market conditions, property conditions, and other factors.

Purchase of Affordability Covenants

As an alternative to project acquisition, the affordability of at-risk projects could be extended through the purchase of affordability covenants. Based on current market conditions, the estimated cost of purchasing affordability covenants ranges from $400,000 to $725,000 per unit, or a total cost of approximately $70.4 to $127.6 million.

Rental Subsidies

The third option for preserving affordable units is to provide rental assistance. Rent subsidies could be structured similar to the Section 8 program, where HUD pays the difference between what tenants can afford (defined as 30% of household income) and HUD's estimates of the fair market rent. The feasibility of this alternative is highly dependent upon the availability of reliable funding sources necessary to make rent subsidies and the willingness of property owners to participate in the program. The cost of subsidizing rents at 176 at-risk units is estimated to be $8.8 million per year.

Construction of Replacement Units

The construction of new low-income housing units is a costly means of replacing the at-risk units should they be converted to market-rate units. The cost of developing housing depends upon a variety of factors, including density, unit size, location, land costs, and type of construction. Assuming an average construction cost of $310,000 per unit (including the cost of land), the total cost of developing 176 new low-income units is estimated to be approximately $54.6 million.

Qualified Entities

Entities having the capacity to acquire and/or manage affordable housing projects in Upland include the San Bernardino County Housing Authority, National CORE, Abode, A Community of Friends, Jamboree Housing Corporation and many others posted on HCD's *Public Lands for Affordable Housing Development* web page.[3]

[3] https://www.hcd.ca.gov/community-development/public-lands-for-affordable-housing-development.shtml

Funding Sources

Potential funding sources that may be used to preserve affordable housing include Low Income Housing Tax Credits (LIHTC), Federal CDBG and HOME funds, CalHOME and other State affordable housing programs, and the City's Housing Fund.

E. 2021-2029 Housing Needs

California law requires local governments to facilitate and encourage the production of housing to accommodate population and employment growth. To assist in that effort, the Southern California Association of Governments (SCAG) prepares housing planning goals for each city as part of the RHNA pursuant to criteria established State law, including household growth, existing needs such as overpayment and overcrowding, proximity to transportation, replacement of housing units expected to be lost, and vacancy rates. The total housing need is distributed among income categories as shown in **Table H-9** ~~**Figure H-8**~~. SCAG's detailed methodology used in preparing the RHNA is posted at https://scag.ca.gov/rhna.

~~Table H-8~~Table H-9 Upland Regional Housing Needs Allocation, 2021–2029

Income Category	Definition	RHNA Allocation	
		Number of Units	Percentage
Extremely Low*	30% or less of MFI	792	14%
Very Low*	31–50% of MFI	792	14%
Low	51–80% of MFI	959	17%
Moderate	81–120% of MFI	1,013	18%
Above Moderate	above 120% of MFI	2,130	37%
Total		**5,686**	**100%**

Source: Southern California Association of Governments, 3/4/2021.
Note: Extremely-low-income units are estimated as half of the very-low-income need, pursuant to Government Code Sec. 65583(a)(1).

The City's strategy for accommodating future housing needs is discussed in Section 4.

3. CONSTRAINTS ANALYSIS

This chapter contains an analysis of potential and actual market, governmental, and environmental constraints to the production, maintenance, and improvement of housing for persons of all income levels, including persons with disabilities.

A. Market Constraints

In recent years, communities have seen a decline in the number of new housing units built due to a variety of factors including limited supply of buildable land, labor shortages, the rising cost of materials, and the business strategies of developers and homebuilders. This section analyzes the impact of market factors on the development of new and affordable housing. Cities have little control over many of these factors.

Development Cost

Development cost is a major constraint that affects the feasibility of building housing. Land costs include the cost of raw land and site improvements (e.g., grading and installation of infrastructure). If an existing use is on the parcel, the developer must also factor in the cost of demolition and site cleanup. Other factors affecting land cost include the decline in availability of buildable sites without major site constraints such as environmental hazards and sensitive habitat areas.

Upland is a nearly built-out community. As the remaining supply of buildable vacant land is exhausted, development will shift to underutilized properties where higher-value uses will support the additional cost of redevelopment. Based on recent property sales, the typical cost of land in Upland is estimated to be approximately $14 to $16 per square foot for single-family property and $28 to $30 per square foot for multi-family property.

Housing construction constitutes a substantial portion of construction costs. The typical cost of new housing construction can range from $150 to $200 per square foot but can be much higher for luxury homes or developments on difficult sites such as slopes.

Access to Financing

Changes in construction lending practices for housing projects have had a significant impact on the financial feasibility of new construction. In past decades, housing developers could receive construction loans for 100% or more of a project's estimated future value. Following the housing market crash of the early 1990s, financial institutions tightened regulations for approving construction loans. After the boom period of the early to mid-2000s, this cycle repeated itself during the late 2000s. Loan underwriting has grown more conservative, with higher equity requirements and smaller "phases" of large development projects.

Upland is similar to most other California communities with regard to private sector homebuyer financing programs. For those homebuyers with good credit who can qualify, interest rates are currently at historic lows, which improves housing affordability. If grant funding allows, the City also assists homebuyers in financing home purchases through low-interest loans (see Program 11 in Section 5 - Housing Plan).

Development Fees

The City of Upland, like other California communities, charges fees to cover the cost of processing development applications and also charges development impact fees to finance the construction of adequate public facilities, water and sanitation treatment, and other infrastructure needed to support new residential developments. These fees are updated periodically and are based on the City's cost in processing applications, pursuant to the requirements of State law. Development impact fees are assessed through a pro-rata share system, based on the magnitude of the project's impact. **Table H-10** shows the typical fees charged for residential developments.

~~Table H-9~~Table H-10 Development Fees, City of Upland

Fee Category	Amount of Fee	
	Single Family	Multiple Family
Planning & Building Permit Fees		
Development Plan (Architectural & Site Design)	N/A	$4,300
Administrative Use Permit	N/A	$3,000
Conditional Use Permit	N/A	$3,975
Tentative Parcel Map	$7,135	
Tentative Tract Map	$8,000 plus $25 per lot	
General Plan amendment	$6,900	
Zone change/specific plan	$7,650	
Variance	$6,300	
Building Permit Fees	$3,274 – 11,810	
CEQA Review		
Environmental Exemption	$750	
Negative Declaration	$2,050	
Environmental Impact Report	Actual EIR cost	
Development Impact Fees		
General government	$993 per unit	$853 per unit
Parks	$10,700 per unit	$9,182 per unit
Water	$3,768 per unit	$2,900 per unit
Police	$902 per unit	$774 per unit
Drainage	$2,856 per unit	$2,315 per unit
City Sewer Connection	$5,978 per unit	$918 per unit
Estimated Total Fees	$30,000	$21,000
Est. total fees as proportion of total development cost[1]	4%	4%

Source: City of Upland, 2021
Notes:
1. Based on a total development cost of $750,000 for single-family and $500,000 for multi-family

B. Land Use Controls

This section describes the City's land use and development regulations that affect the location, density, and types of permitted residential land uses in Upland. This section also sets the foundation for identifying sites for housing in the land inventory.

General Plan Land Use

Each city and county in California must prepare a comprehensive, long-term general plan to guide its future. The land use element of the general plan establishes the basic land uses and density of development within the various areas of the city. Under State law, the general plan elements must be internally consistent, and zoning

must be consistent with the general plan. Thus, the land use plan must provide suitable locations and densities to implement the policies of the housing element.

Upland's General Plan is the blueprint for the growth and development of the community. The General Plan was comprehensively updated in 2015 and provides six residential land use designations tailored to different locations in the city. To encourage additional housing opportunities in focused areas of the community, the General Plan Land Use Element also allows stand-alone high-density residential uses and mixed uses in two mixed-use designations—the Business/Residential Mixed-Use and Commercial/Residential Mixed-Use land use districts.

Table H-11 describes the primary General Plan land use designations allowing housing, the intensity and density of uses allowed, and primary residential uses.

~~Table H-10~~Table H-11 Land Use Designations Allowing Housing

General Plan Designation	Permitted Density	Primary Residential Use Allowed
Single-Family Low	0–4 units per acre	Single-family detached units
Single-Family Medium	4–10 units per acre	Single-family detached units
Mobile Home	8–14 units per acre	Mobile home parks
Multi-Family Low	10–20 units per acre	Multi-family units (i.e., duplexes, triplexes, townhomes)
Multi-Family Medium	20–30 units per acre	Multi-family units (i.e., stacked flats, etc.)
Multi-Family High	30–40 units per acre	Multi-family attached units (i.e., stacked flats)
Business/Residential Mixed-Use	20 units max	Areas in which business and/or light industrial uses are compatible with multi-family or single-family residential
Commercial/Residential Mixed-Use	20 units max	Combination of retail, service commercial and medium-density multi-family residential

Source: City of Upland General Plan, 2021.

Specific Plans

The City of Upland has adopted several specific plans that offer a range of housing types, densities, and mix of uses. The City anticipates that much of its new residential growth will occur in these Specific Plan areas. The Specific Plans with sites identified in Appendix B to accommodate new housing needs during the planning period are summarized in **Table H-12**.

~~Table H-11~~Table H-12 Specific Plans Allowing Housing

Specific Plan	Purpose
Historic Downtown Upland	The Historic Downtown Upland Specific Plan promotes the development of housing, work places, shops, entertainment, schools, parks, and civic facilities within easy walking distance. The plan encourages multi-family, single-family, second dwellings, live/work, mixed-use, senior housing, etc.
Colonies at San Antonio	Establishes a clearly recognizable mixed-use community. The specific plan is developed with 1,050 residential units, 115 acres of commercial, and 71 acres of recreational/community uses. A key feature is a 23.5-acre retention basin surrounded by a greenbelt. Only one residential site remains in the specific plan.
The Enclave	Located within the "College Heights" redevelopment area, the Enclave Specific Plan consists of approximately 19.04 gross acres along Foothill Boulevard. The Specific Plan allows up to 350 single-family attached and/or detached homes within a master planned with multiple recreation opportunities.

These specific plan areas and focus areas are discussed in Chapter 4, Housing Resources in relation to strategies for addressing the City's regional housing needs.

Residential Uses by Zone

All cities are required to facilitate and encourage a range of housing types for all economic segments of the community, as well as housing to address the needs of seniors, families, those with disabilities, farmworkers, and the homeless. Zoning districts that allow residential uses are listed below and in **Table H-13**. As seen in this table, multi-family development currently requires either an administrative use permit for more than 3 attached units or a conditional use permit for projects with densities of more than 15 units/acre. To minimize potential constraints to multi-family development, Program 7 in the Housing Plan includes a Code amendment to eliminate the use permit requirement for multi-family housing.

- RS – Residential Single-Family Low Zones
- RS-MH – Single-Family Mobile Home
- RM – Residential Multi-Family Zones (RM-10, RM-20, RM-30)
- C/R-MU – Commercial Residential Mixed-Use
- B/R-MU – Business Residential Mixed-Use
- C/O MU – Commercial Office Mixed-Use
- C/I MU – Commercial Industrial Mixed-Use

Table H-12Table H-13 Permitted Uses in Zones Allowing Residential Uses

Type of Unit	Zones Allowing Residential Uses						
	RS Zones	RS-MH	RM10 RM20 RM30	C/R MU	B/R MU	C/O MU	C/I MU
Residential							
+ Single-Family Detached	P	P			P		
+ Single-Family Attached			P	P	P		
+ Multi-Family Residential			AUP*	CUP	AUP*		CUP
+ Mobile Home Park		P					
+ Live/Work				AUP	AUP	CUP	CUP
+ Accessory Dwelling Units	P		P		P		
Special Needs							
+ Assisted Living/Convalescent			CUP	CUP	CUP	CUP	
+ Residential Care (6 or fewer)	P	P	P				
+ Residential Care (7 or more)			CUP		CUP		
+ Senior Housing			P	AUP	P	CUP	CUP
+ Single-Room Occupancy				CUP		CUP	CUP
+ Emergency Shelter			CUP	CUP	CUP	CUP	CUP
+ Supportive and Transitional Housing (6 or fewer)	P	P	P	CUP	CUP		
+ Supportive and Transitional Housing (7 or more)			CUP	CUP	CUP		

Source: Upland Zoning Code, 2021
* CUP if the density is over 15 units/acre
P = permitted
AUP = administrative use permit
CUP = conditional use permit

Single-Family Housing

Single-family housing is permitted by-right in the single-family residential zones and also the Business/Residential Mixed-Use zone. The RS-MH is intended to protect areas for mobile homes and manufactured housing.

Accessory Dwelling Units

Accessory dwelling units (ADUs) offer affordable housing opportunities for lower-income households such as seniors, caregivers, household employees and college students. The City's ADU regulations (Municipal Code Chapter 17.37) were updated in 2021 to incorporate the current provisions of State law. ADUs are allowed by-right in all residential zones and in the B/R MU zone. To ensure that City regulations continue to encourage ADU production, Program 8 in the Housing Plan includes annual review of State ADU law and amendments to City regulations as necessary.

Mobile Home Parks

Mobile and manufactured homes provide affordable housing options for many Upland families. The city presently has approximately 865 mobile homes situated in 6 mobile home parks, one of which is age-restricted for seniors and the other five parks are not restricted. Upland's mobile homes are relatively inexpensive, and most parks are fully occupied. The City implements a rent stabilization program for mobile home parks, helping to maintain the affordability for residents.

Manufactured Housing

According to the National Manufactured Home Construction and Safety Act of 1974, a manufactured home built and certified after June 15, 1976, and constructed on a permanent foundation may be located in any residential zone where a conventional single-family detached unit is permitted subject to the same restrictions on density and to the same property development regulations, provided it has received approval of the Architectural Review Board and receives a Certificate of Compatibility. The City complies with this act and permits manufactured homes constructed on a permanent foundation in all residential zones where single-family homes are permitted.

Multi-Family Housing

Multiple-family development (apartments and condominiums) are currently permitted with an administrative use permit (AUP) or conditional use permit (CUP) in the RM multi-family residential zones and B/R mixed-use zone. Multi-family development is also conditionally permitted in the C/R MU and C/I MU zones as part of a mixed-use development that provides a minimum of 0.25 floor area ratio of nonresidential development. The minimum densities in the RM and MU zones are intended to facilitate higher-density multi-family residential. RM zones do not require a minimum parcel area or maximum lot coverage. To reduce potential constraints to multi-family development, Program 7 in the Housing Plan includes a Code amendment to eliminate the administrative use permit/conditional use permit requirement for multi-family housing in multi-family zones.

In the Downtown, multi-family residential uses are permitted by right in all districts, with the exception of the Pleasant View District, which is a single-family historic neighborhood. Given that Downtown is also the commercial heart of Upland, multi-family residential is only permitted on upper floors in Old Town and the

Historic Core except within the 1st Avenue Overlay of the Old Town District, where multi-family is permitted on the ground floor. Each multi-family project requires minimum lot dimensions, setbacks, floor area, and outdoor living space, and maximum lot coverage, development intensities, and height.

Mixed-Use Residential and Live-Work

Mixed-use projects combine nonresidential and residential uses on the same site. Mixed-use development can help reduce the effects of housing cost burden by increasing density and offering opportunities for reduced vehicular trips by walking, bicycling, or taking public transportation. The City has created four mixed-use zones to provide flexibility and facilitate mixed-use developments. In Downtown, mixed-use developments are permitted by-right in all districts with the exception of single-family residential-only districts. **Table H-14** summarizes allowable uses in the three mixed-use zones that allow residential use.

Table H-14 Permitted Uses in Mixed Use Zones

Zone	100% Residential?	Limitations
B/R Mixed Use	Yes	0.5 max. non-residential FAR
C/R Mixed Use	Yes (CUP)	1.0 max. non-residential FAR
C/I Mixed Use	Yes	0.25-1.0. non-residential FAR

Stand-alone residential developments are permitted in all three mixed-use zones. While the development standards in these zones allow 100% non-residential development, non-residential FAR limits create a significant financial incentive to include a residential component and fully utilize the allowable development for each site. Recent development trends within these zones in recent years have included a variety of residential projects, including a 6-unit apartment complex, a 203-unit apartment complex, a 78-unit Live-Work development, and a 37-unit residential condominium development. This development trend indicates that residential development is viable and actively sought after by developers within the mixed-use zones, as evident by the addition of 324 new housing units to the City's housing stock. Please see Appendix B for additional information regarding development trends in mixed-use zones.

A live-work unit is an integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multi-family, that has been designed or structurally modified to accommodate joint residential occupancy and work activity. Live-work is permitted with an administrative use permit in the C/R MU and B/R MU zones and conditionally permitted in the C/O MU and C/I MU zones. In the Historic Downtown Specific Plan area, live-work units are permitted by-right in five of the nine districts provided the residential portion is on the upper floors.

Single Room Occupancy

Single Room Occupancy (SRO) units are one-room units intended for occupancy by a single individual. They are distinct from a studio or efficiency unit, in that a studio is a one-room unit with a kitchen and bathroom. Although SRO units are not required to have a kitchen or bathroom, many SROs have one or the other. SROs are conditionally permitted in the C/R MU, C/O MU and C/I MU zones.

Senior Housing

Senior housing is permitted by-right in the RM zone and permitted through an administrative use permit in the C/R/MU and B/R MU zones. Senior housing is also conditionally permitted in the C/O MU and C/I MU zones. In Downtown, senior housing is permitted by-right in most districts. Senior housing developments are

required to provide amenities, services, and facilities to ensure the comfort, health, and recreation of elderly persons, including health and transportation services. Eligible senior housing developments can receive a density bonus pursuant to State law. In addition, reduced parking standards may be granted.

Housing for Persons with Disabilities

Persons with disabilities often require special consideration to accommodate their housing needs. City standards and procedures for addressing these needs are described below.

Residential Care Facilities

In accordance with State law, residential care facilities that serve six or fewer persons are permitted by-right in all residential zones. Larger residential care facilities and assisted living/convalescent facilities are allowed by CUP in the RM, C/R MU and B/R MU zones. Program 18 includes an amendment to the Zoning Ordinance to ensure that small residential care facilities are allowed subject to the same standards as apply to residential uses of the same type in the same zone, including mixed-use zones, and to ensure that regulations do not pose an unreasonable constraint to large residential care facilities.

Emergency Shelters and Low Barrier Navigation Centers

"Emergency shelter" means housing with minimal supportive services for the homeless, with occupancy limited to six months or less by a homeless person. The Zoning Ordinance allows emergency shelters by-right in the Light Industrial and General Industrial zones and also in the RM and MU zones with approval of a CUP. Development standards for emergency shelters include the following:

- The applicant or operator shall submit a Management and Operation Plan for the emergency shelter for review and approval by the reviewing authority in consultation with the chief of police, as part of the application review process, prior to issuance of permits. The Operation Plan shall be based on Best Practices and include, but not be limited to:
    1. A security plan;
    2. List of services;
    3. Staff training;
    4. Client transport;
    5. Ratio of staff to clients;
    6. Client eligibility and intake and check out process;
    7. Hours of operation;
    8. Refuse collection;
    9. Separation of sleeping areas and restrooms by gender and for families;
    10. Bed bug prevention;
    11. Enforcement of rules and procedures for disruptive clients; and
    12. An outreach plan.

  The Operation Plan shall remain active throughout the life of the facility. The City may inspect the facility at any time for compliance with the facility's Operation Plan and other applicable laws and standards.
- Inability to Pay. No individual or household may be denied emergency shelter because of an inability to pay.

- Separation Criteria. An emergency shelter shall not be located within 300 feet of another emergency shelter, as measured from the closest property line. An emergency shelter shall be located within ½ mile of a transit stop. Emergency shelters shall be located at least 500 feet from any child care center or kindergarten through 12th grade curriculum school, as measured from the closest property line. An exception to this separation requirement may be granted if significant physical features act as barriers from said sensitive uses.
- Abutting Residential. When abutting a residential use or residentially-zoned property, all areas for shelter activities and uses, including, but not limited to, waiting and intake, personal storage, facility storage, and recreation, shall be located indoors.
- Occupancy. The number of beds shall be limited to 30. Any emergency shelter requesting more than 30 beds shall require a Conditional Use Permit, and shall find that:
    1. A larger shelter facility will help meet the City's goals pertaining to emergency housing of the homeless;
    2. The circumstances of the subject property make the larger facility appropriate; and
    3. Design features will minimize impacts of the surrounding area.
- Parking. One (1) vehicle parking space shall be provided per five (5) beds. A covered and secured area for bicycle parking shall be provided for use by staff and clients, commensurate with demonstrated need.
- Waiting and Intake Area. A client waiting and intake area shall be provided and contain a minimum of ten (10) square feet per bed provided at the facility. The client waiting and intake area shall be screened from the public right-of-way, and shall be sufficient in size to accommodate all persons waiting to enter the facility.
- On-Site Management. On-site management shall be provided during the hours that the emergency shelter is in operation and at least one hour prior to and one hour after operation hours.
- Support Services. Emergency shelters shall allocate sufficient areas on site, outside of any required landscape areas, to provide the following minimal support services:
    1. Food preparation and dining areas;
    2. Laundry facilities;
    3. Restrooms and showers;
    4. Areas to secure and store client belongings;
    5. Indoor and outdoor recreational facilities and/or open space; and
    6. A private area for providing referral services to assist shelter clients in entering programs aimed at obtaining permanent shelter and income. Referral services refers to the initial assessment of a homeless client to identify the areas in which assistance is needed, and connecting clients with appropriate off-site programs and services depending on their need.
- Length of Stay. The length of stay for each individual at any emergency shelter shall not exceed ninety (90) days within a twelve (12) month period, but extensions up to a total stay of six (6) months within a twelve (12) month period may be provided if no alternative housing is available; days of stay need not be consecutive.
- Lighting. Lighting shall be provided in all exterior areas, including pathways, parking areas, courtyards, rear yard areas, and spaces between structures, and shall be directed in a manner that does not cast light onto neighboring properties.
- Trash Enclosure and Loading Zone. Each facility shall have a trash enclosure and loading zone. The trash enclosure shall be completely enclosed with masonry walls not less than five (5) feet high with a

solid-gated opening, and be large enough to accommodate a standard-sized trash bin adequate for use on the parcel. The trash enclosure shall be accessible to refuse collection vehicles.

- Security Plan. Security shall be provided during the hours that the emergency shelter is in operation. Security plans shall be submitted to City staff for review and approval prior to issuance of an occupancy permit. Security plans shall be resubmitted to City staff on an annual basis.
- Noise Abatement. For the purposes of noise abatement in residential zoning districts, organized outdoor activities may only be conducted between the hours of 8:00 a.m. and 10:00 p.m., and no client shall arrive to the emergency shelter after 10:00 p.m.
- Applicable Laws. The facility shall comply with all other laws, rules and regulations that apply, including Building and Fire codes. In addition, the facility is to be consistent with the Cable Airport Land Use Compatibility Plan policies and standards, particularly as it relates to protecting sensitive uses from airport related noise levels.

The Industrial Zone is a suitable location for emergency shelter facilities. The City has approximately 300 parcels zoned industrial. Approximately 25 parcels (38 acres) are significantly underutilized, and 8 parcels (23 acres) are vacant. The industrial zones are located along several public transportation routes and near the Montclair Transportation Center for convenient access. Parcels are also near commercial/professional office areas where homeless persons can access supportive services. These parcels are therefore suitable for emergency shelters.

The amount of land needed to accommodate emergency shelters depends on the number of individuals and families to be housed and the product built. Based upon the most recent homeless count of 44 unsheltered people in Upland and an emergency shelter size of 150 square feet per person, less than one acre would be sufficient to accommodate a shelter. With the potential 23 acres of industrially zoned vacant land and 38 acres of underutilized industrial land that could be adaptively reused for emergency shelters, the City has more than ample sites to accommodate the City's projected need for emergency shelters.

To ensure compliance with State law, Program 16 is included to review current development standards for emergency shelters and process a Code amendment to ensure that permit processing, development, and management standards for emergency shelters are objective and encourage and facilitate the development of, or conversion to, emergency shelters, and are subject to the same development and management standards applicable to residential or commercial development within the same zone except for those standards prescribed by Government Code section 65583 (a)(4)(A).

AB 139 (2019) revised State law regarding parking standards for emergency shelters. To ensure that City development standards and procedures continue to provide adequate sites for emergency shelters, Program 16 includes a Zoning Code amendment to revise parking requirements for emergency shelters consistent with current law.

In 2019 the State Legislature adopted AB 101 establishing requirements related to local regulation of low barrier navigation centers, which are defined as "Housing first, low-barrier, service-enriched shelters focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing." *Low Barrier* means best practices to reduce barriers to entry, and may include, but is not limited to:

(1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth
(2) Accommodation of residents' pets
(3) The storage of possessions
(4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms

Low barrier navigation centers meeting specified standards must be allowed by-right in areas zoned for mixed use and in nonresidential zones permitting multi-family uses. Chapter V includes Program 1d to address this requirement.

Transitional and Supportive Housing

California Government Code §65582(j) defines *transitional housing* as buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

Supportive housing is defined as housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. *Target population* means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. "Supportive services" include, but are not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, and benefits advocacy.

Program 16 in the Housing Plan includes a commitment to review current City regulations regarding transitional and supportive housing and amend regulations as necessary consistent with current law.

Agricultural Employee Housing

Under the Employee Housing Act (Health and Safety Code, § 17000 et seq.) employee housing for six or fewer employees must be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone, and employee housing consisting of no more than 12 units or 36 beds to be permitted in the same manner as other agricultural uses in the same zone. Program 18 is included in the Housing Plan to ensure that City regulations are consistent with these requirements.

Definition of "Family"

The Zoning Code defines *Family* as one or more persons living together as a single housekeeping unit in a dwelling unit. *Single Housekeeping Unit* is defined as the functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit, including the joint use of

and responsibility for common areas, and sharing household activities and responsibilities (e.g., meals, chores, household maintenance, expenses, etc.) and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager.

Program 18 is included in the Housing Plan to review and amend this definition as necessary to ensure that it is consistent with State law and does not pose a constraint to housing for persons with special needs.

Reasonable Accommodation

State and federal fair housing law require cities to make reasonable accommodations to address the special needs of persons with disabilities when applying standards of the Municipal Code and other land use regulations to ensure equal opportunity to use and enjoy a dwelling. State and federal guidelines recommend establishing a process of reasonable accommodation to grant changes in land use, building practices, or permitting processes to allow a disabled person equal access to housing. The process should not be discretionary or achieved through a variance. Program 18 is included in the Housing Plan to establish written procedures for processing requests for reasonable accommodation.

Inclusionary Requirements

There are no inclusionary requirements in the City.

Short-term Rental Requirements

Municipal Code Chapter 17.23.1 establishes regulations for short-term rental of a dwelling unit (i.e., 30 consecutive days or less) including requirements for an administrative use permit, business license and transient occupancy registration certificate. Short-term rentals are conditionally permitted in all residential zones with the exception of RS-MH (Single Family Mobile Home).

Growth Controls

No growth controls have been adopted in Upland.

C. Development Standards

This section describes the development standards required for residential projects in Upland.

Residential Development Standards

Residential development standards are designed to promote a sustainable livable environment, with adequate space for recreation, height restrictions and setbacks to ensure privacy from adjacent homes, and minimum unit sizes to ensure adequate living areas for families. These standards are carefully devised to result in quality housing, while not placing an undue burden on residential developers to building housing in the community.

Table H-15 lists residential development standards for housing in Upland. These standards become increasingly flexible depending on the proximity to employment areas, transportation corridors, or Downtown. As shown below, more rural areas (RS zones) have the largest minimum lot sizes and lowest lot coverage

standards—reflective of historical land use patterns and topography. RM zones have less restrictive lot coverage and greater building heights and density to facilitate multi-family housing. The Downtown has the smallest minimum lot sizes, greatest density, and allow the tallest buildings.

Table H-13Table H-15 Residential Development Standards

Zoning District	Density (du/ac)	Maximum Building Height	Setbacks			Lot Coverage Regulations	
			Front	Side	Rear	Lot Coverage	Minimum Lot Size
RS	1 du/lot	35'	20-40'	5–10'	20'	35–50%	4,000-20,000 SF
RS-MH	8–14	16'	25'	5'	5'	60%	10 acres
RM-10	5-10	40'	20'	5'	15'	--	--
RM-20	10-20	40'	20'	5'	15'	--	--
RM-30	15-30	40'	20'	5'	15'	--	--
C/R MU	15-20	40'	5'	5–10'	10'	--	20,000 SF
B/R MU	10–20	40'	5'	5'	10'	45% for single-family	4,000 SF
C/O MU	10–20	40'	5'	5'	10'	--	20,000 SF
C/I MU	15–20	40'	5'	5'	10'	--	20,000 SF
HDU SP	0–55	30'–55'	0-25'	0-25'	0-20'	35%–100%	-
Enclave SP	12-20	45'	8-10'	3-10'	-	-	-

Source: Upland Zoning Code, 2021
Notes:
Residential development standards may different slightly in the respective specific plan areas.
Under certain circumstances (e.g., corner lot, adjacent to major highway) setbacks may be increased.

Unit Size Requirements

Upland's development standards require a minimum floor area ranging from 1,000 to 2,000 square feet for single-family homes in RS zones. Given the wide range of RS Zones (due to topography and lot sizes), the minimum floor area increases progressively with the minimum lot size. For multiple-family residential uses, the Zoning Code requires a minimum of 600 square feet for studio and one-bedroom apartments, and an additional 200 square feet for two or more bedrooms. Senior units are allowed up to a 20% reduction in minimum unit sizes.

Open Space Requirements

Given the higher densities in multiple-family housing, such projects must include a minimum of 100 square feet of private open space per unit and on average 250 square feet of common open space per residential unit. These minimum open space requirements are not considered a constraint to the development of housing; they are intended to provide a desired level of privacy and recreational opportunities for residents of multiple-family housing.

Density Standards and Density Bonus

Upland's Zoning Code provides significant flexibility in the density of residential products—reflective of the topography, location, and type of development. Multiple-family housing projects are allowed at 10 to 55 dwelling units per acre depending on location. For instance, corridor housing is typically permitted at up to 20 units per acre, stand-alone residential in a multiple-family district at up to 30 units per acre, and up to 55 units per acre in the Downtown Specific Plan. As discussed later, these density standards have been successful in facilitating ownership and rental housing at a variety of densities and affordability levels.

As required by State law (Government Code Sec. 65915 et seq.) Chapter 17.17 of the Municipal Code establishes standards and procedures for granting a density bonus or other incentives when a development provides affordable or senior housing. State density bonus law has been amended since the current City ordinance was adopted, and Program 13 in the Housing Plan includes a provision to update the City's density bonus regulations consistent with State law.

Height Limitations

The Zoning Code allows for a range in maximum building heights tailored to different neighborhoods and housing types. For instance, lower-density residential zones with single-family homes generally allow structures of one to two stories. Multiple-family residential zones allow structures of 40 feet and accommodate three or more stories. In the Historic Downtown, where higher residential densities are desired, the Historic Downtown Upland Specific Plan allows up to 55 feet in certain areas to accommodate higher residential densities and commercial intensities. These height allowances are comparable to other communities in the Inland Empire.

Parking Standards

Adequate parking is an important component of well-designed residential development, contributing to the value of a project, the safety of residents, its appearance, and the livability of the project. Upland's residential parking regulations are intended to promote efficient land use, reduce street congestion and traffic hazards, promote vehicular and pedestrian safety, and improve the ability to secure financing for a new residential project.

Upland's residential parking requirements offer reduced standards for smaller units and in areas near high-quality transit. **Table H-16** provides a summary of parking requirements.

~~Table H-14~~Table H-16 Residential Parking Standards

Types of Residential Development	Parking Requirements
Conventional Housing	
Single-Family	2 spaces within a garage
Manufactured Housing	Same as single-family units, except can be in a carport
Accessory Dwelling Units	1 space in addition to that required for a single-family unit (Unless parking is waived in accordance with State law
Duplex	2 per unit
Multiple-Family	Studio and 1-bedroom units: 1 for each unit in a garage 2-bedroom: 2 for each unit in a garage 3 or more bedrooms: 2.5 for each unit, including 2 in garage Guest parking: 3-50 units: 1 per 4 units; 51-100 units: 1 per 5 units; 100 + units: 1 per 6 units
Mobile Home Parks	2 for each mobile home (tandem parking allowed in an attached carport); plus 1 guest space for every 5 mobile homes [senior mobile-home parks are allowed parking concessions per Chapter 17.17 (Density Bonus Program)]
Senior Housing	1 space for each unit with half the spaces covered, plus 1 guest parking space for each 10 units
Boarding houses	1 per two beds

Types of Residential Development	Parking Requirements
Special Needs	
Elderly & Long-term Care	1 space for each 3 beds the facility is licensed to provide
Assisted Living	1 space for each 3 beds the facility is licensed to provide
Residential Care Facilities[1]	--Small (6 or fewer) - 2 within a garage --Large (7 or more) - 2 within a garage; plus 1 per 300 sq. ft. of office and other non-residential areas 2 spaces, plus 1 per employee onsite at any given time 2 spaces, plus 1 per employee onsite at any given time
Emergency Shelters	1 per 300 square feet of habitable floor area, or sufficient to serve the parking demand determined in a parking study
Supportive & Transitional Housing – small (6 or fewer in a dwelling unit)	2 per dwelling
Supportive & Transitional Housing – large (7 or more in a dwelling unit)	1 per 3 beds plus 1 per 300 sq. ft. of office and other non-residential areas
Single-Room Occupancy	1 space per unit plus 1 guest space for every 3 units

Source: City of Upland Zoning Code, 2021
Notes:
1. See Program 18 to modify parking requirements for small residential care facilities consistent with State law

The Upland Zoning Code sets forth flexible standards for multiple-family residential parking that vary by the location and proposed residential use (**Table H-17**). Whereas all areas of the community have the same parking space requirement for studio units, the number of required parking spaces increases gradually for one- and two-bedroom units.

~~Table H-15~~Table H-17 Multiple-Family Parking Standards

Housing Characteristics	Location of Development		
	Mixed Use Districts	Historic Downtown	Outside Downtown
Type of Development Allowed	Mixed Use Projects	Residential and Mixed Uses	Residential Only
Unit Size			
Studio	1	1	1
1-bedroom	1	1	1
2-bedroom	1.5	2	2
Garage Required	None	Required	Required

Note: Guest parking is also required, which ranges between ¼ space per unit to ½ space per unit and may be uncovered.
Source: City of Upland, 2021

Recent multiple-family projects demonstrate that parking requirements have not been a significant constraint to housing production. Modifications to parking requirements are allowed in the following circumstances:

- **Density bonus projects**–reductions in parking spaces for projects that meet density bonus requirements
- **Senior housing projects**–a 50% reduction in required spaces with covered garages
- **Transit oriented districts**– a 20% reduction in parking space requirements for projects within ¼ mile of a transit station
- **Shared parking**–eligible projects can receive reductions in parking for qualifying mixed-use developments
- **Downtown Specific Plan**. This area allows developers to propose studio or one-bedroom units with only 1.0 parking space per unit and less floor area. This is also allowed for senior units.

- **Minor Variation**. The City Development Services Director has the authority to grant a minor adjustment over the counter (defined as 10% variation) to virtually every physical development standard.

Although apartments outside the Downtown and mixed-use corridors are feasible and built at current parking and garage requirement standards, there are situations where flexibility in garage requirements may be appropriate. Therefore, the Housing Incentives Program includes a statement to amend the Zoning Code to allow half covered/ uncovered spaces for studio and 1-bedroom units in projects outside the Downtown and corridors provided the project qualifies for a density bonus or is deed-restricted as affordable.

In summary, the City's residential development standards, either individually or cumulatively, have not deterred either the production of condominiums or apartments. Adequate provisions are also in place to allow modifications to the residential development standards based on the location, affordability, and type of residential project. Because of these factors, the City's Zoning Code residential development requirements are not a significant constraint to the development of housing. However, to minimize constraints on housing cost, an amendment to multi-family development standards will be processed to eliminate garage parking requirements (Program 7).

Building Codes and Enforcement

The City has adopted the current (2019) Building Codes (Title 15 of the Municipal Code) with minor modifications to address local conditions. Because of the local topography and fire hazards, all newly constructed buildings of any occupancy group when the gross floor area is equal to or exceeds 5,000 square feet are required to have automatic fire sprinklers.

The City's Building Division provides reasonable controls for construction and occupancy of buildings and structures throughout the city through the enforcement of all building-related ordinances. This division serves and protects the public with plan checking services, the issuance of permits, the keeping of building-related records, and building inspections. The division further provides information to its customers through records research, provision of informational handouts, and development consultation through all phases of a project from concept to completion.

In addition to building codes mentioned above, the City has also adopted a variety of property maintenance codes for the protection of property values and the general welfare of the community. These are in the Public Peace and Welfare Code, which addresses graffiti and unnecessary noise; the Health and Safety Code, which addresses public nuisances as well as other occupancy requirements; and the Uniform Code for the Abatement of Dangerous Buildings.

The City's Code Enforcement Division is tasked with the responsibility of protecting property values and eliminating blight through the use of the City's Municipal Code.

Offsite and Infrastructure Requirements

After the passage of Proposition 13 and its limitation on local governments' property tax revenues, local governments have faced increased difficulty in providing and financing appropriate public services and facilities to serve residents. In fact, one of the main consequences of Proposition 13 has been the shift in funding of new infrastructure from general tax revenues to development impact fees and improvement requirements on developers.

In order to ensure public health and safety, the City also requires developers to provide onsite and offsite improvements necessary to serve proposed residential projects. Requirements for on- and offsite improvements vary depending on the existing improvements, as well as the size and nature of the proposed development, but the requirements are standard and do not exceed the City's authority under State law.

In areas where existing infrastructure is not adequate, the City requires the following improvements:

- **Drainage:** Including curbs and gutters, storm drains, and culverts in accordance with acceptable standards. These requirements are standard among urban communities in California.
- **Sidewalks and trees:** Including sidewalks—of a width and quality suitable for the local neighborhood use—and parkway trees. Dimensions generally 12 feet on either side of the road, which includes 5 feet of sidewalks.
- **Streets:** Pavement of a width and quality suitable for local traffic. Specifications include 60' right-of-way for residential streets and 66' right-of-way for collectors. All other streets are already in place. Streets within PUDs and specific plans are typically narrower than the requirements for public streets.
- **Water and sewer:** Adequate domestic water supply, including the relocation or replacement of water mains, irrigation lines and appurtenances and appropriate sanitary sewer facilities and connections for each lot.

Energy Conservation

In 2006, the State Legislature adopted the Global Warming Solutions Act, which created the first comprehensive, state regulatory program to reduce GHG emissions to 80% below 1990 levels by 2050. Through both SB 375 and AB32, promoting energy conservation has become a consistent theme in regulations, green building practices, and business operations. Cities across California have become increasingly involved in promoting resource conservation to make their community more environmentally sustainable.

The City of Upland encourages resource conservation as follows.

- **Building codes**. The California Green Building Code (CALGreen) is designed to help California achieve GHG reduction goals through the planning, design, operation, construction, use, and occupancy of every new building, and to additions and alterations to nonresidential buildings. CALGreen includes mandatory provisions to reduce water use, improve indoor air quality, divert construction waste from landfills, and inspect energy systems for nonresidential buildings.

- **Neighborhood design.** Neighborhood design and site planning can reduce energy consumption. Sizing and configuring lots to maximize a building's solar orientation facilitates optimal use of passive heating and cooling techniques. Placing housing near jobs, services, and other amenities reduces energy consumption for transportation. Other design strategies with beneficial energy implications include installing broad-canopied trees for shade and clustering development to reduce auto use. The Zoning Code and Historic Downtown Specific Plan both promote sustainable development patterns to promote energy conservation.

- **Green standards**. The building industry offers programs to improve the energy efficiency and sustainability of housing. The BIA sponsors a voluntary program called Green Builder. The U.S. Green Building Council (USGBC) sponsors a building certification program called Leadership in Energy and

Environmental Design (LEED). The USGBC reviews projects for conformance based on efficiency, sustainability, materials quality, and design factors, and issues certifications based on the points achieved for sustainable practices. The Kohl's at the Colonies and the Wells Fargo building are recent projects that received LEED Silver certification.

- **Retrofits of residential buildings.** Older residential buildings built before energy conservation standards provide the greatest opportunity to make a measurable difference in energy usage. To that end, the City's Housing Improvement Program provides residential rehabilitation loans that can be used to purchase more energy-efficient upgrades to windows, insulation, and other home items. Moreover, local utility companies also offer a wide range of incentive programs to trade in energy-inefficient appliances and receive a rebate to purchase energy-efficient models.

D.C. Permitting Process

The City of Upland has the responsibility to ensure that residential developments are of lasting quality, that housing opportunities are available, and that the public health and welfare are maintained. To that end, the Upland Municipal Code establishes standard procedures for processing applications for the development, maintenance, and improvement of housing. These processes are described in the following section.

Requests to Develop at Lower Densities

The decision on what residential densities to build to are largely market-driven as private developers strive to produce the most marketable housing. The General Plan establishes minimum densities for each of the multi-family and mixed-use residential categories and development in Upland generally falls at 75% of the maximum allowable density or above. In addition, City staff and decisionmakers, increasingly aware of the need to increase housing choice within the City, encourage applicants to propose development near the upper limits of the allowable density range. ~~In recent years, applicants have not requested development densities substantially lower than allowed by zoning regulations.~~

Permit Requirements by Residential Project Type

Chapters 17.43 and 17.44 of the Zoning Ordinance establish development review procedures that balance the need for efficient and timely processing, while also recognizing that the final product should reflect quality workmanship and design.

Once a development application is deemed complete, the case planner reviews the project for conformance with applicable development codes, land use regulations, architectural drawings, site design, landscaping plan, design standards, and other requirements. The City provides an application and checklist that can be used to ensure that all relevant requirements and materials are submitted to the City. This ensures a timely submittal so that the project can proceed to the next step. Project review generally requires approximately one month to complete, assuming a well-prepared application.

Permit requirements are briefly described below and in **Table H-18**.

- **Single-family residential.** Single-family dwellings are reviewed through plan check by the Development Services Director or designee. Total time to process permits for new single-family dwellings is typically 30 to 60 days. This assumes that the project is proposed in a zone that allows the

use by-right and that the project meets the minimum development and site standards in the municipal code. No specific findings or public hearing is required.

- **Multiple-family residential**. Multi-family projects have three levels of review, depending on the zone in which the project is located and the associated permit required (i.e., P, AUP, CUP). Projects permitted by-right or an administrative use permit are reviewed by the Development Services Director or designee. For AUPs, the director may solicit technical expertise and/or convene staff from affected departments in the review of projects. If an AUP or CUP is required, the findings for approval are as described below. Total time to process AUP permits is typically 30 to 90 days. For multi-family projects requiring a CUP, the Development Services Director or his/her designee performs the initial screening and makes a recommendation to the Planning Commission for final action on the application. Required findings for approval are as described below. Total time to process a CUP for a new project is typically 3 to 6 months.

- ~~**Conditional uses**. For multi-family projects and other residential projects (e.g., large residential care facilities) permitted through a CUP, the Development Services Director performs the initial screening and makes a recommendation to the Planning Commission for final action on the application. Total time to process a CUP for a new project is typically 3 to 6 months.~~

Although the current AUP and CUP requirements for multi-family development do not appear to have been an unreasonable constraint to development in the past, Program 7 is included in the Housing Plan to eliminate use permit requirements for conforming multi-family developments, thereby minimizing permit processing time and improving development certainty.

~~Table H-16~~Table H-18 Permit Process and Time Frame for Housing Projects

Criteria	Application Review		
	Single-family	Multi-family (AUP)	Multi-family (CUP)
Application Completeness	1 month	1 month	1 month
Project Review Committee	1 month to review project design	1 month to review project design	1 month to review project design
Decision-maker Regarding Project	Development Services Director	Development Services Director	Planning Commission
Planning Commission Public Hearing	N/A unless project appealed	N/A unless project appealed	3 months
City Council Public Hearing	N/A	None unless appealed	None unless appealed
Environmental Review and Clearance	In accordance with CEQA requirements		
Plan Check	60 days	60 days	60 days
Total Time from Start to Building Permit	30–60 days	4–6 months	4-6 months (up to 9 with EIR)

Source: City of Upland, 2021

Environmental Review

Environmental clearance is required by the California Environmental Quality Act (CEQA). CEQA is quite prescriptive regarding the most appropriate form of clearance and the timelines for noticing, circulation, and public review. The vast majority of projects will qualify as infill and are exempt from CEQA, or the projects can be cleared through a Negative Declaration or Mitigated Negative Declaration. The time frames for this step vary widely and can typically take about 90 days. This step is often taken concurrent with permit processing. However, if an EIR is required, it may add six months or more to the project schedule.

Public Review

Projects that are permitted by-right or through an AUP are not required to be noticed to the public or subject to a public hearing. Projects over 15 du/ac currently require a CUP due to the possibility for unintended impacts on surrounding homes and neighborhoods require a public hearing before a decision can made. Hearings must be scheduled within 45 days of the filing of the application. Notices are mailed to affected local agencies and landowners within 300 feet of the proposed project so that the public can attend or submit comments on the proposed project. The entire process takes approximately three months unless an appeal is filed, which would add approximately 3.5 months.

Once prior stages are complete, the application for residential development moves forward to the building permit stage. The time from entitlement approval to submittal of a building permit application can vary widely depending on the type and size of the project and other issues beyond the City's control, such as project financing or real estate market factors. The process is relatively straightforward and requires filing an application, paying required fees, and commencing work. Overall, the time frame for obtaining permission to build residential projects in Upland is relatively short and therefore not considered an undue constraint for the vast majority of developers proposing projects in Upland. However, in order to minimize permit processing time and improve development certainty Program 7 is included in the Housing Plan to eliminate use permit requirements for multi-family development. **Table H-18** summarizes current time frames for project review in Upland.

Residential Design Standards and Guidelines

Section 17.04.050 of the Zoning Ordinance establishes residential design standards and guidelines for single- and multi-family developments, which provide an added level of definition for the intended character within single and multi-family developments and establish minimum criteria for achieving a high-quality design expression in site and building design while allowing reasonable flexibility in the implementation of developments in the residential zones.

Some of the more pertinent requirements are:

- **Neighborhood context.** Single- and multi-family developments shall be compatible and coordinated with adjacent properties in terms of height, massing, setback, and design character. New development shall contribute to the visual quality and cohesiveness of its setting.
- **Site design**. Single-family developments shall vary the front yard setbacks from unit to unit to avoid long repetitious development patterns. Garages shall also be set back to not dominate the front façade of the residence. For multi-family developments, buildings shall be located as close as possible to the front setback line. Where buildings are set back, enhanced landscaping shall be provided within the setback.
- **Building design**. Single-family homes shall avoid large, box-like structures by employing techniques such as recessed porches, bay windows, dormers, varying planes or setbacks, and varying roof forms. The design should minimize views of garages. For multi-family projects, building massing shall be varied through techniques such as recessed porches, bay windows, dormers, varying planes or setbacks, and varying roof forms. Large masses shall be broken down to give individuality to units to be legible as individual residences or small groups of units.

- **Outdoor living space.** In multi-family projects, private open space shall be at the same level as and immediately accessible from within the unit. Outdoor living space for the shared use of residents should include lawns, courtyards, community gardens, roof gardens, pools, and play areas. Shared spaces should be accessible to all residents, provide seating areas, be lighted, relatively flat and usable, and designed to encourage social activity. When included, such public space should be provided where high levels of pedestrian and/or community activity can be expected.

In 2014, the City streamlined its design review process by repealing provisions requiring separate review by a Design Review Board. The director or designee will review the project as part of the overall development review process and solicits technical advice from other departments as appropriate before making recommendations to the Planning Commission. No separate fees are charged for design review as well. Coupled with user-friendly design guidelines, projects can be approved in a timely manner. Therefore, design review is not considered a potential constraint to residential development. However, in order to minimize potential constraints, Program 7 includes a commitment to establish objective development and design standards for qualifying residential projects.

Development Plan Review

Development Plan review is required for all new construction prior to issuance of a building permit. The Development Services Director or designee is the approving authority on all development plan review applications unless the Director refers the application to the Planning Commission. No public hearing is required for Director approval.

Required findings for approval are as follows:

1. The design and layout of the proposed project will not interfere with the use and enjoyment of existing and future neighboring properties and structures.

2. The proposed architectural design makes use of appropriate materials, texture, and color, and will remain aesthetically appealing and appropriately maintained.

3. The proposed landscaping design, including color, location, size, texture, type, and coverage of plant materials, as well as provisions for irrigation, maintenance, and protection of landscaping elements, will complement structures and provide an attractive environment.

4. The proposed design will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity of the proposed project.

Use Permit/Administrative Use Permit

Historically, the Upland Development Code required developers of multiple-family projects to secure a conditional use permit prior to project approval. In 2015 the Development Code was reconfigured to provide more clear guidance for developers, City staff, policy makers, and residents. The Code now only requires an administrative use permit for projects with a density of 15 du/ac or less. The purpose is to provide an appropriate review of land uses and their associated operational characteristics in a particular zoning district, whose effects on a site and surroundings cannot be determined before being proposed for a specific site.

An application for an administrative use permit shall be filed and reviewed in compliance with Chapter 17.42 of the Code. The application shall include the information and materials specified in the Development Services Department handout for an administrative use permit application, together with all required application fees. It is the responsibility of the applicant to provide evidence in support of the required findings.

The Development Services Director or designee shall approve, conditionally approve, or deny administrative use permit applications upon the recommendations of technical staff. However, in certain cases, the Development Services Director or designee may choose to refer any administrative use permit application to the Planning Commission for review and final decision. Unlike most discretionary approvals, no public notice and hearing is required for an administrative use permit application.

The decision-making authority may approve an application for an administrative use permit only if the proposed project complies with applicable standards in the zoning code, other City ordinances, the General Plan, and any other applicable community or specific plans, and as supported by all of the following findings:

- The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.
- The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.
- The proposed use will not be detrimental to the public health, safety, and welfare of the persons residing or working in the neighborhood of the proposed use.

The administrative use permit is not considered to be a constraint. Indeed, prior to the update, the City conditionally permitted six apartment and condominium projects, providing nearly a thousand affordable housing units. The AUP is intended to streamline the development review process and avoid unnecessary and additional reviews of projects that meet all the applicable standards in the City's general plan and municipal codes. However, to further reduce potential constraints and improve development certainty, Program 7 is included in the Housing Plan to eliminate use permit requirements for conforming multi-family developments.

E.D. Environmental and Infrastructure Constraints

This section analyzes potential environmental conditions and infrastructure availability that could limit housing development during the 2021-2029 planning period.

Environmental Hazards

Potential environmental issues that could constrain development include wildland fire hazards, flood hazard zones and geological conditions.

- **Wildland Fire Hazards**. SomeA small portions of the city are is located within the Very High Fire Hazard Severity Zone as designated by Cal Fire (**Figure H-21**). These areas are along the City's western edge and northeast area and do not contain a substantial portion of the City's potential sites for future housing. Housing developments that may be located within fire hazard zones must comply with certain regulations designed to mitigate risk from wildland fires, which could increase development costs, although these requirements would not prevent the City from accommodating its share of regional housing needs.

- **Flood Hazard Zones**. Upland is located on the southerly side of the San Gabriel Mountains and small areas of the city are within washes that include designated flood hazard zones. None of the sites identified to accommodate the City's housing needs for the planning period are with these flood hazard areas.
- **Geological Conditions**. A mapped Alquist-Priolo fault zone crosses the northern portion of the city. In such areas, housing developments must comply with certain regulations designed to mitigate risk from earthquakes and other geological hazards, which could increase development costs, although these requirements would not prevent the City from accommodating its share of regional housing needs.

Water Availability

The 2015 General Plan Update EIR analyzed water needs for the entire City. That analysis concluded that water supply is projected to be sufficient to accommodate housing needs through 2035.

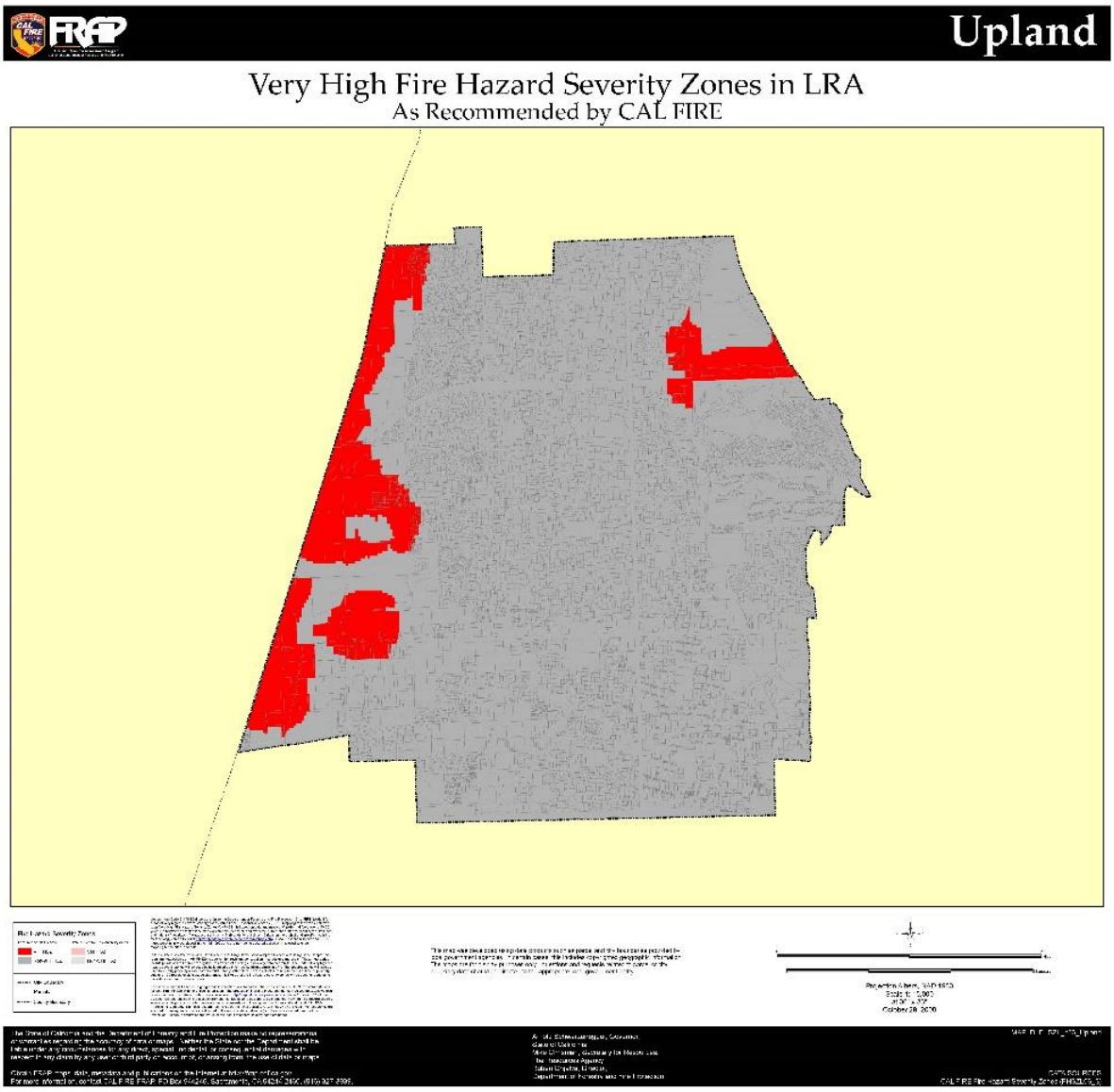
Sewer Availability

The capacity of sewer lines and treatment facilities is projected to be sufficient to accommodate the City's housing needs through 2029.

Dry Utilities

Dry utilities such as electric, telephone, cable and internet are provided by private companies and are expanded to meet demand as development occurs and are not a significant constraint to housing development during the 2021-2029 planning period.

Figure H-21 Very High Fire Hazard Severity Zone - Upland



4. HOUSING RESOURCES

This chapter describes the land, financial, and administrative resources available to assist Upland in addressing its housing needs.

A. Land to Accommodate New Housing Needs

To facilitate new housing production and address the community's housing needs, cities must ensure that sufficient land with appropriate zoning is available to accommodate the amount of additional housing need as determined through the Regional Housing Needs Assessment (RHNA). The City's land use plans and development regulations are discussed in Section 3 – Constraints. This section describesA detailed analysis of how the RHNA allocation for the 2021-2029 planning period can be accommodated is provided in , as summarized in **Table H-17.** Appendix B, includinges a parcel-specific analysis inventory of potential housing sites.

Table H-17 Sites Inventory Summary

	Lower	Moderate	Above Moderate	Total
Table B2 Approved Projects	2	352	567	921
Table B3 Vacant Sites	394	77	10	482
Table B4 Underutilized Sites	711	863	5	1,579
Table B5 Candidate Sites (upzoning)	4	615	41	661
Table B6 Candidate Sites (rezoning)	-	285	26	311
ADUs	145	87	20	252
Total Potential Capacity	**1,256**	**2,279**	**669**	**4,206**
RHNA (2021-2029)	2,543	1,013	2,130	5,686
Adequate Sites? (shortfall)	(1,287)	1,266	(1,461)	(1,480)
Candidate Sites (upzoning net increase)	829			
Candidate Sites (rezoning net increase)	1,317			
Candidate Sites (total)	2,146			

Approved Projects. New housing units approved but not yet completed (Appendix B, Table B2) are credited toward the City's new housing need based on the expected income category of these units. Rental units were assigned to the moderate-income category while for-sale units were assigned to the above-moderate category unless affordability requirements have been established.

Vacant Sites. As a mature community, a relatively small amount of vacant developable land remains in Upland. A parcel-specific list of vacant sites is provided in Appendix B. Potential new housing units on vacant sites are assigned to income categories based on allowable density and parcel size. Sites allowing a density of less than 15 units/acre are assigned to the above-moderate income category, while sites allowing a maximum of 15 to 29 units/acre are assigned to either the moderate or above-moderate income category. Sites that are at least ½ acre in size and where a density of 30+ units/acre is allowed may be assigned to any income category based on the "default density" specified in State law. Small sites less than ½ acre are assigned to either the moderate or above-moderate category. The realistic development capacity of sites zoned for residential use only (i.e., where non-residential or mixed uses are not allowed) was conservatively estimated as 80% of the allowable density, while the capacity of sites permitting mixed use was estimated at only 50% of the allowable density.

Underutilized Sites. As with many urbanized cities of Southern California, a significant portion of new residential development in Upland is expected to occur on "underutilized" properties where the existing uses can be replaced with higher-value development. Most of these underutilized properties are in the Downtown or the Focus Areas identified in the General Plan Land Use Element and discussed previously in Section 3. As housing values have increased and the supply of buildable vacant land has been nearly exhausted, redevelopment of these areas has become financially feasible. Underutilized sites designated for residential or mixed-use development are listed in Appendix B. The City's assumptions regarding the income categories and realistic capacity for underutilized sites are the same as for vacant sites described above.

Accessory Dwelling Units. Under State law, two accessory dwelling units (ADUs) – one ADU and one "junior ADU" – may be permitted on most single-family residential lots. ADUs represent a significant source of new affordable housing that can be created within the fabric of existing residential neighborhoods.

In December 2020, SCAG published a study of ADU affordability in Southern California[4] and concluded that a significant portion of ADUs built recently have been affordable to low- and moderate-income households. SCAG determined that the following affordability assumptions are appropriate for San Bernardino County:

Very Low	Low	Moderate	Above Moderate
23%	35%	35%	8%

Source: SCAG 2020

ADU permits have steadily increased during the 2018-2021 period in Upland as follows:

- 2018: none
- 2019: 14 units
- 2020: 41 units
- 2021: 71 units

This 4-year trend shows that interest in ADU construction has increased significantly as homeowners have become familiar with the new regulations and the options provided for ADUs. Based on this trend and SCAG's analysis, it is assumed that an average of 31.5 ADUs per year (total of 252 during the 8-year planning period) will be produced in the income categories shown in **Table H-17**.

Candidate Sites for Upzoning or Rezoning. As seen in **Table H-17**, the current capacity for additional housing is insufficient to accommodate the RHNA allocation in all income categories. As required by Government Code Sec. 65583(c)(1) candidate sites have been identified for either "upzoning" (i.e., increasing the allowable density for residentially zoned properties) or "rezoning" (i.e., changing the zoning designation from a non-residential designation to a residential or mixed-use designation). Appendix B includes a parcel-specific listing of candidate sites to be considered for upzoning or rezoning as described in Program 6 in Chapter 5 - Housing Plan. The selection of candidate sites is based on the following factors:

- Residential development interest expressed by property owners or developers
- Site conditions indicating a property is suitable for development or redevelopment during the planning period, such as vacant buildings, for sale/for lease signs, low improvements-to-land (I/L) value ratio,

[4] https://scag.ca.gov/sites/main/files/file-attachments/adu_affordability_analysis_120120v2.pdf?1606868527

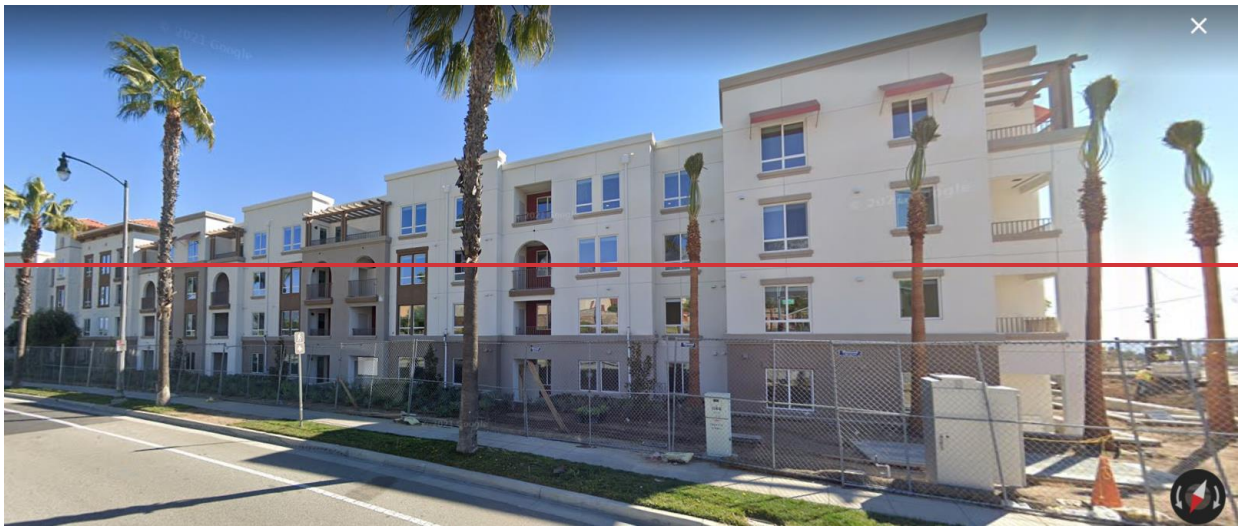
buildings more than 30 years old, signs of deferred maintenance or deterioration, or low site utilization (i.e., current building floor area compared to market potential)

- Proximity to public transportation, employment and educational opportunities, and urban services such as shopping, medical facilities and parks
- No incompatible uses or adverse development conditions such as high noise levels, heavy truck traffic, sensitive biological habitat, flood hazards or wildland fire hazards

Market Trends

Recent approved projects and property owner inquiries indicate strong interest high-density multi-family residential development in Upland. Examples include the following:

- This 4-story condominium development was approved at a density of 45 units/acre in The Colonies Planning Area 4. The zoning for this site is Specific Plan/Mixed Use.



- Immediately adjacent to the 4-story condominium development in The Colonies Planning Area 4 is this approved 7-story apartment project at a density of 47 units/acre. The zoning for this site is Specific Plan/Mixed Use.



- A 4-story 111-unit apartment project was approved at a density of 48 units/acre in the Historic Downtown Upland Specific Plan near the Metrolink Station. The site was created through the consolidation of 9 separate parcels totaling 2.3 acres. The project density is 88% of the maximum 55 units/acre allowed in this district.

- Preliminary discussions regarding affordable and permanent supportive housing developments at a density of approximately 70 units/acre in the Historic Downtown Upland Specific Plan.

- Preliminary discussions regarding a 4-story 141-unit apartment project at a density of 55 units/acre (100% of maximum) in the Historic Downtown Upland Specific Plan. The property is currently occupied with older commercial buildings.

- Preliminary discussions regarding a 199-unit expansion of a senior apartment project at a density of 32 units/acre.

Environmental Hazards and Availability of Infrastructure

As part of the sites analysis process the City reviewed environmental hazards and the availability of infrastructure to determine whether these issues could prevent the City from achieving the assigned housing need.

Environmental Hazards

None of the potential housing sites identified for the Regional Housing Needs Allocation are known to have environmental constraints that would preclude the development of housing. As reflected in each of the individual specific plan EIRs, none of the sites is on a fault, in an Alquist-Priolo zone, or in a 100-year flood plain. None of the sites is located on prime farmland or currently used for agricultural purposes. Several sites may be located on ground suitable for mining, but the sites are no longer used for active mining.

Water Availability

The 2015 General Plan Update EIR projects water needs for the whole City (including development in the four specific plan areas with the housing inventory sites). In 2030, the City will need 23,141 acre-feet per year of water, according to the 2020 Upland Urban Water Management Plan. The dry-year scenario projects a supply of 24,662 AFY in 2030 and 25,689 AFY in 2035. Based on that analysis, the City is expected to have enough water to serve projected housing needs during the planning period.

Sewer Availability

The 2015 General Plan Update EIR analyzed the capacity of sewer lines and treatment facilities based on residential and non-residential build-out estimates would only require additional sewerage flow of 1.32 mgd over existing conditions or an annual increase of approximately 0.066 mgd per year over 20 years. The EIR concluded that no significant impact to sewer facilities associate with General Plan build-out is anticipated, as demands on the local sewer system can be mitigated. The EIR indicated a need to upgrade certain local lateral sewer lines on a case-by-case basis, but no costly force mains, main trunk lines, or similar infrastructure are necessary. Upgrades to laterals are financed through the payment of sewer impact fees, which is common for any new apartment project.

Therefore, water and sewer infrastructure capacity is sufficient to accommodate the construction of new housing commensurate with the City's assigned housing needs during the planning period.

B. Financial and Administrative Resources

Upland has access to local, state, and federal financial administrative resources to fund the construction, improvement, and maintenance of housing or the administration of programs. Some of the primary funding sources and organizations are described below.

Financial Resources

Financial resources to provide housing assistance are summarized below.

- **Community development block grants.** CDBG is the largest federal housing-related program for affordable housing. Cities with populations of over 50,000 receive CDBG funds directly from HUD, while smaller cities usually use County-administered CDBG funds. HUD makes allocations based on a formula that takes population, poverty, and housing distress into account. CDBG funds are used for eligible activities aimed at reducing costs for private development (helping fund site acquisition, improvement, and other soft costs); housing acquisition and rehabilitation through short and long-term loans, grants or loan guarantees; direct payment of rent or mortgage and housing counseling services; and fair housing activities. Upland receives $675,000 annually in CDBG funds.

- **State and Federal HOME.** HOME is a formula-based grant that must be spent for the acquisition, construction, and rehabilitation of affordable rental and home ownership. HOME requires local governments to provide matching funds, though the matching ratio depends on the specific uses to which HOME funds are to be put. Upland does not qualify for entitlement HOME funds but rather applies to the State HCD for them. In addition, the City also periodically applies to the state for CalHome funds to support its affordable housing programs. The City uses State HOME and CalHome program income funds to support its First Time Homebuyers and HOME Improvement Programs. Before Upland can apply for additional HOME dollars, staff must expend the $1.25 million of program income the City has on hand.

CalHome funds for these programs are no longer available from the State. However, the City has $550,000 of reuse funds available for the same programs.

- **Rental housing choice vouchers (formerly Section 8).** The federal housing choice voucher program is rental assistance provided to lower income households that allows a household to afford to rent a unit. The voucher amount equals the difference between what a household can afford to pay (up to 30% of monthly income) and the fair market rent. The vouchers are typically granted to individuals who can use the voucher at any apartment project where the property owner accepts the voucher. Although this long-standing federal assistance program is not expected to increase in size, it remains an important affordable housing program. The housing choice voucher program in Upland is administered by the Upland Housing Authority, managed by the Housing Authority of San Bernadino County, which receives approximately $6.2 million annually to administer the housing voucher program.

- **Tax exempt multi-family revenue bonds**. The construction, acquisition, and rehabilitation of multi-family rental housing developments can be funded by tax exempt bonds which provide a lower interest rate than is available through conventional financing. Projects financed through these bonds are required to set aside 20% of the units for occupancy by very-low-income households or 40% of the units to be set aside for households at 60% of the area median income. Tax exempt bonds for multi-family housing may also be issued to refinance existing tax-exempt debts, which are referred to as a refunding bond issue. The City has several bond-funded affordable housing projects in the community.

- **Housing fund**. Upland owns three multiple-family housing projects funded through mortgage revenue bonds and former redevelopment funds. Due to the low cost of bond refinancing completed in 2007, these apartment projects provide net positive revenues after all operating and long-term expenses on the apartment projects are paid. These projects include Sunset Ridge, Village Apartments, and Magnolia Colony, which provide approximately $2.4 million net annually. The funding is used to support monitoring, implementation and preservation of existing affordable housing units. Although these projects provide a sizable amount for operating the City's housing programs, the long-term viability of this source is uncertain.

- **Enforceable obligations**. The City of Upland historically set aside $1.26 million in redevelopment tax increment financing to provide funding for the Coy D. Estes senior project. Upon dissolution of the Redevelopment Agency, the City petitioned that these funds should be deemed to be an enforceable obligation. The Department of Finance concurred, and the RDA tax increment funds were granted for this project. It is important to note that these are one-time funds and cannot be used for purposes other than the Coy D. Estes project. Upon the use of funds, the City will not have additional redevelopment tax increment funds that can be used to fund the development of new affordable housing.

Administrative Resources

The following agencies and organizations assist the City of Upland in implementing a variety of housing programs and activities.

- **Upland Development Services**. The Development Services Department facilitates the orderly physical and economic development of the City. Following closure of RDA, the department assumed their responsibilities. The Development Services Department administers advance planning, current planning, building permitting, and building inspection programs in compliance with local, state, and federal requirements. The Building Division provides reasonable controls for construction, occupancy, and maintenance of buildings and structures throughout the community. The department also implements

programs that promote economic and housing development projects, emphasizing those that produce jobs, build infrastructure, expand the City's tax base, and/or provide housing.

- **Nonprofit Housing Developers**. The City of Upland works with nonprofit partners to assist in administering programs or furthering housing goals. The City has partnered with Upland Community Housing to develop 72 affordable assisted living units for the elderly in Downtown and to develop the 131-unit Coy D. Estes Senior Apartments project. The City works with the Foothill Family Shelter to provide emergency shelter, transitional housing, and services to homeless residents. The City also assisted the shelter with the acquisition and rehabilitation of 44 units of permanent affordable housing in the Magnolia Colony project. Nonprofit affordable housing developers are a key asset for any community.

- **Upland Housing Authority.** The Upland Housing Authority (UHA) is responsible for management of a public housing development of 97 units and administration of the City's rental assistance program (Section 8 Housing Choice Vouchers). This program encompasses more than 619 housing choice vouchers at an annual value of $6.2 million. The housing authority also manages the Public Housing Modernization Program. Coupled with the City's publicly assisted multiple-family projects, these two efforts are the largest providers of affordable housing for residents. Given the demise of redevelopment, many cities are considering options for enhancing cooperation with housing authorities for implementing or managing affordable housing programs for residents.

5. HOUSING PLAN

This chapter describes the goals, policies, programs and objectives to address the City's housing needs for the 2021-2029 planning period. The Plan addresses the issues of new housing production, rehabilitation, conservation, and assistance for current and future Upland residents.

A. Goals and Policies

The three goals around which the Housing Plan is organized are:

- **Goal 1: Upland's Neighborhoods.** Strong and healthy neighborhoods with well-maintained housing, ample public services, open space, and infrastructure that provide a quality place to live.
- **Goal 2: Upland's Housing Supply.** A diverse supply of housing that is designed, built, and located in a manner that is consistent with the City's land use, zoning, circulation, and open space goals.
- **Goal 3: Housing Assistance.** Opportunities for lower- and moderate- income residents and households with special needs to rent, purchase, or maintain adequate housing in the community.

Issue #1: Housing and Neighborhood Quality

Upland residents are drawn to the community for its quality housing and the unique character of neighborhoods. Upland offers a blend of neighborhoods, ranging from traditional to more urban living experiences. Whether it is the hillside ambience of northern Upland, traditional neighborhoods of central Upland, or a more historic neighborhood setting in the Historic Downtown area, each neighborhood offers a unique lifestyle for residents. Strengthening and creating quality neighborhoods while preserving and promoting community character are essential priorities for the community. The following goal and policies further the livability of Upland's neighborhoods.

Goal HE-1	Strong and healthy neighborhoods with well-maintained housing, ample public services, open space, and infrastructure that provide a quality place to live.

Policy HE-1.1	**Housing Quality.** Promote the repair, improvement, and rehabilitation of single-family housing, multiple-family housing, and mobile homes to enhance the quality of life and improve and maintain property values.
Policy HE-1.2	**Historic Character.** Support the maintenance and preservation of the City's historic districts, historic homes, buffers, and other neighborhood features of local significance that lend identity to the community.
Policy HE-1.3	**Neighborhood Improvement**. Encourage maintenance, and upgrading of neighborhoods through property maintenance codes, graffiti abatement, high quality infill housing, and replacement of deteriorated infrastructure.
Policy HE-1.4	**Neighborhood Amenities.** Maintain a variety of distinctive amenities in Upland (landscape, trees, urban design, parks, etc.) that provide and enhance the beauty, identity, and form of the City's districts and residential neighborhoods.

Policy HE-1.5 **Neighborhood Preservation**. Maintain lower-density residential designations in established low-density residential areas, unless conversion to another use is encouraged by the General Plan land use plan and policies.

Issue #2: Housing Opportunities

Upland is committed to addressing the housing needs of its residents and meeting its State-mandated responsibilities. Addressing these needs requires a multifaceted strategy. Housing needs and preferences differ for families, young and working-age adults, college students, seniors, and other groups. Therefore, the City's housing strategy includes facilitating a wide range of quality housing products—including single-family homes, townhomes, apartments, and mixed-use residential developments where appropriate.

The City is strategically accommodating growth to address several objectives. These include preserving residential neighborhoods, supporting economic development, and managing traffic and safety concerns. Adopted specific plans propose residential and mixed-use developments while incentives are in place to revitalize corridors and other neighborhood areas of Upland. The following goal and policies further these objectives.

Goal HE-2 A diverse supply of housing that is designed, built, and located in a manner that is consistent with land use, zoning, circulation, and open space goals of the City.

Policy HE-2.1 **Housing Growth**. Direct new housing growth into strategic locations that strengthen the City's economy, maximize existing and planned infrastructure, and foster the use and development of transit and multimodal transportation. These areas include Historic Downtown, Foothill Boulevard, Southeast Quadrant, and College Heights.

Policy HE-2.2 **Housing Diversity:** Provide high-quality housing in a range of types, densities, and unit sizes that meet the housing needs of residents of all income levels and household types. This includes single- and multiple-family housing, senior developments, mixed-use projects, and transit-oriented developments.

Policy HE-2.3 **Housing Design**. Require adherence to design standards with respect to site planning, materials and colors, building treatments, landscaping, open space, parking, and environmentally sustainable design practices that adhere to standards set in general plan and design guidelines.

Policy HE-2.4: **Housing Incentives**. Facilitate the development of a mix of prices, types, and affordability of housing products through the implementation of flexible standards, efficient permitting process, and other assistance.

Policy HE-2.5: **Natural Environment**. In meeting housing needs, preserve important natural features of Upland's environment, including hillsides and viewsheds, historic resources, habitat, landscaped amenities, and other distinctive features.

Issue #3: Housing Assistance

Upland residents exhibit a diversity of housing needs. Some Upland residents wish to purchase a new home, while others may wish to downsize to housing that is age-appropriate, such as senior housing. Younger residents may be seeking their first independent apartment. Within its resource limitations, Upland seeks to improve the

ability of residents to secure and maintain adequate housing. The following goal and policies serve as a guide in providing housing assistance.

Goal HE-3	Opportunities for lower- and moderate-income residents and households with special needs to rent, purchase, or maintain adequate housing in the community.

Policy HE-3.1 **Rental Assistance.** Continue to support the Upland Housing Authority's efforts to provide rental assistance for individuals and families earning lower incomes and the modernization and maintenance of existing affordable housing.

Policy HE-3.2 **Homebuyer Assistance.** Support and increase opportunities for residents and Upland employees to achieve homeownership through the provision of financial or regulatory assistance where feasible.

Policy HE-3.3 **Special Needs.** Address the special housing needs of seniors, families with children, disabled people, homeless people, and others with special needs through proactive strategies aimed at housing production and assistance.

Policy HE-3.4 **Collaborative Partners.** Work collaboratively with nonprofit, for-profit, and faith-based organizations in the community to address the housing and supportive services of residents and those with special housing needs.

Policy HE-3.5 **Affordable Housing Preservation.** Support the maintenance, rehabilitation, and continued long-term preservation of publicly subsidized rental housing affordable to lower-income and special needs households.

Policy HE-3.6 **Mobile Homes.** Preserve the long-term affordability, condition, quality, and viability of mobile home parks in the community through rent stabilization and proactive maintenance and repair of units.

Policy HE-3.7 **Fair Housing.** Promote equal and fair housing opportunities for residents from all walks of life to allow for adequate choice to purchase or rent a home or live in a neighborhood that is best suited to their individual needs.

B. Housing Programs

Programs for Housing and Neighborhood Quality

Program 1: Code Enforcement

The Code Enforcement program is intended to ensure compliance with municipal codes to maintain the value and safety of property and structures. The program addresses hazardous vegetation, substandard buildings, accumulation of debris and vehicles, yard sales, graffiti, stormwater drainage, green pools, construction without a permit, land use violations, and various other health and safety codes. The City's code enforcement officers work with residents and the business community to remedy code violations in a timely manner. The code enforcement program also includes graffiti removal. This program is essential to maintaining and improving the safety, livability, and value of properties in the City of Upland.

Objective(s):

- Continue to implement code enforcement activities throughout the planning period to ensure full compliance with City ordinances. Inspect up to 4,300 units annually.
- Develop abatement process by October 2022 for buildings where the property owner does not remedy substandard housing conditions; utilize the Administrative Citations Ordinance to obtain code compliance.
- Refer property owners to assistance programs (e.g., Program 2)

Responsible Agency: City Housing Division
Funding Source(s): CDBG Funds; General Funds
Time Frame: Ongoing

Program 2: HOME Improvement

The HOME Improvement Program provides loans of up to $90,000 to lower income households for repair work to single-family owner-occupied homes. Funds must be used to correct code deficiencies in the structure. Eligible improvements include electrical, plumbing, kitchen and bathroom improvements, furnace and hot water heater replacement, home painting, structural upgrading, roofing, foundation and drainage improvements, disabled access, windows, doors and frames, rodent and pest extermination and repairs, fence improvements, and energy conservation. Loans are deferred at 0% or 3% interest and are due upon sale or transfer of property, 30 years or no longer occupied as a primary residence, whichever is less. The City will promote the availability of the HOME Improvement Program through the City website, word of mouth and articles in City newsletter on a yearly basis.

Objective(s):

- Provide up to 4 HIP loans annually to qualified low- and moderate-income (1 VL, 3 Low) homeowners earning less than 80% of CMFI.
- Annual outreach to developers

Responsible Agency: City Housing Division
Funding Source(s): CalHome; HOME; Housing Rent Revenues
Time Frame: Ongoing; annual promotion in the City newsletter

Program 3: Emergency Repairs for Homeowners

- The Emergency Repairs Program for Upland Homeowners Program provides a grant of up to $10,000 for emergency repairs. The grant is eligible for very-low-income homeowners of single-family homes, condominiums, and mobile homes. The grant can be increased to $12,000 for homeowners wishing to provide a dollar-for-dollar match above the $4,000 emergency grant limit. Qualifying home repairs include structural, mechanical, plumbing, electrical, and code violations, as well as weather-proofing, installation of low-flow toilets and smoke detectors, HVAC repairs, and accessibility improvements. This program works in tandem with the code enforcement program where income qualified homeowners who have housing units with code violations can be referred to seek grants to make necessary repairs. The City will promote the availability of the HOME Improvement Program through the City website, word of mouth and articles in City newsletter on a yearly basis.

Objective(s):

- Provide grants to up to 25 (VL) qualified homeowners annually to address emergency repairs; disseminate information to property owners; and seek additional funding for the program to ensure its long-term viability.
- Annual outreach to developers

Responsible Agency: City Housing Division
Funding Source(s): CDBG Funds; Housing Rent Revenues
Time Frame: Ongoing and Annual Basis

Program 4. Rental Acquisition and Rehabilitation

The Rental Acquisition and Rehabilitation Program (RARP) is designed to assist lower income tenants (whose combined family income does not exceed 80% of the County median income) by providing Upland landlords with loans to acquire multi-family units and rehabilitate their multi-family properties. The program offers zero interest deferred loans of up to $30,000 per dwelling unit for rehabilitation expenses. Eligible improvements include structural, roofing, insulation, plumbing, electrical, lead paint abatement, accessibility improvements, foundation work, habitability, health and safety, etc. Code violations take precedent. The minimum affordability covenant may be 5, 10, 15 and up to 55 years depending on the project, the loan amount, and the funding source used for the rehabilitation loan. The City will reach out to existing RARP participants annually to extend loans and affordability provisions to the extent funding is available.

Objective(s):

- Continue to provide RARP grants to up to 4 units annually to address properties with substantial rehabilitation or maintenance needs.
- Work to pursue and purchase properties defaulting on local taxes to remove substandard housing.

Responsible Agency: City Housing Division
Funding Source(s): Home Funds; Housing Rent Revenues
Time Frame: Ongoing and Annual Basis

Programs to Improve Housing Opportunities

Program 5: Adequate Sites to Accommodate Regional Housing Needs

The sites analysis presented in Appendix B indicates that relatively little vacant land suitable for residential development remains in Upland; therefore, most future residential development – especially higher-density housing to facilitate affordable housing – will occur on properties that have previously been used for non-residential purposes but are now underutilized and ripe for residential redevelopment.

The Regional Housing Needs Assessment (RHNA) for the 2021-2029 planning period assigned Upland a new housing need of 5,686 units, of which 2,543 (45%) are in the lower-income categories. To address the current shortfall in capacity for potential housing development the City will process zoning amendments for sufficient sites totaling at least 42.9 acres with appropriate allowable densities of 30 units/acre during 2022-2024 to fully accommodate the City's remaining housing need. Rezoned sites will be selected from the candidate sites listed in Appendix B and will comply with the requirements of Government Code §65583.2(h) and (i).

• permit owner-occupied and rental multifamily uses by-right for developments in which 20 percent or more of the units are affordable to lower income households. By-right means local government review must not require a CUP, planned unit development permit, or other discretionary review or approval.

• accommodate a minimum of 16 units per site;

• require a minimum density of 20 units per acre; and

• at least 50 percent of the lower-income need must be accommodated on sites designated for residential use only or on sites zoned for mixed uses that accommodate all of the very low and low-income housing need, if those sites:

o allow 100 percent residential use, and

o require residential use occupy 50 percent of the total floor area of a mixed-use project.

To address AFFH goals (see Appendix C) and improve access to a diverse array of housing opportunities for all Upland residents including members of protected classes, the City will seek to expand affordable rental housing opportunities north of Foothill Boulevard by encouraging multi-family affordable rental housing developments as part of infill projects or as part of Specific Plans where mixed-use and flexible residential uses are allowed. (see also Program 19)

The adequate sites rezoning program will include a provision that onFor any non-vacant sites identified in Appendix B that were listed in a previous Housing Element sites inventory, or vacant sites that were listed in two previous consecutive inventories, residential development will be allowed by-right when a housing project provides at least 20 percent of the units affordable to lower-income households in compliance with Government Code Sec. 65583.2(c),

Development on any site listed in Appendix B that proposes to demolish existing housing units shall be subject to a policy requiring the replacement of affordable units as a condition of any development on the site pursuant to Government Code Sec. 65583.2(g)(3). Replacement requirements shall be consistent with those set forth in Section 65915(c)(3).

To facilitate housing development, zoning regulations, development standards and fees will continue to be posted on the City website and updated annually, and the City will establish written procedures for streamlined review consistent with Government Code Section 65913.4 (SB 35) by December 2022.

Objectives:

- Process amendments to the General Plan and zoning regulations to make adequate sites available to accommodate the City's RHNA allocation for the 2021-2029 planning period.
- Seek to expand affordable rental housing opportunities north of Foothill Boulevard by encouraging multi-family affordable rental housing developments as part of infill projects or as part of Specific Plans where mixed-use and flexible residential uses are currently allowed.
- Post zoning, development standards and fees on the City website annually throughout the planning period
- Establish procedures for streamlined permit review by October 2022
- Monitor progress annually through Annual Progress Reports

Responsible Agency: City Planning Division
Funding Source(s): State grants; General Fund
Time Frame(s): General Plan and zoning amendments by October 2022; annual progress reports and website updates

Program 6: Specific Plans

Upland has developed specific plans to guide development of key areas in the community according to smart growth principles. These include the creation and restoration of diverse, walkable, compact, vibrant, mixed-use communities composed of the same program components as conventional development, but assembled in a more integrated fashion. These contain housing, workplaces, shops, entertainment, schools, parks, and civic facilities essential to the daily lives of the residents, all within easy walking distance. The intent is to design complete neighborhoods that are coherent, visually attractive, and integrated. Specific plans with remaining development capacity include the Enclave, Villa Serena and Sycamore Hills.

The Historic Downtown Upland Specific Plan was adopted in 2012. This specific plan covers the City's historic core and contains a transit station, civic center, parks, schools, housing, and commercial uses. The specific plan denotes nine districts, each with a defined purpose and mix of land uses. To facilitate the production of multiple-family housing, especially affordable housing, the Plan allows for more than 1,000 new housing units, with multiple-family and mixed uses allowed by-right at densities of up to 55 units per acre. The City is working with developers to build affordable senior housing, townhomes, and mixed-use projects. The City will continue to manage the implementation of this plan, which includes strategies and priorities to increase housing opportunities within the district.

Objective(s):

- Continue to implement specific plans throughout the planning period to facilitate the development of high-quality infill residential development in Upland.
- Process amendments needed to encourage the production of housing for all income levels, in particular for lower- and moderate-income households concurrent with zoning amendments described in Program 5.

Responsible Agency: City Planning Division
Funding Source(s): General Funds
Time Frame(s): Ongoing

Program 7: Reduce Potential Constraints to Housing Development

Housing cost is affected by the time required for review and approval as well as the perception of development approval certainty. While the development review process in Upland is not considered to create unreasonable constraints to new housing, the City will process an amendment to the Zoning Ordinance to eliminate the use permit (AUP or CUP) requirements on multi-familyresidential development and establish objective development and design standards for projects that are eligible for ministerial review. In addition, the garage requirement will be eliminated for multi-family development.

Objective(s):

- Reduce the time and cost of development
- Process a Code amendment by December 2022 to eliminate use permit requirements for multi-family development and establish objective development and design standards for projects that are eligible for ministerial review.

Responsible Agency: City Planning Division
Funding Source(s): General Funds
Time Frame(s): Code amendment by October December 2022

Program 8: Accessory Dwelling Units

The Upland Municipal Code allows accessory dwelling units (ADUs) in all residential zones. ADUs provide additional income for the homeowner, while also providing affordable housing opportunities for family members, students, caretakers, seniors, and other individuals seeking housing in Upland.

In 2021 the City received approval for a State SB 2 grant to prepare an ADU Assessment, Workbook and Website. Encouraging the development of ADUs is one of several ways to increase housing production in the City. This activity will include conducting an assessment that will be looking at ADU capacity within the City, preparation of pre-approved ADU plans to reduce the cost to property owners. This activity will provide sample floor plans, useful videos, a list of local regulations, and a cost calculator to assist homeowners in developing ADUs. These tools will encourage and assist in developing ADUs in Upland.

To ensure that City regulations remain consistent with State laws, the City will review ADU regulations each year and process Code amendments as necessary to incorporate any changes. The City will continue to monitor the extent of ADU production to ensure that the ordinance is being successful and that the Housing Element goals and RHNA production can be met.

Objective(s):

- Encourage ADU production through preparation of an ADU assessment, workbook and website with pre-approved plans.
- Review State ADU law annually and process amendments to local regulations as necessary to ensure conformance with current law.
- Track the number of ADUs produced annually by type and residential covenants issued during the planning period. The City will review ADU production annually and if permits fall short of projections, additional incentives and strategies will be implemented to further encourage ADU construction.

Responsible Agency: City Planning Division
Funding Source(s): General Funds
Time Frame: Code amendment by December 2022 and as necessary thereafter on an Ongoing and Aannual basis

Program 9. Water Priority System

The City Public Works Department, San Antonio Water Company, West End Consolidated Water Company, and MWD provide water to Upland residents. The Inland Empire Utilities Agency (IEUA) provides sewer services. Senate Bill 1087 (2005) requires all local governments to transmit a copy of the Housing Element to water and sewer service providers that serve their community. It also requires water and sewer providers to have a policy that gives priority for service allocations to proposed projects with housing units affordable to lower-income households if a shortfall in supply occurs. Because the City is a majority owner in two water utilities (except for MWD), the City will actively encourage these entities to draft and adopt a water priority system. The City will also notify IEUA of their responsibility under state law upon adoption of the Housing Element.

Objective(s):

- NotifyEncourage water and sewer providers to of requirements forhave a water and sewer priority system in place in compliance with state housing element lawby December 2022.

Responsible Agency: Public Works Department
Funding Source(s): General Funds
Time Frame: December 2022 and Ongoing

Program 10. Neighborhood Improvements

Having adequate public facilities is essential for a complete community. These services provide a high quality of life for residents and workforce, improve property values, and increase City revenues that are available to fund and expand City services. This includes the improvement and maintenance of libraries, sewer system, school services, drainage and water system, police and fire, parks and recreational facilities, private recreation facilities required for new residential development, and other services. The City prepares a capital improvement program on an annual basis to identify and prioritize the improvements needed. Certain services are tied more directly to specific plan areas, others to private developments, and others to the entire community. The City of Upland will review neighborhood improvement needs on an annual basis and continue to make such infrastructure and service improvements that further the vision of the City Council through the annual budget process.

Objective(s):

- Continue monitoring, planning, and programming for public improvements that serve the community on an annual basis.

Responsible Agency: City Planning Division, Public Works
Funding Source(s): General Funds, Measure I, CDBG
Time Frame: Annual review and budgetingOngoing

Programs for Housing Assistance

Program 11. Homeownership Assistance

The Housing Division provides low-interest FTHB loans, as funds are available, to help individuals and families who wish to purchase a home, but are unable to qualify and/or do not have the necessary down payment. This program is designed to help persons who would not otherwise achieve the American dream of owning their own home. A program loan is a silent second mortgage; a 0% to 3% simple interest loan (interest free after 20 years) with all payments deferred until the first occurrence of sale, refinancing, full payment of the first mortgage, or 30 years. As of 2021, the maximum assistance is 30% of the purchase price and the home price cannot exceed $669,750. Because the program is dependent on State HOME funding, and due to loss of RDA funds, it is necessary to seek additional grants to continue and expand the program.

Objective(s):

- Continue to provide up to 2 FTHB loans annually to qualified low-income homebuyers and advertise program availability.
- Annually evaluate the City's funding capacity and as needed, pursue additional HOME/CalHOME funds from HCD.

Responsible Agency: City Housing Division
Funding Source(s): HOME, CalHOME, and Housing rental revenues
Time Frame: Ongoing and Annual Basis

Program 12: Rental Housing Assistance

On behalf of the Upland Housing Authority, the Housing Authority of San Bernardino County is responsible for implementing the Section 8 rental assistance program. Under this program, the Housing Authority extends rental subsidies to very-low-income households who spend more than 30% of their gross income on housing. Rental assistance not only addresses housing affordability but also overcrowding, by allowing families that "double up" to afford their own unit. The Upland Housing Authority is also responsible for managing public housing in Upland, the public housing modernization program, and partnering with the City on various affordable housing programs and outreach.

Objective(s):

- Continue to participate in the federal housing choice voucher program and family self-sufficiency program.

Responsible Agency: Upland Housing Authority
Funding Source(s): HUD housing choice vouchers
Time Frame: Ongoing

Program 13. Housing Incentives

Upland implements a toolkit of incentives to facilitate the construction of affordable and market rate housing. These include a density bonus ordinance, a minor modification and variance process, lot consolidation efforts, etc. Lot consolidation is encouraged when developers initially approach the City with preliminary applications and will be facilitated through expedited processing and fee waivers when affordable units are provided. The density bonus ordinance (Municipal Code Chapter 17.17) allows the development of additional units and the provision of regulatory/financial incentives for projects providing affordable units. Both the minor modification and variance processes facilitate infill development. Financial assistance may also be provided subject to availability.

Objective(s):

- Update the Density Bonus Ordinance by October 2022
- Continue to permit and encourage density bonuses, lot consolidations, and other means to build market-rate and affordable housing. Advertise the availability of incentives at the planning public counter and through the development review process.

Responsible Agency: City Planning Division
Funding Source(s): General Funds
Time Frame: Code amendment by October 2022; Ongoing

Program 14: Mobile Home Rent Stabilization

The City's Mobile Home Rent Ordinance is intended to protect occupants of from unreasonable rent increases while still recognizing the need for park owners to receive a reasonable return on investment and increase rents at a rate sufficient for covering the costs of repairs, maintenance, insurance, upkeep, and amenities. Under the Mobile Home Rent Ordinance, the annual rent increase is indexed to the consumer price index. The Ordinance

covers six mobile home parks: Mountain View Estates, Oasis Mobile Estates, Upland Cascade, Upland Eldorado, Upland Meadows Mobile Estates, and Upland View Terrace. The City had been updating the Rent Review ordinance in response to community concerns, but the process is on hold while the courts decide the legality of rent stabilization laws.

Objective(s):

- Continue to enforce the Mobile Home Rent Ordinance to preserve mobile home affordability throughout the planning period consistent with State law.

Responsible Agency: City Housing Division
Funding Sources: General funds
Time Frame: Dependent on litigation; Ongoing

Program 15: Affordable Housing at Risk of Conversion to Market Rate

The City periodically monitors its affordable housing projects to determine properties at risk of conversion. A total of 176 lower-income rental units are at risk of conversion by 2031. In 2022 and each year thereafter City staff will contact property owners to discuss options for extending affordability covenants for units at risk of conversion and will also notify qualified entities if a project is proposed for conversion. Notification will incorporate State preservation notice law (Government Code section 65863,10, 65863.11, and 65863.13) to inform the property owners of their responsibilities to tenants beginning three years before the property's potential conversion to market-rate.

Objective(s):

- Monitor publicly assisted low-income rental units at risk of conversion; support efforts to preserve the units through grants, tax credits, bonds, and transfer of ownership to entities willing to keep the units affordable.
- Inform tenants and property owners of their rights and responsibilities to provide adequate notice and other procedures if an affordable project is proposed for conversion to market rate housing.

Responsible Agency: City Housing Division
Funding Source(s): General Fund, Housing Rent Revenue Fund
Time Frame: Annual review and outreach

Program 16: Homeless Services and Facilities

The City of Upland seeks to proactively address the needs of the homeless population by encouraging production of emergency shelters, transitional housing, supportive housing, and single-room-occupancy units. Transitional housing and supportive housing must be permitted as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone (Gov. Code, § 65583(a)(5)). In 2018 AB 2162 amended State law to require that supportive housing also be a use by-right in zones where multi-family and mixed uses are permitted, including non-residential zones permitting multi-family uses, if the proposed housing development meets specified criteria. Regulations and management standards for emergency shelters must be objective and encourage and facilitate the development of, or conversion to, emergency shelters, and are subject to the same development and management standards applicable to residential or commercial development within the same zone except for those standards prescribed by Government Code section 65583 (a)(4)(A). AB 139 (2019) modified the allowable parking standards for emergency shelters. AB 101 (2019) added the requirement that *low barrier navigation centers* meeting specified standards be allowed by-right in areas zoned for mixed use and in non-residential zones

permitting multi-family uses pursuant to Government Code §65660 et seq. The City will review current development standards for these facilities and process a Code amendment to ensure that regulations regarding emergency shelters, transitional housing, supportive housing and low barrier navigation centers are consistent with State law.

Objective(s):

- Amend City regulations regarding emergency shelters, transitional housing, supportive housing and low barrier navigation centers consistent with State law.

Responsible Agency: Development Services Department,
Funding Sources: General Fund, Housing Rent Revenue Fund
Time Frame: Code amendment by ~~October~~ December 2022

Program 17: Administrative Capacity

The dissolution of redevelopment agencies and loss of funding has required many cities to look for ways to activate the nonprofit sector and seek to collaborate and leverage resources to address community needs. The City has many active nonprofit organizations to address local needs. As the City continues to realign resources, augmenting its administrative capacity is a key concern. The City will leverage available resources through annual outreach and coordination with local non-profit organizations to maximize the benefits to lower-income households and persons with special needs.

Objective(s):

Utilize faith-based organizations, other non-profits, San Bernardino County Housing Authority, County, and other stakeholders and create a network of community and mainstream resources. The City will develop and implement a Homeless Services Plan that addresses:

- Community Outreach, Engagement, and Education Initiatives
- Treatment and Permanent Supportive Housing Initiatives
- Housing First/Rapid Re-housing Initiatives
- Chronic Homelessness
- Enforcement

Responsible Agency: Police Department
Funding Sources: General Fund, PLHA, CDBG and Housing Fund
Time Frame: ~~Ongoing~~ Annual outreach and coordination with local non-profit organizations

Program 18: Housing for People with Disabilities or other Special Needs

The City of Upland encourages the provision of housing to serve the needs of persons with disabilities or other special needs, including residential care facilities, senior housing, transitional housing and supportive housing, and employee housing. The City will monitor changes to State law ~~annually~~ and process amendments to the Municipal Code annually as necessary to ensure that City regulations are consistent with State requirements. The City of Upland also has many organizations that serve persons with disabilities, including those with developmental disabilities. This includes OPARC Center, Easter Seals Development Center, Salem Christian Homes, and other organizations.

Objective(s):

- Monitor changes in State law annually and process amendments annually to the Municipal Code as necessary to ensure that City regulations are consistent with State requirements. Support agencies in seeking funding, as available, for the provision of housing and services for people with disabilities, including developmental disabilities. Reach out to potential developers or service agencies as part of the annual Action Plan solicitation for CDBG.
- Create reasonable accommodation process and procedure by December 2022 as part of the Zoning Code update to allow flexibility in land use, building, and development standards to accommodate people with disabilities.
- Amend use standards and parking regulations for small residential care facilities by December 2022 to be the same as for other residential uses of the same type in the same zone consistent with State law.
- Review and amend regulations and parking standards for large (7+) residential care facilities by December 2022 to ensure that they do not pose an unreasonable constraint to such facilities consistent with State law. replace or modify the CUP requirement to provide greater objectivity and development certainty for residential care facilities serving 7 or more persons in all residential zones.
- Amend regulations for employee housing consistent with the Employee Housing Act by December in 2022.
- Amend the Zoning Code by December 2022 to either remove the definition of family or to revise the definition removing detailed descriptions that may not be needed for zoning purposesReview the current definition of "family" and process a Code amendment as necessary to ensure conformance with fair housing law.
- Assist in the development of housing for persons with special needs, including 792 extremely-low-income households, throughout the planning period through priority processing, granting fee waivers or deferrals, modified development standards, concessions and incentives for housing developments that include units affordable to extremely-low-income households; assisting and supporting funding applications; and annual outreach and coordination with affordable housing developers.

Responsible Agency: City Housing Division; Development Services Department
Funding Sources: General fund
Time Frame: Code amendments in by December 2022; Annual monitoring, outreach and coordination

Program 19: Affirmatively Furthering Fair Housing

Upland implements programs to promote fair housing opportunities for all persons, regardless of protected status. As an entitlement jurisdiction, Upland prepares an Analysis of Impediments to Fair Housing Choice (AI) to periodically identify constraints or obstacles to fair housing opportunity. The City also contracts with the Inland Fair Housing and Mediation Board (IHFMB) to provide fair housing services that affirmatively further fair housing. Services include landlord and tenant education, community outreach and advocacy, and enforcement of fair housing laws. IFHMB also implements the policies and recommendations, where applicable, articulated in Upland's AI.

Objective(s):

- Promote fair housing practices through contract with IFHMB. Comply with all State and federal fair housing requirements when implementing housing programs or delivering housing-related services.
- Continue to prepare the Analysis of Impediments to Fair Housing Choice as required under federal law; implement the recommendations to improve fair housing as contained therein.

- Disseminate fair housing outreach materials at the library, website, and counter so that residents and landlords are aware of their rights, responsibilities, and opportunities for resolving fair housing concerns.
- Monitor residential and commercial developments that may impact ridership potential for expanded fixed route service north of the 210 Freeway and if any new developments in this area have the potential to generate ridership, the City will share this information with Omnitrans for consideration in future transit planning.
- The Upland Development Services Department and IFHMB will continue providing educational opportunities for property owners, property managers, and residents in Upland concerning the law as it pertains to reasonable accommodations and reasonable modifications. The City will contract with IFHMB to provide two workshops per year in the City, with one workshop per year serving as a general introduction to fair housing laws and possible discrimination, and one workshop each year being specifically focused on housing issues faced by persons with disabilities and the reasonable accommodation and modification processes. The City will also contract with IFHMB at least once during the planning period to fund matched pair testing in Upland to address issues of possible discrimination based on disability as well as race, familial status, national origin, disability and other protected categories.
- To foster development of a balanced community that provides access to a diverse array of housing opportunities for all Upland residents including members of protected classes, the City will seek to expand affordable rental housing opportunities north of Foothill Boulevard by encouraging multi-family affordable rental housing developments as part of infill projects or as part of Specific Plans where mixed use and flexible residential uses are currently allowable. (see also Program 5)
- Encourage continuing stakeholder involvement in local housing issues through ongoing, proactive outreach to engage members of all socio-economic groups and recruit members of underrepresented groups to participate in City meetings.

Responsible Agency: City and Inland Fair Housing and Mediation Board
Funding Sources: CDBG Funds
Time Frame: Ongoing and Annual Basis

Quantified Objectives

Subject to availability of funding, **Table H-19** summarizes the City's quantified objectives for the 2021-2029 planning period.

Table H-18Table H-2 Housing Element Quantified Objectives

Housing Program Area	Households Assisted by Income Level				
	Ext. Low	Very Low	Low	Moderate	Above Mod
New Construction[1]	792	792	959	1,013	2,130
Housing Rehabilitation[2]	50	100	89	-	N/A
Housing Preservation[3]	-	-	176	-	N/A176
Rental Assistance[4]	416	165	29	N/A	N/A
Homebuyer Assistance[5]	-	-	10	-	N/A
Mobile Home Rent Stabilization[6]	806				N/A
Code Enforcement Case Resolution[7]	20,000				N/A

Source: City of Upland, 2021.
Note: Quantified objectives dependent on continued funding.
[1] Housing construction goals refer to the provision of sites to address the 2021–2029 RHNA allocation.
[2] Housing rehabilitation goals include the Housing Improvement, Emergency Repairs for Homeowners, and Rental Acquisition and Rehabilitation programs.
[3] Housing preservation goals refer to the preservation of publicly subsidized units at risk of conversion to market rate.
[4] Rental assistance goals refers to the annual number of housing choice vouchers issued by the Upland Housing Authority.
[5] Homeownership goals refer to the City's homeownership assistance program.
[6] Mobile home rent stabilization goals refer to all units under the program, regardless of income level.
[7] Code enforcement refers to units inspected citywide and in focus areas.

Appendix A Evaluation of the Prior Housing Element

Section 65588(a) of the Government Code requires that jurisdictions evaluate the effectiveness of the previous Housing Element; the appropriateness of goals, objectives, and policies; and the progress in implementing programs for the previous planning period.

Table A1 summarizes the City's accomplishments in implementing the programs for the previous planning period. In addition, a cumulative evaluation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female headed households, farmworkers and persons experiencing homelessness) is described below.

The City of Upland implemented various programs as part of its previous cycle of the Housing Element in an effort to maintain its existing housing stock, conserve and improve existing affordable housing, increase housing production, provide assistance to households in need, create equal opportunity to housing, and comply with State law and code amendments.

A number of the City's programs addressed the housing needs of special needs populations during the previous cycle. Special needs populations include seniors, large families, single-parent households, people who are homeless, and people with disabilities. The City addressed the housing needs of special populations through the following programs:

- The Emergency Repair Program (ERP) - provides a grant for emergency repairs to single-family homes, condominiums, and mobile homes of very-low-income families. The grant is available to income eligible homeowners who live within Upland's city limits. Funding for this program is provided by Community Development Block Grant (CDBG) and/or local City funds and grants up to $ 15,000 are available for emergency repairs and/or code violations corrections on a first come, first served basis subject to type of emergency and annual appropriation caps.

- First Time Home Buyer Program – The Housing Division of the Development Services Department provides low-interest loans for First Time Home Buyers (FTHB) through HOME and Cal HOME funds. When funds are available, this program helps individuals and families to purchase a home if they are unable to qualify and/or raise the necessary down payment without financial assistance. This program is designed to help persons who would not otherwise achieve the American Dream of owning their own home. Loan are structured as a second mortgage at 3% simple interest- with all payments deferred until the first occurrence of sale, refinancing, or full payment of the first mortgage.

- The Home Improvement Program is funded by HOME and CalHOME funds and provides 30-year deferred, zero or 3% interest loan up to $90,000 for qualifying repairs. This program targets lower-income homeowners who cannot secure conventional funding for repairs.

- Affordable Housing – There are currently 10 affordable rental housing complexes in the City that offer a total of 732 affordable units at the following sites: Coy D. Estes Senior Housing, Los Olivos Housing Authority of the County of San Bernardino, The Village Apartments, Sunset Ridge Apartments, Magnolia

Colony Apartments, Northwoods Apartments, Arbor Park Apartments, Alpine Woods, Mountain Springs Apartments and Ninth Street Terrace Apartments.

• Families and Individuals in Need of Emergency Shelter / Homelessness – The City of Upland is actively engaged in supporting residents experiencing homelessness by providing direct Outreach Services through the U-HOPE program implemented by the Upland Police Department. Homelessness occurs for a variety of reasons and requires different resources and services for each homeless individual, serving the needs of this population is complex. The City aims to provide a system that coordinates and focuses resources to those most in need and least able to advocate for themselves. People experiencing homelessness in Upland can be connected to Emergency Shelters, Substance Abuse Programs, and the County Coordinated Entry System (2-1-1). Available services include clothing, food, childcare, health care, government resources, transportation, local libraries and afterschool programs, donation information and volunteer information. Service locations include the following:

Abundant Living Family Church
Hours: Tuesday & Thursday, 4 p.m.-7 p.m. Saturday 10 a.m.-1 p.m.
9269 Uticia Ave. #125 Rancho Cucamonga, CA 91730
(909) 987-7110

Citylink—Food Bank Only
Hours: Tuesday and Thursdays 2: p.m. - 6 p.m.
16779 Spring St. Fontana, CA
(909) 803-1059

Foothill Family Shelter
Hours: Tuesday-Friday, 9:00a.m.-5 p.m.
1501 W. 9th Street, Ste D Upland, CA 91786
(909) 920-0453

St. Joseph's Church—Food Bank His Hands Ministry (Upland only)
Hours: Monday-Thursday, 9 a.m.-11 a.m. Saturday 7:00 a.m. - 2 p.m.
937 N. Campus Ave. Upland, CA 91786
(909) 981-8110

Salvation Army
Hours: Monday-Friday, 9 a.m.-10:30 a.m.
412 S. Euclid Ave., #408 Ontario, CA 91762
Food Bank (909) 986-6748 Shelter (909) 888-4880

GAP—Food Bank
Thursdays only 4 p.m. - 6 p.m
8768 Helms Ave Rancho Cucamonga, CA 91730
(909) 945-1020

Para Los Niños
Family Services Hours: Tuesday-Friday, 9 a.m.-1 p.m.

1205 N. Baker Ave
Ontario, CA 91764
(213) 413-1466

Inland Valley Hope Partners
Hours: Monday-Thursday, 8:00 a.m.-6 p.m.
1753 Park Avenue.
Ontario, CA 91762
(909) 622-3806

Table A1. Program Accomplishments, 2013–2021 Housing Element

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Code Enforcement	Ensure compliance with municipal codes and maintain value and safety of property and structures.	Ongoing	The City has continued to provide code enforcement services. This program is successful and should be continued.
Home Improvement	Provide Home Improvement loans to qualified low and moderate income homeowners earning less than the 80% Area median Income.	Ongoing	Due to the decrease of the State after rehabilitation value limits to $285,000 and the long-awaited approval to increase said value limits, staff has struggled to provide assistance to any potential qualified applicants. This program should be continued.
Emergency Repair Program	Provide grants to qualified homeowners to address emergency repairs.	Ongoing	This program continued to provide grants to qualified homeowners to address emergency repairs. During 2014-2020 92 households were assisted through the Emergency Repair Program. This program helps to avoid deterioration and should be continued.
Rental Acquisition and Rehabilitation	Continue to provide grants to address properties with substantial rehabilitation or maintenance needs.	Ongoing	No units were assisted during 2014-2020 due to dissolution of the Redevelopment Agency. This program helps to avoid deterioration and should be continued if funding is available.
Historic Preservation	Continue to support the preservation of historic properties through a variety of planning, zoning, rehabilitation, and other incentives.	Discontinued	The Historic Home Rehabilitation Program has been defunded, however, if there is an opportunity to preserve a Historic Home for affordability purposes, the city will assist in that activity.
Five Star Rental Recognition	The objective is to continue this program and disseminate information to landlords to encourage their participation in the Five Star Rental Recognition Program.	Discontinued	This program was discontinued in 2016.
Specific Plans	Continue to implement remaining specific plans to facilitate the development of high quality infill residential development in Upland.	Ongoing	The City continued to implement the remaining specific plans in order to facilitate the development of high quality infill residential development in Upland. This program is an important strategy for effective land use planning and should be continued.
Historic Downtown Specific Plan	Continue to implement the Historic Downtown Specific Plan to facilitate the development of high quality infill residential development in Upland.	Ongoing	The City continued to implement the Downtown specific plan. This program is an important strategy for effective land use planning and should be continued.
Secondary Units	The City will continue to support the production of second units and guest quarters that meet the requirements in the municipal code.	Ongoing	The City continued to support the production of accessory units and in 2021 the ADU Ordinance was updated consistent with State law. This program is an important component of the City's overall housing strategy and should be continued.
Green Valley Initiative	Participate in the Green Valley Initiative's regional meetings and outreach efforts to promote a healthy economic and environmental future. Continue implementation of the City's other green	Ongoing	The City continued to participate in this collaborative effort. As of 2021 the City participates in 4 open PACE programs. This program supports energy conservation and should be continued.

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
	initiatives, including waste management, water conservation and use, and CalGreen programs.		
Water Priority System	Encourage water and sewer providers to have a water and sewer priority system in place in compliance with state housing law.	Ongoing	The City actively participated in the establishment of a water and sewer priority system. This program supports infrastructure for new housing and should be continued.
Neighborhood Improvements	Continue monitoring, planning, and programming for public improvements that serve the community.	Ongoing	The City continued to make such infrastructure and service improvements to further the vision of the City Council. This program supports infrastructure for new housing and should be continued.
Homeownership Assistance	Continue to provide up to 2 FTHB loans annually to qualified low income homeowners and advertise program availability. Annually evaluate the City's funding capacity and as needed pursue additional HOME / CAL HOME funds.	Ongoing	During 2014-2020 there were 2 FTHB loans granted. This program supports home ownership for low-income households and should be continued.
Rental Housing Assistance	Continue to participate in the federal housing choice voucher program and family self-sufficiency program allocating.	Ongoing	According to the Housing Authority of the County of San Bernardino, the Upland Housing Authority served vouchers to 619 families. This program supports rental housing affordability and should be continued.
Housing Incentives	Continue to permit and encourage density bonuses, lot consolidations, and other means to build market rate and affordable housing. Amend the Zoning Code to allow half covered/ uncovered spaces for studio and 1-bedroom units in projects outside the downtown and mixed use corridors provided the project qualifies for a density bonus or is deed restricted as affordable. Advertise the availability of incentives at the planning public counter and through the development review process.	Ongoing	The Development Code Update was adopted on September 28, 2015. The update provided modifications to the Development Code that were recommended in the Housing Element. These included providing for residential care facilities (7 or fewer) by right in all residential zones. New provisions were also provided for Supportive and Transitional Housing, Emergency Shelters, Child Care/Day Care, SROs, and efficiency units. This program supports production of new housing, including affordable units, and should be continued.
Mobile Home Rent Stabilization	Continue to enforce the Mobile Home Rent Ordinance; complete review and revisions to the Rent Ordinance after the courts complete proceedings on the legality of rent stabilization	Ongoing	The City has placed the proposed revisions to the existing ordinance on hold until the court proceedings have been completed.
Housing at Risk of Conversion	Monitor publicly assisted multiple units at risk of conversion; support efforts to preserve the units through grants, tax credits, bonds, and transfer of ownership to entities willing to keep	Ongoing	The City continued to monitor affordable housing projects to determine properties at risk for conversion. This program is an important strategy for preserving existing affordable housing and should be continued.

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
	the units affordable. Inform tenants and property owners of their rights and responsibilities to provide adequate notice and other procedures if an affordable project is proposed for conversion to market rate housing.		
Low Income Housing Assistance	Offer expedited permit processing, contact developers annually about potential sites, and support applications of developers to build affordable housing that targets extremely low income households in Upland. Assist in the development of housing for lower- income households by outreaching to affordable housing developers, exploring available funding options, and supporting grant applications for housing.	Ongoing	This program is duplicative and should be combined with other programs that have similar purposes.
Homeless Services	Define shelters, transitional housing, and permanent supportive housing consistent with state law, permit shelters with a ministerial permit in the Industrial zone; and establish objective standards as allowed by state law. In all zones allowing residential uses, permit transitional and supportive housing as a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone.	Ongoing	The City continued to provide funding support to agencies that serve the homeless and at- risk homeless through the CDBG Program process and the City's Housing Fund. In 2013, a Homeless Shelter Stakeholders Group was formed to assist the implementation of this goal. The Development Code Update was adopted in the summer of 2015. In December 2019, the City hired a Homeless Coordinator to conduct and assist with homeless prevention activities. During CY2020, the City applied for and received a new affordable housing grant from the State that will provide funding to the Homeless Prevention Program for the next 3 years. Also, during CY2020, the City applied and received CARES CV1 and CV3 to provide additional funds to assist homeless prevention activity. This program is an important strategy for addressing the special needs of the homeless and should be continued.
Administrative Capacity	Utilize the Service Council to coordinate the City, faith-based organizations, other non-profits, Upland Housing Authority, County, and other stakeholders and create a network of community and mainstream resources. The Service Council will develop and implement a Homeless Services Plan that addresses: -Community Outreach, Engagement, and Education Initiatives -Treatment and Permanent Supportive Housing Initiatives -Housing First/Rapid Re-housing initiatives	Ongoing	The City has continued to work with the various organizations in San Bernardino County to create a Homeless Service Plan. The stakeholders team is comprised of individuals and organizations that have a desire to help the community and seek a positive change in the city, specifically, as it relates to those affected by homelessness. The team meets monthly in order to maintain an active effort to address the homeless issues. In December 2019, the City hired a Homeless Coordinator to assist with all homeless activities. During CY2020, the City applied for the Permanent Local Housing Allocation to assist the Homeless Coordinator with additional funds for the City's Homeless Prevention Program. Also, during CY2020, the City applied and received CARES CV1 and CV3 to provide additional funds to assist homeless prevention activity. This program is an important strategy for leveraging housing resources and should be continued.

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
	- Chronic Homelessness -Enforcement		
Housing for People with Disabilities	Amend the Zoning Code to define and allow residential care facilities serving six or fewer residents as a by-right use in all residential zones; remove or amend the definition of a family in the Zoning Code. Permit larger facilities with a CUP in two additional mixed-use zones. Support agencies in seeking funding, as available, for the provision of housing and services for people with disabilities, including developmental disabilities. Reach out to potential developers or service agencies as part of the annual Action Plan solicitation for CDBG. Create reasonable accommodation process and procedure as part of the Zoning Code Update to a low flexibility in land use, building, and development standards to accommodate people with disabilities.	2015	The Development Code Update was adopted on September 28, 2015. The update provided modifications to the Development Code that were recommended in the Housing Element. These included providing for residential care facilities by right in all residential zones (for those serving 6 or fewer residents), Supportive and Transitional Housing, Second Dwelling Units, Emergency Housing and Single Room Occupancy (SRO) in Mixed Use Zones and Efficiency Units. This program is an important strategy for addressing the special housing of persons with disabilities and should be continued.
Fair Housing	Promote fair housing practices through contract with IFHMB. Comply with all state and federal fair housing requirements when implementing housing programs or delivering housing- related services. Continue to prepare the Analysis of Impediments to Fair Housing Choice as required under federal law; implement the recommendations to improve fair housing as contained therein. Disseminate fair housing outreach materials at the library, website, and counter so that residents and landlords are aware of their rights, responsibilities, and opportunities for resolving fair housing concerns.	Ongoing	The City continues to promote fair housing practices and provide educational information to the public. This program is an important strategy for affirmatively furthering fair housing and should be continued.

Appendix B Sites Inventory

This appendix contains a parcel-specific inventory of potential sites that are suitable for housing development during the 2021-2029 planning period. Table B2 lists approved projects expected to be built during the planning period while Table B3 lists vacant sites zoned for residential development. Table B4 includes non-vacant "underutilized" sites with potential for additional residential development. Tables B5 and B6 list candidate sites to be considered for "upzoning" (increasing the allowable residential density from the current maximum to 30 units/acre) or "rezoning" (changing the allowable use from non-residential to multi-family residential/30 units/acre) to accommodate the current shortfall of potential housing capacity compared to the City's RHNA allocation. The locations of sites are shown in Figures B1 through B4.

Table B1. Sites Inventory Summary

	Lower	Moderate	Above Moderate	Total
Table B.32 Approved Projects	2	352	567	921
Table B.53 Vacant Sites	394	77	10	482
Table B.64 Underutilized Sites	711	863	5	1,579
Table B.75 Candidate Sites (upzoning)	4	615	841	627661
Table B.86 Candidate Sites (rezoning)	-	285	26	311
ADUs	145	87	20	252
Total Potential Capacity	**1,256**	**2,279**	**63669**	**4,171206**
RHNA (2021-2029)	2,543	1,013	2,130	5,686
Adequate Sites? (shortfall)	(1,287)	1,266	(1,49461)	(1,515 1,480)
Candidate Sites (upzoning net increase)	8289	-	-	**828**
Candidate Sites (rezoning net increase)	1,3167	-	-	**1,316**
Candidate Sites (total net increase)	2,1446	-	-	**2,144**

To facilitate new housing production and address the community's housing needs, cities must ensure that sufficient land with appropriate zoning is available to accommodate the amount of additional housing need as determined through the Regional Housing Needs Assessment (RHNA). The City's land use plans and development regulations are discussed in Section 3 – Constraints. This section describes how the RHNA allocation for the 2021-2029 planning period will be accommodated, as summarized in Table B1. Provided below is a parcel-specific analysis of potential housing sites.

Approved Projects

New housing units approved and expected to be completed during the RHNA period are credited toward the City's new housing need based on the estimated income category of these units as shown in Table B3. Rental units were assigned to the moderate-income category while for-sale units were assigned to the above-moderate category unless affordability requirements have been established.

Potential Development on Vacant Sites

Upland is a mature community with only a small amount of vacant land suitable for housing development. Potential sites for housing development include sites zoned exclusively for residential use as well as sites where

zoning allows either residential or non-residential development. The realistic potential for housing on residentially-zoned sites has been estimated based on densities of recently approved multi-family and condo projects (Table B5). Project densities on sites allowing only residential use have ranged from 61% to 108% of the allowable maximum.

Potential Development on Sites Zones for Non-Residential or Mixed Use. In recent years several projects have been developed with a residential component despite non-residential also being allowed in the zoning district. One example is a 78-unit live-work project located at the corner of Central Avenue and 11th Street. Each unit is 3 stories with the upper two stories used as living space while the first story includes parking and a work area. At the time it was approved, this project was located in the Highway Commercial zone; however, the property has since been rezoned to Commercial Industrial Mixed Use (C/I-MU) consistent with the new General Plan. This zoning district is intended to accommodate a variety of industrial, regional retail, and support commercial activities to satisfy a range of shopping needs for residents and maximize the potential for job generation. This zone is situated at an important gateway to the City at the west end of Foothill Boulevard and along portions of Central and Benson avenues. Development in this zone is intended to include pedestrian-friendly sidewalks and landscaping to facilitate the transformation of this area into an attractive, welcoming gateway into Upland. This zone supports residential uses in the form of live/work developments. The maximum permitted non-residential FAR is 1.0, which facilitates residential development.

Another example of a successful residential project within the Commercial Residential Mixed-Use Zone (C/R-MU) is GFR Homes, a 37-unit townhome style condominium development. The C/R-MU Zone is intended to support the development of compact, walkable, and pedestrian-oriented districts with a combination of retail, local-serving commercial and medium-density multi-family developments. The preference for land uses consists of integrated, vertical mixed uses that facilitate an active street front by bringing buildings and building entrances to the street edge and providing pedestrian-friendly sidewalks, trees, landscaping and public plazas. The maximum permitted non-residential FAR is 1.0 with a maximum permitted residential density of 20 dwelling units per net acre, exclusive of City and state density bonuses. This zone provides opportunities for a mix of medium- to large-scale integrated mixed-use developments while ensuring a sensitive scaled transition to adjacent buildings and uses.

A recent 6-unit apartment development on San Antonio Avenue is located within the Business Residential Mixed-Use Zone (B/R-MU). This zoning district is intended for areas in which business and/or light industrial uses are compatible with residential or live/work units. The B/R-MU Zone provides an environment where residents can enjoy the convenience of living and working in close proximity. The intended development pattern consists of horizontal mixed uses that provide adequate buffering and transitions between residential and non-residential land uses. This zone supports residential units adjacent to non-residential uses such as: light manufacturing, assembly and offices. The maximum permitted non-residential FAR is 0.5 with a maximum permitted residential density of 20 dwelling units per acre. This zone provides opportunities for preservation of small- to medium-scale development and an authentic mix of building typologies and uses. The site was developed with 6 units (15 units/acre) with the retention of an existing single-family home.

In 2018 the Planning Commission approved a 203-unit apartment complex on a 4.5-acre site (46.9 dwelling units per acre) within the Colonies Specific Plan, Planning Area 4, which is a Mixed-Use Zone. The purpose of the mixed-use designation is to encourage development of higher-density housing with neighborhood commercial and restaurant uses.

Table B2 summarizes densities of recent residential developments in zones allowing commercial or mixed-use. For housing developments on sites where non-residential and mixed uses are allowed, densities of approved projects have ranged from 67% to 93% of the allowable maximum.

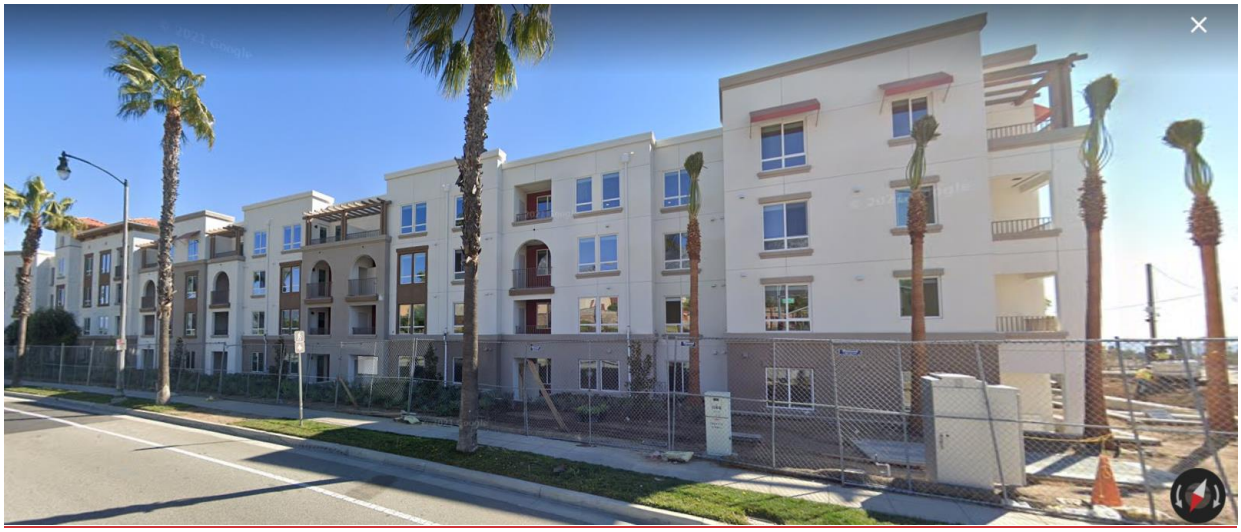
Table B2. Residential Developments in Mixed Use and Non-Residential Zones

Project	Project Type	Zoning District	Non-residential uses allowed?	Allowable Density (du/ac)	Project Density (% of max)	# of units
6 Unit Apartments (San Antonio)	Apartments	B/R-MU	Yes	20	15 (75%)	6
Alta Apartments	Apartments	PA-4 of Colonies SP	Yes	62	46.9 (76%)	203
11th & Central Mixed Use	Live-Work	C/I-MU	Yes	20	17.5 (88%)	78
Mt. Fuji (GFR)	Condominiums	C/R-MU	Yes	20	14.4 (72%)	37

Source: City of Upland, 9/2022

Other approved projects and property owner inquiries indicate strong interest high-density multi-family residential development in Upland. Examples include the following:

- This 4-story condominium development was approved at a density of 45 units/acre in The Colonies Planning Area 4. The zoning for this site is Specific Plan/Mixed Use, which allowed mixed-use or commercial development.



- Immediately adjacent to the 4-story condominium development in The Colonies Planning Area 4 is this approved 7-story apartment project at a density of 47 units/acre. The zoning for this site is Specific Plan/Mixed Use, which allowed mixed-use or commercial development.



- A 4-story 111-unit apartment project was approved at a density of 48 units/acre in the Historic Downtown Upland Specific Plan near the Metrolink Station. The site was created through the consolidation of 9 separate parcels totaling 2.3 acres. The project density is 88% of the maximum 55 units/acre allowed in this district. Zoning allowed commercial use on this site.

- Preliminary discussions regarding affordable and permanent supportive housing developments at a density of approximately 70 units/acre in the Historic Downtown Upland Specific Plan.

- Preliminary discussions regarding a 4-story 141-unit apartment project at a density of 55 units/acre (100% of maximum) in the Historic Downtown Upland Specific Plan. The property is currently occupied with older commercial buildings.

- Preliminary discussions regarding a 199-unit expansion of a senior apartment project at a density of 32 units/acre.

Based on these development trends, the realistic capacity of sites zoned for residential use only (i.e., where non-residential or mixed uses are not allowed) was conservatively estimated as 80% of the allowable density, while the capacity of sites permitting non-residential use was estimated at only 50% of the allowable density.

A parcel-specific list of vacant sites with potential for housing development is provided in Table B5. Potential new housing units on vacant sites are assigned to income categories based on allowable density and parcel size. Sites allowing a density of less than 15 units/acre are assigned to the above-moderate income category, while sites allowing a density of 15 to 29 units/acre are assigned to either the moderate or above-moderate income category. Sites that are at least ½ acre in size and where a density of 30+ units/acre is allowed may be assigned to any income category based on the "default density" specified in State law. Small sites less than ½ acre are assigned to either the moderate or above-moderate category.

Potential Development on Underutilized Sites

As with most of the older cities of Southern California where little vacant land remains, a significant portion of new residential development in Upland is expected to occur on underutilized non-vacant properties where additional housing units can be built or the existing uses can be replaced with higher-value development. In 2015, the City updated its General Plan and Municipal Code to incorporate mixed-use zones that allow additional opportunity for residential development in commercial areas. The purposes of the Mixed-Use zones are to:

1. Foster developments that provide a mix of related land uses close to one another, either within a single building, on the same parcel, or on adjacent parcels, in order to reduce reliance on the automobile, create pedestrian-oriented environments, and support social interaction by allowing residents to work or shop within walking distance to where they live;

2. Promote infill development, intensification, and reuse of currently underused sites consistent with the General Plan;

3. Establish design standards that improve the visual quality of development and create unified, distinctive, and attractive mixed-use corridors and centers;

4. Provide appropriate buffers and transition standards between commercial, industrial and residential uses to preserve non-residential and mixed-use feasibility and residential quality; and

5. Provide incentives for mixed-use (horizontal and vertical) development along main corridors and nodes to promote varied uses within a pedestrian-oriented environment.

To estimate the realistic capacity of development on non-vacant sites the City evaluated recent development trends including project applications and interest from local developers (Table B4). Although the zoning on several of these sites also allows non-residential uses, all of these projects are 100% residential at densities ranging up to 55 units/acre.

Pursuant to Government Code Sec. 65583.2(g)(2) when a city is relying on non-vacant sites to accommodate 50% or more of its lower-income housing need, the methodology used to determine additional development potential shall demonstrate that the existing use does not constitute an impediment to additional residential development during the period covered by the housing element. An existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period.

These examples show that existing uses on nonvacant properties do not constitute an impediment to redevelopment. The City is not aware of any leases on underutilized sites that would prevent housing development during the planning period.

Underutilized sites designated for residential or mixed-use development are listed in Table B6. The City's assumptions regarding the income categories and realistic capacity for underutilized sites are the same as for vacant sites described above. Most of these underutilized properties are in the Downtown or the Focus Areas identified in the General Plan Land Use Element and discussed previously in Section 3 - Constraints. As land and housing values have increased and the supply of buildable vacant land has been nearly exhausted, redevelopment of these areas has become financially feasible.

Sites Smaller than 0.5 acre or larger than 10 acres. Pursuant to Government Code 65583.2(c) sites smaller than 0.5 acre are assigned to the moderate- or above-moderate categories. No sites larger than 10 acres are included in the inventory of lower-income sites.

Accessory Dwelling Units

Under State law, two accessory dwelling units (ADUs) – one ADU and one "junior ADU" – may be permitted on most single-family residential lots. ADUs represent a significant source of new affordable housing that can be created within the fabric of existing residential neighborhoods.

In December 2020, SCAG published a study of ADU affordability in Southern California[5] and concluded that a significant portion of ADUs built recently have been affordable to low- and moderate-income households. SCAG determined that the following affordability assumptions are appropriate for San Bernardino County:

Very Low	Low	Moderate	Above Moderate
23%	35%	35%	8%

Source: SCAG 2020

ADU permits have steadily increased during the 2018-2021 period in Upland as follows:

- 2018: none
- 2019: 14 units
- 2020: 41 units
- 2021: 71 units

This 4-year trend shows that interest in ADU construction has increased significantly as homeowners have become familiar with the new regulations and the options provided for ADUs. Based on this trend and SCAG's analysis, it is assumed that an average of 31.5 ADUs per year (total of 252 during the 8-year planning period) will be produced in the income categories shown in **Table B1** above.

Candidate Sites for Upzoning or Rezoning

As seen in Table B1, the current capacity for additional housing based on current zoning is insufficient to accommodate the RHNA allocation in all income categories. As required by Government Code Sec. 65583(c)(1) candidate sites have been identified for either "upzoning" (i.e., increasing the allowable density of residential uses) or "rezoning" (i.e., changing the zoning designation from a non-residential designation to a residential or mixed-use designation). Table B7 and Table B8 show candidate sites to be considered for upzoning or rezoning as described in Program 6 in Chapter 5 - Housing Plan. The selection of candidate sites is based on the following factors:

- Residential development interest expressed by property owners or developers
- Site conditions indicating a property is suitable for development or redevelopment during the planning period, such as vacant buildings, for sale/for lease signs, low improvements-to-land (I/L) value ratio, buildings more than 30 years old, signs of deferred maintenance or deterioration, or low site utilization (i.e., current building floor area compared to market potential)

[5] https://scag.ca.gov/sites/main/files/file-attachments/adu_affordability_analysis_120120v2.pdf?1606868527

- Proximity to public transportation, employment and educational opportunities, and urban services such as shopping, medical facilities and parks
- No incompatible uses or adverse development conditions such as high noise levels, heavy truck traffic, sensitive biological habitat, flood hazards or wildland fire hazards

The additional potential capacity of these sites is estimated at 80% of allowable density for sites proposed for residential zoning and 50% of allowable density for sites proposed for mixed-use zoning.

Environmental Hazards and Availability of Infrastructure

As part of the sites analysis process the City reviewed environmental hazards and the availability of infrastructure to determine whether these issues could prevent the City from achieving the assigned housing need.

Environmental Hazards

None of the potential housing sites identified for the Regional Housing Needs Allocation are known to have environmental constraints that would preclude the development of housing. As reflected in each of the individual specific plan EIRs, none of the sites is on a fault, in an Alquist-Priolo zone, or in a 100-year flood plain. None of the sites is located on prime farmland or currently used for agricultural purposes. Several sites may be located on ground suitable for mining, but the sites are no longer used for active mining. Seismic and fire hazards require various mitigation features in residential construction to protect public safety, and are incorporated into the building code. These code requirements add to the cost of housing but are necessary to protect public safety.

Water Availability

The 2015 General Plan Update EIR projects water needs for the whole City (including development in the four specific plan areas with the housing inventory sites). In 2030, the City will need 23,141 acre-feet per year of water, according to the 2020 Upland Urban Water Management Plan. The dry-year scenario projects a supply of 24,662 AFY in 2030 and 25,689 AFY in 2035. Based on that analysis, the City is expected to have enough water to serve projected housing needs during the planning period.

Sewer Availability

The 2015 General Plan Update EIR analyzed the capacity of sewer lines and treatment facilities based on residential and non-residential build-out estimates would only require additional sewerage flow of 1.32 mgd over existing conditions or an annual increase of approximately 0.066 mgd per year over 20 years. The EIR concluded that no significant impact to sewer facilities associate with General Plan build-out is anticipated, as demands on the local sewer system can be mitigated. The EIR indicated a need to upgrade certain local lateral sewer lines on a case-by-case basis, but no costly force mains, main trunk lines, or similar infrastructure are necessary. Upgrades to laterals are financed through the payment of sewer impact fees, which is common for any new apartment project.

Dry Utilities

Dry utilities such as electric, telephone, cable and internet are provided by private companies and are expanded to meet demand as development occurs. No known limitations on these services would preclude development of the sites listed in the inventory (Appendix B) during the 2021-2029 planning period.

~~Table B2.~~Table B3. Approved Projects

Project	Product Type	Zoning District	Non-residential allowed?	Vacant or Non-vacant Site?	Allowable Density (du/ac)	Project Density (% of max)	Lower	Moderate	Above Moderate	Total Units
ATI Packing House Apts	Apartments	Historic Downtown Upland SP (Citrus Trans. District)	Yes	Vacant	55	51.4 (93%)		111		111
Sage At 9th Phase 2	Townhomes	RM-20	No	Vacant	20	16.4 (82%)			26	26
Sage At 9th Phase 1	Townhomes	RM-20	No	Vacant	20	15.2 (76%)			28	28
Enclave SP	76 Townhomes 116 SFR	Enclave Specific Plan	No	Vacant	20	12.2 (61%)			192	192
Mesa Court Apts	Apartments	RM-30	No	Vacant	30	21.6 (72%)		54		54
7th Street Apts (KIVA)	Apartments	RM-20	No	Vacant	20	20.1 (108%)		64		64
San Antonio Apts (Mario Sosa)	Apartments	B-R/MU	Yes	Non-Vacant	20	13.3 (67%)		6		6
Sycamore Hills PA3	83 Townhomes 93 SFR	Park View Specific Plan (Planning Area 3)	No	Vacant (Under Construction)	13.4	10.6 (79%)			176	176
Crestwood Homes	SFD	RS-20	No	Vacant	0-4	N/A			4	4
Individual SFD	SFR+ADU+JADU	Various	No			N/A	1	1	1	3
Individual SFD	SFR+ADU	Various	No			N/A	1		1	2
Villa Serena	SFR	Villa Serena SP	No	Vacant		10.6			65	65
Colonies PA4	Condo	Colonies SP (PA 4-Mixed Use Zone)	Yes	Vacant	62	46.9 (76%)			60	60
Alta Apts	Apartments	Colonies SP (PA 4-Mixed Use Zone)	Yes	Vacant	62	46.9 (76%)		106		106
A Street Apts	Apartments	RM-20	No	Vacant	20	20.0 (100%)		4		4
Colonies - Watt	Townhome	Colonies SP	No	Vacant	24	15.7 (65%)			12	12
Individual SFD	SFD	Various	Yes	Vacant	0-4	N/A			2	2
11th Ave Apts	Apartments	RM-20	No	Vacant	20	14.6 (73%)		6		6
Totals							**2**	**352**	**567**	**921**

Source: City of Upland, 9/2022

Notes:

1. Income categories based on expected sales prices or rents
2. All projects have approval entitlements and are expected to be built within the planning period.

~~Project~~	~~Product Type~~	~~Density (du/acre)~~	~~Very Low~~	~~Low~~	~~Moderate~~	~~Above Moderate~~	~~Total Units~~
~~ATI Packing House Apartments~~	~~Apartments~~	~~51.4~~			~~111~~		~~111~~

Project	Product Type	Density (du/acre)	Very Low	Low	Moderate	Above Moderate	Total Units
Sage At 9th Phase 2	Townhomes	16.4				26	26
Sage At 9th Phase 1	Townhomes	15.2				28	28
Enclave Specific Plan	76 Townhomes 116 SFR	12.2				192	192
Mesa Court Apartments	Apartments	21.6			54		54
7th Street Apartments (KIVA)	Apartments	20.1			64		64
San Antonio Apartments (Mario Sosa)	Apartments	13.3			6		6
Sycamore Hills PA3	83 Townhomes 93 SFR	10.6				176	176
Crestwood Homes	SFD	na				4	4
Individual SFD	SFR+ADU+JADU	na		1	1	1	3
Individual SFD	SFR+ADU	na		1		1	2
Villa Serena	SFR	10.6				65	65
Colonies PA4	Condo	46.9				60	60
Alta Apartments	Apartments	23.6			106		106
A Street Apartments	Apartments	20.0			4		4
Colonies - Watt	Townhome	na				12	12
Individual SFD	SFD	na				2	2
11th Avenue Apartments	Apartments	14.6			6		6
Totals			**0**	**2**	**352**	**567**	**921**

Table B4. Development Trends on Underutilized Sites

Project/Address (APN)	Project Type	No. of Units	Density	Zoning	Previous Use				Current Status
					Year Built	FAR	I/L Ratio	Description	
401 A Street (0146-582-13 to 20)	Apartments	111	48.3	Citrus Transportation District, Historic Downtown Upland SP	1960s	0.00	na	Parking Lot	Approved Entitlement
708 Mesa Court (1046-102-13)	Apartments	60	15.8	RM-30	1961-1963	0.23	1.95	Apartments (6 units demolished)	Approved Construction Plans
1332, 1336, and 1344 E. 9th Street (1046-501-07, 08, 09)	Townhomes	26	16.4	RM-20	1940 - 1978	0.25	0.63	Three SFRs, Boat Repair Facility	Under construction
1252 .E 7th Street (1047-181-02)	Apartments	66	20.8	RM-20	1969	0.15	0.02	Industrial Building	Approved Entitlement
1400 E. Arrow Rte (1046-481-14)	Condominiums	64	13.1	Proposed Zone Change from Light Industrial to SP	1956	0.11	2.93	Lumber Yard	Applications under review
167 S. Sultana Avenue (1046-604-03 to 08)	Apartments	141	54.9	Citrus Transportation District, Historic Downtown Upland SP	1947-1957	0.32	0.03	2 Industrial Warehouses and Residential (Fourplex, Duplex, and two SFRs)	Preliminary Review
105 N. 1st Street	Apartments with 5 Low Income Units	29	29.3	Old Town District (1st Avenue Overlay), Historic Downtown Upland SP	1908	0.05	City-owned	Commercial Building	Developer Inquiry

Source: City of Upland, 9/2022

Table B3.Table B5. Vacant Sites

Site	APN	General Plan	Zoning District	Acres	Max Density	Lower	Mod	Above Mod	Total	Identified in 2 Prior Planning Periods?
30	104658201	SP	HDU/Citrus Transportation	2.18	55	96			96	Yes
	Subtotal			**2.18**	**55**	96	**0**	**0**	**96**	
31	104658101	SP	HDU/Citrus Transportation	1.81						Yes
	104658108	SP	HDU/Citrus Transportation	0.11						
	Subtotal			**1.92**	**55**	**84**			**84**	
35	104659108	SP	HDU/Old Town/1st St. Overlay	0.21						Yes
	104659109	SP	HDU/Old Town/1st St. Overlay	0.18						Yes
	104659110	SP	HDU/Old Town/1st St. Overlay	0.2						Yes
	104659111	SP	HDU/Old Town/1st St. Overlay	0.15						Yes
	104659112	SP	HDU/Old Town/1st St. Overlay	0.13						Yes
	104659113	SP	HDU/Old Town/1st St. Overlay	0.13						
	Subtotal			**1.00**	**55**	**44**			**44**	
36	104660105	SP	HDU/Euclid	0.17	40	5			5	Yes
	104660112	SP	HDU/Citrus Transportation	0.17	55	7			7	
	104660113	SP	HDU/Citrus Transportation	0.17	55	7			7	
	104660114	SP	HDU/Citrus Transportation	0.33	55	15			15	
	104660101	SP	HDU/Euclid	0.03	40	1			1	
	104660102	SP	HDU/Euclid	0.11	40	4			4	
	104660103	SP	HDU/Euclid	0.05	40	2			2	
	104660104	SP	HDU/Euclid	0.11	40	4			4	
	104660106	SP	HDU/Euclid	0.15	40	5			5	
	104660107	SP	HDU/Euclid	0.17	40	5			5	
	104660115	SP	HDU/Euclid	0.17	40	5			5	
	104660108	SP	HDU/Euclid	0.33	40	11			11	
	Subtotal			**1.96**		**71**			**71**	
41	104660501	SP	HDU/Citrus Transportation	1.13						Yes
	Subtotal			**1.13**	**55**	**50**			**50**	
42	104660503	SP	HDU/Citrus Transportation	1.00	55				44	Yes
	104660503	SP	HDU/Euclid	0.14	40				4	Yes
	104660502	SP	HDU/Citrus Transportation	0.02	55				1	
	Subtotal			**1.16**		**49**			**49**	
44	104643325	SP	HDU/MF Senior Housing	0.48	25		10		10	
	Subtotal			**0.48**	**25**		**10**		**10**	
50	104325122	SFR-L	RS-20	1.00				2	2	
	Subtotal			**1.00**				**2**	**2**	

Site	APN	General Plan	Zoning District	Acres	Max Density	Lower	Mod	Above Mod	Total	Identified in 2 Prior Planning Periods?
52	100704107	SP	Enclave Specific Plan	3.39	20		54		54	
	Subtotal			**3.39**			**54**		**54**	
54	104707206	SFR-M	RS-7.5	0.16	10			1	1	
	Subtotal			**0.16**				**1**	**1**	
55	104627105	SFR-M	RS-7.5	0.14	10			1	1	
	Subtotal			**0.14**				**1**	**1**	
56	104606184	C/R-MU	C/R-MU	0.21	20		2		2	
	104606188	C/R-MU	C/R-MU	0.2	20		2		2	
	104606183	C/R-MU	C/R-MU	0.41	20		4		4	
	104606187	C/R-MU	C/R-MU	0.15	20		2		2	
	Subtotal			**0.97**			10		**10**	
57	104611101	C/O-MU	C/O-MU	0.38	20		4		4	
	Subtotal			**0.38**			**4**		**4**	
58	104303234	SFR-L	RS-20	0.55	4			1	1	
	Subtotal			**0.55**				1	**1**	
59	104303230	SFR-L	RS-20	0.51	4			1	1	
	Subtotal			**0.51**				1	**1**	
60	104303232	SFR-L	RS-20	0.51	4			1	1	
	Subtotal			**0.51**				1	**1**	
61	104403219	SFR-L	RS-15	0.35	4			1	1	
	Subtotal			**0.35**				1	**1**	
63	104722125	SFR-M	RS-7.5	0.07	4			1	1	
	Subtotal			**0.07**				1	**1**	
65	104704107	SFR-M	RS-7.5	0.17	4			1	1	
	Subtotal			**0.17**				1	**1**	
TOTALS						**394**	**77**	**10**	**482**	

Notes:
Capacity for residential zones based on 80% of allowable density
Capacity for mixed-use zones based on 50% of allowable density

~~Table B4.~~Table B6. Underutilized Sites

Site	APN	General Plan	Zoning District	Existing Use	I/L Ratio	Acres	Max Density	Lower	Mod	Above Mod	Total	Identified in a Prior Planning Period?
21	104638309	SP	HDU/Arrow Hwy	public parking lot	0	0.13						Yes
	104638310	SP	HDU/Arrow Hwy	public parking lot	0	0.21						Yes
	Subtotal					**0.34**	**15**		**4**		**4**	
22	104625301	SP	HDU/Arrow Hwy	Auto Repair	2.3	0.17						Yes
	104625315	SP	HDU/Arrow Hwy	Auto Repair	0.9	0.34						Yes
	Subtotal					**0.51**	**15**		**6**		**6**	
23	104639203	SP	HDU/Old Town	public parking lot	0	0.19						Yes
	104639202	SP	HDU/Old Town	public parking lot	0	0.16						Yes
	104639201	SP	HDU/Old Town	public parking lot	0	0.18						Yes
	Subtotal					**0.53**	**35**	**15**			**15**	
24	104641154	SP	HDU/MF Senior Housing	Landscaping	0.0	1.03	25				21	
	Subtotal					**1.03**	**25**		**21**		**21**	
25	104640208	SP	HDU/Old Town/1st St. Overlay	public parking lot	0	0.14	55				6	Yes
	104640207	SP	HDU/Old Town/1st St. Overlay	public parking lot	0	0.16	55				7	Yes
	104640206	SP	HDU/Old Town/1st St. Overlay	public parking lot	0	0.13	55				6	Yes
	104640205	SP	HDU/Old Town/1st St. Overlay	public parking lot	0	0.13	55				6	Yes
	104640204	SP	HDU/Old Town/1st St. Overlay	public parking lot	0	0.13	55				6	Yes
	104640203	SP	HDU/Old Town/1st St. Overlay	public parking lot	0	0.14	55				6	Yes
	104640202	SP	HDU/Old Town/1st St. Overlay	public parking lot	0	0.14	55				6	Yes
	Subtotal					**0.97**	**55**	**43**			**43**	
26	104640312	SP	HDU/Old Town	public parking lot	0	0.05						Yes
	104640313	SP	HDU/Old Town	public parking lot	0	0.17						Yes
	104640314	SP	HDU/Old Town	public parking lot	0	0.03						Yes
	104640315	SP	HDU/Old Town	public parking lot	0	0.12						Yes
	104640316	SP	HDU/Old Town	public parking lot	0	0.12						Yes
	104640317	SP	HDU/Old Town	public parking lot	0	0.12						Yes
	104640318	SP	HDU/Old Town	public parking lot	0	0.14						Yes

Site	APN	General Plan	Zoning District	Existing Use	I/L Ratio	Acres	Max Density	Lower	Mod	Above Mod	Total	Identified in a Prior Planning Period?
	Subtotal					**0.75**	**35**	**21**			**21**	
27	104656201	SP	HDU/Citrus Transportation	Industrial	0.0	0.23	55				10	Yes
	104656203	SP	HDU/Citrus Transportation	Industrial	0.0	0.23	55				10	Yes
	104656202	SP	HDU/Citrus Transportation	Industrial	0.0	0.23	55				10	Yes
	104656204	SP	HDU/Citrus Transportation	Industrial	1.0	0.28	55				12	Yes
	104656212	SP	HDU/Citrus Transportation	Industrial	2.7	0.46	55				20	
	104656213	SP	HDU/Citrus Transportation	Industrial	2.0	0.51	55				22	
	Subtotal					**1.94**	**55**	**85**			**85**	
28	104657101	SP	HDU/Residential Transit	Structures on site are partially burned down; currently being used for auto and RV storage	0.0	0.71						Yes
	104657115	SP	HDU/Residential Transit	Storage	1.2	3.75						Yes
	104657116	SP	HDU/Residential Transit	Storage	2.5	0.71						Yes
	Subtotal					**5.17**	**55**	**227**			**227**	
29	104658212	SP	HDU/Citrus Transportation	City Water Facility	na	0.2	55				9	Yes
	Subtotal					**0.2**	**55**		**9**		**9**	
32	104659324	SP	HDU/Old Town	public parking lot	0	0.16						Yes
	104659318	SP	HDU/Old Town	public parking lot	0	0.36						Yes
	Subtotal					**0.52**	**35**	**15**			**15**	
33	104659224	SP	HDU/Old Town/ Historic Core	public parking lot	0	0.17						Yes
	Subtotal					**0.17**	**25**		**3**		**3**	
34	104659204	SP	HDU/Old Town/1st St. Overlay	public parking lot	0	0.14						Yes
	104659205	SP	HDU/Old Town/1st St. Overlay	public parking lot	0	0.21						Yes
	104659206	SP	HDU/Old Town/1st St. Overlay	public parking lot	0	0.21						Yes
	Subtotal					**0.56**	**55**	**25**			**25**	
37	104660207	SP	HDU/Citrus Transportation	Vacant lumber yard and parking with single owner	0.0	0.32						Yes
	104660208	SP	HDU/Citrus Transportation	Vacant lumber yard and parking with single owner	0.1	0.32						Yes
	104660206	SP	HDU/Citrus Transportation	Vacant	0.0	0.16						
	104660205	SP	HDU/Citrus Transportation	Vacant	1.1	0.16						

Site	APN	General Plan	Zoning District	Existing Use	I/L Ratio	Acres	Max Density	Lower	Mod	Above Mod	Total	Identified in a Prior Planning Period?
	Subtotal					**0.96**	**55**	**42**			**42**	
38	104660209	SP	HDU/Citrus Transportation	public parking lot	0	0.11						Yes
	104660210	SP	HDU/Citrus Transportation	public parking lot	**0**	0.12						Yes
	104660211	SP	HDU/Citrus Transportation	public parking lot	0	0.37						Yes
	Subtotal					**0.6**	**55**	**26**			**26**	
39	104660308	SP	HDU/Citrus Transportation	SFR	0.7	0.11	55				5	Yes
	104660307	SP	HDU/Citrus Transportation	single-family residential	0.0	0.16	55				7	
	104660310	SP	HDU/Citrus Transportation	single-family residential	0.6	0.16	55				7	Yes
	104660311	SP	HDU/Citrus Transportation	Commercial Building	2.8	0.49	55				22	
	104660309	SP	HDU/Citrus Transportation	single-family residential	2.7	0.05	55				2	
	Subtotal					**0.97**	**55**	**43**			**43**	
40	104660408	SP	HDU/Citrus Transportation	vacant industrial	0.4	1.29						Yes
	104660403	SP	HDU/Citrus Transportation	single-family residential	1.0	0.16						
	104660404	SP	HDU/Citrus Transportation	single-family residential	1.0	0.16						
	104660405	SP	HDU/Citrus Transportation	Multi-family	1.3	0.16						
	104660406	SP	HDU/Citrus Transportation	vacant industrial	1.0	0.16						
	104660407	SP	HDU/Citrus Transportation	Industrial	1.1	0.64						
	Subtotal					**2.57**	**55**	**113**			**113**	
43	104657106	SP	HDU/Olivedale	1 SFR/Storage Yard	1.0	0.81	20				13	
	104657107	SP	HDU/Olivedale	SFR	2.8	0.21					3	
	104657108	SP	HDU/Olivedale	4 units	1.9	0.65					10	
	104657109	SP	HDU/Olivedale	4 units	5.0	0.51					8	
	104657110	SP	HDU/Olivedale	4 units	3.3	0.51					8	
	104657111	SP	HDU/Olivedale	SFR	3.0	0.51					8	
	104657113	SP	HDU/Olivedale	SFR	1.8	0.17					3	
	104657112	SP	HDU/Olivedale	SFR	0.5	0.41					7	
	Subtotal					**3.78**	**20**		**60**		**60**	
45	104718103	MFR-L	RM-20	National Guard Center	**0**	3.6	20				58	
	Subtotal					**3.6**	**25**		**72**		**72**	
46	104718107	MFR-L	RM-20	Industrial Building	1.8	4.48	20				72	
	104718108	MFR-L	RM-20	Vacant	0.1	2.57	20				41	
	Subtotal					**7.05**	**20**		**113**		**113**	
47	104610214	MFR-L	RM-30	Vacant		1.5	30				36	
	Subtotal					**1.5**	**30**	**36**			**36**	
48	104650160	C/R-MU	C/R-MU	Contractor Yard	0.9	0.37	20				4	

Site	APN	General Plan	Zoning District	Existing Use	I/L Ratio	Acres	Max Density	Lower	Mod	Above Mod	Total	Identified in a Prior Planning Period?
	104650159	C/R-MU	C/R-MU	Commercial	1.4	0.37	20				4	
	104650128	C/R-MU	C/R-MU	1 SFR	0.0	0.7	20				7	
	Subtotal					**1.44**	**20**		**14**		**14**	
49	104405104	SFR-L	RS-20	SFR	3.0	3.22	0-4 du				3	
	Subtotal					**3.22**				**3**	**3**	
51	100706108	C/I-MU	C/I-MU	Restaurant/Vacant (Buffalo Inn)	5.5	3.74	20				37	
	100706123	C/I-MU	C/I-MU	Restaurant/Vacant (Buffalo Inn)	0.0	0.83	20				8	
	Subtotal					**4.57**	**20**		**46**		**46**	
53	100709108	C/I-MU	C/I-MU	Car Rental/Vacant	0.1	1.82	20				18	
	100709109	C/I-MU	C/I-MU	Commercial Building/Abandoned SFR/vacant	0.0	0.92	20				9	
	100709110	C/I-MU	C/I-MU	vacant	0.5	0.95	20				10	
	100709116	C/I-MU	C/I-MU	Industrial Building/yard	1.3	1.76	20				18	
	100709107	C/I-MU	C/I-MU	Industrial Building/yard	1.1	1.35	20				14	
	Subtotal					**6.8**	**20**		**68**		**68**	
62	100728123	MFR-M	RM-30	1SFR	0.7	0.85	30				20	
	Subtotal					**0.85**		**20**			**20**	
64	104601101	C/R-MU	C/R-MU	Commercial/Office Building	0.0	0.97	20				10	
	104601102	C/R-MU	C/R-MU	Commercial/Office Building	0.6	1.47	20				15	
	Subtotal					**2.44**			**24**		**24**	
66	104558137	C/R-MU	C/R-MU	Auto Dealership	1.0	5.21	20				52	
	Subtotal					**5.21**			**52**		**52**	
67	104555123	C/R-MU	C/R-MU	Commercial/Office Building	1.3	0.94	20				9	
	104555124	C/R-MU	C/R-MU	Commercial/Office Building	1.1	**0.96**	20				10	
	104555125	C/R-MU	C/R-MU	Commercial/Office Building	0.2	0.59	20				6	
	Subtotal					**2.49**			**25**		**25**	
68	104608144	C/R-MU	C/R-MU	Auto Sales	1.4	0.73	20				7	
	104608103	C/R-MU	C/R-MU	Vacant Commercial	0.7	0.19	20				2	
	104608104	C/R-MU	C/R-MU	Vacant Commercial	1.5	0.35	20				4	
	Subtotal					**1.27**			**13**		**13**	
69	100756104	B/R-MU	B/R-MU	Commercial/Industrial Building	0.4	1.04	20				1	
	100755112	B/R-MU	B/R-MU	Commercial/Industrial Building	4.5	1.04	20				10	
	100755107	B/R-MU	B/R-MU	Commercial/Industrial Building	4.7	1.05	20				11	
	100755106	B/R-MU	B/R-MU	Commercial/Industrial Building	3.2	1.05	20				11	
	100755105	B/R-MU	B/R-MU	Commercial/Industrial Building	4.2	1.05	20				11	

Site	APN	General Plan	Zoning District	Existing Use	I/L Ratio	Acres	Max Density	Lower	Mod	Above Mod	Total	Identified in a Prior Planning Period?
	100755104	B/R-MU	B/R-MU	Commercial/Industrial Building	3.0	1.04	20				10	
	100756121	B/R-MU	B/R-MU	Commercial/Industrial Building	2.0	0.15	20				2	
	100755103	B/R-MU	B/R-MU	Commercial/Industrial Building	3.8	1.05	20				11	
	100755102	B/R-MU	B/R-MU	Commercial/Industrial Building	3.6	1.04	20				10	
	100755101	B/R-MU	B/R-MU	Commercial/Industrial Building	3.8	1.12	20				11	
	100756112	B/R-MU	B/R-MU	Commercial/Industrial Building	3.7	1.08	20				11	
	100756120	B/R-MU	B/R-MU	Commercial/Industrial Building	5.2	0.15	20				2	
	100756123	B/R-MU	B/R-MU	Commercial/Industrial Building		0.26	20				3	
	100756119	B/R-MU	B/R-MU	Commercial/Industrial Building	3.4	0.28	20				3	
	100756118	B/R-MU	B/R-MU	Commercial/Industrial Building	4.4	0.27	20				3	
	100756115	B/R-MU	B/R-MU	Commercial/Industrial Building	2.1	0.51	20				5	
	100756110	B/R-MU	B/R-MU	Commercial/Industrial Building	3.7	2.08	20				21	
	100756122	B/R-MU	B/R-MU	Commercial/Industrial Building	3.9	0.46	20				5	
	100756109	B/R-MU	B/R-MU	Commercial/Industrial Building	5.0	2.08	20				21	
	100756108	B/R-MU	B/R-MU	Commercial/Industrial Building	5.5	1.1	20				11	
	100756107	B/R-MU	B/R-MU	Commercial/Industrial Building	2.6	1.04	20				10	
	100756106	B/R-MU	B/R-MU	Commercial/Industrial Building	2.2	1.04	20				10	
	100756105	B/R-MU	B/R-MU	Commercial/Industrial Building	2.2	1.04	20				10	
	104665152	B/R-MU	B/R-MU	Commercial/Industrial Building	6.4	0.16	20				2	
	100755117	B/R-MU	B/R-MU	Commercial/Industrial Building	3.2	0.17	20				2	
	104665126	B/R-MU	B/R-MU	Commercial/Industrial Building	6.7	1.05	20				11	
	104665151	B/R-MU	B/R-MU	Commercial/Industrial Building	1.6	0.24	20				2	
	100755118	B/R-MU	B/R-MU	Commercial/Industrial Building		0.37	20				4	
	100755116	B/R-MU	B/R-MU	Commercial/Industrial Building	3.5	0.18	20				2	
	100755115	B/R-MU	B/R-MU	Commercial/Industrial Building	4.0	0.21	20				2	
	104665150	B/R-MU	B/R-MU	Commercial/Industrial Building	4.5	0.46	20				5	
	100755114	B/R-MU	B/R-MU	Commercial/Industrial Building	5.1	0.3	20				3	
	Subtotal					**24.16**			**232**		**232**	
70	104553214	SFR-M	RS-4	1 SFR	1.2	0.64	1					
	Subtotal					**0.64**				**2**	**2**	
71	104605117	C/R-MU	C/R-MU	Office	3.2	1.94	20				19	
	Subtotal					**1.94**			**19**		**19**	
72	104646206	RM-20	RM-20	SFR	1.9	0.31	20				5	
	Subtotal					**0.31**			**5**		**5**	
73	104634103	MFR-L	RM-20	SFR	1.9	0.66	20				11	

Site	APN	General Plan	Zoning District	Existing Use	I/L Ratio	Acres	Max Density	Lower	Mod	Above Mod	Total	Identified in a Prior Planning Period?
	104634102	MFR-L	RM-20	SFR	1.9	0.85	20				14	
	104634101	MFR-L	RM-20	SFR	1.8	0.85	20				14	
	Subtotal					**2.36**	**20**		**38**		**38**	
74	104649310	MFR-L	RM-20	SFR	2.2	0.29	20				5	
	104649311	MFR-L	RM-20	Vacant	0.0	0.29	20				5	
	Subtotal					**0.58**			**9**		**9**	
75	104548222	C/O-MU	C/O-MU	Hotel	2.0	2.85	20				29	
	Subtotal					**2.85**			**29**		**29**	
	TOTALS							**711**	**863**	**5**	**1,579**	

Notes:
Capacity for residential zones based on 80% of allowable density
Capacity for mixed-use zones based on 50% of allowable density

~~Table B5.~~Table B7. Candidate Sites (Upzoning)

Site	APN	Current General Plan	Current Zoning	Proposed General Plan	Proposed Zoning	Existing Use	I/L Ratio	Acres	Current Density	Existing Units	Lower	Mod	Above Mod	Current Realistic Capacity	Potential Capacity RM-30	Potential Capacity MU-30
76	104646112	MFR-L	RM-20	MFR-M	RM-30	Contractors Yard	1.9	0.56	20					9	13	
	104646113	MFR-L	RM-20	MFR-M	RM-30	Contractors Yard		0.14	20					2	3	
	104646104	MFR-L	RM-20	MFR-M	RM-30	Auto Trim	1.2	0.29	20					5	7	
	104646105	MFR-L	RM-20	MFR-M	RM-30	Contractors Yard	0.4	0.33	20					5	8	
	104646107	MFR-L	RM-20	MFR-M	RM-30	Contractors Yard	0.4	0.29	20					5	7	
	104645108	MFR-L	RM-20	MFR-M	RM-30	Contractors Yard	0.3	0.28	20					4	7	
	104646109	MFR-L	RM-20	MFR-M	RM-30	Contractors Yard	4.0	0.55	20					9	13	
	104646110	MFR-L	RM-20	MFR-M	RM-30	Termite Company		0.29	20					5	7	
	104646111	MFR-L	RM-20	MFR-M	RM-30	Termite Company	1.2	0.29	20					5	7	
	Subtotal							**0.56**	**20**			**48**		**48**	**72**	
77	104646217	MFR-L	RM-20	MFR-M	RM-30	2-units	1.0	0.6	20					10	14	
	Subtotal							**0.6**				**10**		**10**	**14**	
78	104646220	MFR-L	RM-20	MFR-M	RM-30	Contractor office/yard	1.0	0.34	20					5	8	
	104646209	MFR-L	RM-20	MFR-M	RM-30	Contractor office/yard	1.9	0.35	20					6	8	
	Subtotal							**0.69**	**20**			**11**		**11**	**45**	
79	104617101	MFR-L	RM-20	MFR-M	RM-30	Vacant		1.88	20					30	45	
	104617107	MFR-L	RM-20	MFR-M	RM-30	Vacant		0.21	20					3	5	
	104617102	MFR-L	RM-20	MFR-M	RM-30	Vacant	0.1	1.2	20					19	29	
	104617103	MFR-L	RM-20	MFR-M	RM-30	Commercial Fueling	3.4	2.57	20					41	62	
	Subtotal							**5.86**	**20**			**94**		**94**	**141**	
80	104609124	MFR-L	RM-20	MFR-M	RM-30	1 SFR	1.9	0.21	20					3	5	
	104609123	MFR-L	RM-20	MFR-M	RM-30	1 SFR	2.0	0.22	20					4	5	
	104609122	MFR-L	RM-20	MFR-M	RM-30	Vacant		0.85	20					14	20	
	Subtotal							**1.28**	**20**			**20**		**20**	**31**	
81	104551123	MFR-L	RM-1	MFR-M	RM-30	Housing Authority		2.38	10		19			19	57	
	104550101	MFR-L	RM-1	MFR-M	RM-30	Housing Authority		10.21	10		82			82	245	
								12.59		**97**	**4**			**4**	**302**	
															205	
82	100736215	SFR-M	RS-7.5	MFR-L	RM-20	SFR	2.7	0.1	4-10 DU					1	2	
	100736214	SFR-M	RS-7.5	MFR-L	RM-20	SFR	1.9	0.11	4-10 DU					1	3	
	100736208	SFR-M	RS-7.5	MFR-L	RM-20	Vacant	0.0	0.06	4-10 DU					0	1	
	100736205	SFR-M	RS-7.5	MFR-L	RM-20	SFR/Vacant	7.1	0.23	4-10 DU					0	6	
	100736207	SFR-M	RS-7.5	MFR-L	RM-20	SFR/Vacant	0.9	0.69	4-10 DU					4	17	
	100736203	SFR-M	RS-7.5	MFR-L	RM-20	SFR/Vacant	1.9	0.14	4-10 DU					1	3	
	100736202	SFR-M	RS-7.5	MFR-L	RM-20	Vacant	0.0	0.37	4-10 DU					2	9	
	100736201	SFR-M	RS-7.5	MFR-L	RM-20	SFR/Vacant	3.7	1.09	4-10 DU					7	26	
	100736213	SFR-M	RS-7.5	MFR-L	RM-20	SFR	1.9	0.08	4-10 DU					0	2	
	100736210	SFR-M	RS-7.5	MFR-L	RM-20	SFR		0.03	4-10 DU					0	1	
	100736212	SFR-M	RS-7.5	MFR-L	RM-20	SFR	1.8	0.17	4-10 DU					1	4	
	100736211	SFR-M	RS-7.5	MFR-L	RM-20	SFR	1.9	0.17	4-10 DU					1	4	
	100736209	SFR-M	RS-7.5	MFR-L	RM-20	SFR	2.9	0.05	4-10 DU					0	1	
	100736206	SFR-M	RS-7.5	MFR-L	RM-20	SFR	5.4	0.13	4-10 DU					1	3	
	100736204	SFR-M	RS-7.5	MFR-L	RM-20	SFR	1.9	0.22	4-10 DU					1	5	
	Subtotal							**3.64**		**13**			**8**	**8**	**87**	

Site	APN	Current General Plan	Current Zoning	Proposed General Plan	Proposed Zoning	Existing Use	I/L Ratio	Acres	Current Density	Existing Units	Lower	Mod	Above Mod	Current Realistic Capacity	Potential Capacity RM-30	Potential Capacity MU-30
83	100743106	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor office/yard	1.9	0.47	20					5		7
	100746130	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor Yard (Tree Service)	1.9	0.15	20					2		2
	100746119	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor Yard (Tree Service)	0.0	0.21	20					2		3
	100746102	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor Yard (Tree Service)	0.0	0.38	20					4		6
	100746131	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.8	0.17	20					2		3
	100765401	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor office/yard	0.5	0.2	20					2		3
	100765402	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.29	20					3		4
	100765403	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.3	20					3		5
	100765404	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	6.9	0.37	20					4		6
	100765405	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.34	20					3		5
	100765201	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	0.5	0.32	20					3		5
	100765202	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor office/yard	1.2	0.38	20					4		6
	100743211	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor storage yard	0.4	0.07	20					1		1
	100746101	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor Yard (Tree Service)	0.0	0.58	20					6		9
	100743214	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.19	20					2		3
	100743210	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Garage	0.0	0.15	20					2		2
	100743209	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	3.4	0.26	20					3		4
	100743206	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	3.2	0.51	20					5		8
	100743208	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Vacant	0.0	0.18	20					2		3
	100743213	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.8	0.15	20					2		2
	100743212	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	2.3	0.15	20					2		2
	100743207	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Vacant	0.0	0.18	20					2		3
	100743201	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard	0.0	0.17	20					2		3
	100743202	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard	0.0	0.23	20					2		3
	100743203	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	0.8	0.24	20					2		4
	100743204	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	1.6	0.48	20					5		7
	100743112	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage	0.2	0.2	20					2		3
	100743110	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor storage yard	0.0	0.23	20					2		3
	100743109	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor storage yard	0.0	0.23	20					2		3
	100743111	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor storage yard	0.0	0.16	20					2		2
	100743108	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor storage yard	0.0	0.44	20					4		7
	100746220	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Office/Landscaper storage	0.8	0.93	20					9		14
	100746126	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	3.5	0.08	20					1		1
	100746127	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	3.6	0.09	20					1		1
	100746128	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	7.6	0.09	20					1		1
	100746214	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	1.9	0.56	20					6		8
	100746215	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.19	20					2		3
	100746216	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	3.1	0.17	20					2		3
	100746217	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	2.5	0.17	20					2		3
	100746120	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Vacant	0.0	0.09	20					1		1
	100746121	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Vacant	0.0	0.05	20					1		1
	100746111	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR - Mixed Use	1.8	0.41	20					4		6

Site	APN	Current General Plan	Current Zoning	Proposed General Plan	Proposed Zoning	Existing Use	I/L Ratio	Acres	Current Density	Existing Units	Lower	Mod	Above Mod	Current Realistic Capacity	Potential Capacity RM-30	Potential Capacity MU-30
	100746122	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Vacant	0.0	0.09	20					1		1
	100746112	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Vacant	2.8	0.5	20					5		8
	100746110	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	1.9	0.27	20					3		4
	100746109	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	1.6	0.32	20					3		5
	100746108	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	1.9	0.59	20					6		9
	100746201	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.17	20					2		3
	100746123	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	12.7	0.4	20					4		6
	100746133	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	2.1	0.46	20					5		7
	100746113	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard	0.1	0.2	20					2		3
	100746115	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard	0.0	0.2	20					2		3
	100746107	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	0.2	0.89	20					9		13
	100746106	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard	0.0	0.42	20					4		6
	100746116	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.0	0.2	20					2		3
	100746117	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Vacant	0.0	0.2	20					2		3
	100746132	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	3.8	0.76	20					8		11
	100746105	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Vacant	0.0	0.4	20					4		6
	100746204	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Tow Yard	1.1	1.2	20					12		18
	100746203	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor office/yard	1.1	1.1	20					11		17
	100746218	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.8	0.22	20					2		3
	100765305	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Office	0.2	0.46	20					5		7
	100765304	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.45	20					5		7
	100764202	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	0.4	0.81	20					8		12
	100764203	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard	0.0	0.19	20					2		3
	100764201	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.19	20					2		3
	100765509	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor office/yard	10.6	0.29	20					3		4
	100765510	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard	0.1	1.24	20					12		19
	100764204	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.2	0.6	20					6		9
	100765508	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	8.3	0.29	20					3		4
	100765507	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.18	20					2		3
	100765506	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	1.9	0.45	20					5		7
	100765505	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	1.9	0.43	20					4		6
	100765501	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Tow Yard	0.4	0.64	20					6		10
	100765502	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	1.8	0.39	20					4		6
	100765504	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Auto Repar	0.7	0.36	20					4		5
	100765503	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Auto Body/Paint	2.8	0.49	20					5		7
	100765308	B/R-MU	B/R-MU	B/R-MU	B/R-MU	3 Residential Units	8.3	0.31	20					3		5
	100765307	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.31	20					3		5
	100765306	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Office	1.9	0.31	20					3		5
	100764310	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	0.8	0.69	20					7		10
	100764301	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.6	0.31	20					3		5
	100764302	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	0.4	0.3	20					3		5
	100764303	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Industrial Building	1.7	0.3	20					3		5
	100764304	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Industrial building	0.4	0.3	20					3		5
	100764219	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Industrial Park	11.6	2.74	20					27		41
	100764305	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Indutrial Building	1.2	0.3	20					3		5
	100764325	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Contractor Yard	0.7	0.44	20					4		7

Site	APN	Current General Plan	Current Zoning	Proposed General Plan	Proposed Zoning	Existing Use	I/L Ratio	Acres	Current Density	Existing Units	Lower	Mod	Above Mod	Current Realistic Capacity	Potential Capacity RM-30	Potential Capacity MU-30
	100764309	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Vacant	0.0	0.21	20					2		3
	100764308	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Industrial building	0.4	0.31	20					3		5
	100764215	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Auto Storage	1.1	0.2	20					2		3
	100764214	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard	0.0	0.18	20					2		3
	100764212	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor office/Storage	1.9	0.63	20					6		9
	100764211	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor office/Storage	0.2	0.57	20					6		9
	100764213	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.24	20					2		4
	100764209	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Auto Storage Yard	0.5	0.59	20					6		9
	100764218	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Auto Storage	0.5	0.75	20					8		11
	100764207	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	1.9	0.4	20					4		6
	100764206	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	0.6	0.49	20					5		7
	100764205	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	1.8	0.47	20					5		7
	Subtotal							**38.61**	**20**	**55**		**331**		**331**		**579**
84	104656318	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Industrial Building	0.0	0.6	20					6		9
	104656401	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Auto Body Shop	6.6	0.18	20					2		3
	104656403	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Auto Body Shop	0.0	0.14	20					1		2
	104656402	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Auto Body Shop	0.0	0.14	20					1		2
	104656425	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Industrial Building	2.1	0.25	20					3		4
	104656424	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Industrial Building	11.3	0.29	20					3		4
	104656419	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	2.6	0.14	20					1		2
	104656404	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.14	20					1		2
	104656405	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.14	20					1		2
	104656418	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.14	20					1		2
	104656429	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Vacant	0.0	0.01	20					0		0
	104656417	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.14	20					1		2
	104656406	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	0.0	0.14	20					1		2
	104656407	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.6	0.14	20					1		2
	104656430	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	6.5	0.14	20					1		2
	104656415	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.8	0.14	20					1		2
	104656408	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	3.5	0.14	20					1		2
	104656319	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Industrial	4.1	1.75	20					18		26
	Subtotal							**4.76**	**20**	**11**		**37**		**37**		**71**
85	104654122	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor Storage	0.5	1.05	20					11		16
	104654121	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor Storage	1.4	1.07	20					11		16
	104654120	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor Storage	1.4	0.36	20					4		5
	104654119	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor Storage	8.4	0.36	20					4		5
	104654118	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Contractor Storage	1.0	0.36	20					4		5
	Subtotal							**3.2**	**20**			**32**		**32**		**48**
86	104654201	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard/building	2.0	0.34	20					3		5
	104654202	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	3.8	0.2	20					2		3
	104654204	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard	0.1	0.38	20					4		6
	104654246	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard	1.2	0.3	20					3		5
	104654208	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Vacant	0.1	0.15	20					2		2
	104654206	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR/Storage Yard	1.0	0.5	20					5		8
	104654243	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.2	0.26	20					3		4
	104654242	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	5.7	0.14	20					1		2

Site	APN	Current General Plan	Current Zoning	Proposed General Plan	Proposed Zoning	Existing Use	I/L Ratio	Acres	Current Density	Existing Units	Lower	Mod	Above Mod	Current Realistic Capacity	Potential Capacity RM-30	Potential Capacity MU-30
	104654244	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.15	20					2		2
	104654245	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.8	0.13	20					1		2
	104654241	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard/building	2.6	0.15	20					2		2
	104654238	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	2.3	0.21	20					2		3
	104654240	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.9	0.16	20					2		2
	104654239	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard/building	1.9	0.18	20					2		3
	104654229	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.8	0.38	20					4		6
	104654226	B/R-MU	B/R-MU	B/R-MU	B/R-MU	SFR	1.7	0.17	20					2		3
	104654227	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Vacant	0.0	0.01	20					0		0
	104654228	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard/building	1.8	0.13	20					1		2
	104654230	B/R-MU	B/R-MU	B/R-MU	B/R-MU	Storage Yard	0.0	0.31	20					3		5
	Subtotal							**4.25**		**10**		**33**		**33**		**64**
	TOTALS									**186**	**4**	**615**	**8**	**627**	**693**	**762**

Notes:
Current capacity for residential zones based on 80% of allowable density
Current capacity for mixed-use zones based on 50% of allowable density
Potential capacity for residential zones based on 24 du/ac (80% of 30 du/ac)
Potential capacity for mixed-use zones based on 15 du/ac (50% of 30 du/ac)
B/R-MU designation proposed to be amended to increase the maximum density from 20 du/ac to 30 du/ac

~~Table B6.~~Table B8. Candidate Sites (Rezoning)

Site	APN	Current General Plan	Current Zoning	Proposed General Plan	Proposed Zoning	Existing Use	I/L Ratio	Acres	Current Density	Lower	Mod	Above Mod	Current Capacity	Potential Capacity
89	104518103	P-OS	PB-L	MFR-M	RM-30	Nursery	0.3	5.4	NA				0	130
	104518102	P-OS	PB-L	MFR-M	RM-30	Nursery/ Easement	0	0.23	NA				0	**6**
	Subtotal							**5.63**					**0**	**135**
90	104553213	PB-L	PB	MRF-L	RM-20	Well Site	0	1.39	NA			0	0	33
	104553209	SFR-M	RS-7.5	MRF-L	RM-20	Well Site	0	0.19	10			1	1	5
	104553210	SFR-M	RS-7.5	MRF-L	RM-20	Well Site	0	0.19	10			1	1	5
	104553211	SFR-M	RS-7.5	MRF-L	RM-20	Well Site	0	0.19	10			1	1	5
	104553212	SFR-M	RS-7.5	MRF-L	RM-20	Well Site	0	0.19	10			1	1	5
								2.15				4	**4**	**52**
91	100744104	C/R-MU	C/R-MU	MRF-L	RM-20	Vacant	0.0	0.45	20		5		5	11
	100744116	C/R-MU	C/R-MU	MRF-L	RM-20	Vacant	0.0	0.27	20		3		3	6
	100744115	C/R-MU	C/R-MU	MRF-L	RM-20	SFR	1.9	0.27	20		3		3	6
	100744114	C/R-MU	C/R-MU	MRF-L	RM-20	SFR	2.1	0.22	20		2		2	5
	100744117	C/R-MU	C/R-MU	MRF-L	RM-20	SFR	5.0	0.36	20		4		4	9
	100744101	C/R-MU	C/R-MU	MRF-L	RM-20	Vacant	0.0	1.2	20		12		12	29
	100744102	C/R-MU	C/R-MU	MRF-L	RM-20	Storage	0.6	0.27	20		3		3	6
	100744103	C/R-MU	C/R-MU	MRF-L	RM-20	Storage	0.7	0.27	20		3		3	6
	100744112	C/R-MU	C/R-MU	MRF-L	RM-20	SFR	5.9	0.25	20		3		3	6
	100744111	C/R-MU	C/R-MU	MRF-L	RM-20	SFR	6.7	0.25	20		3		3	6
	100744110	C/R-MU	C/R-MU	MRF-L	RM-20	SFR	1.8	0.34	20		3		3	8
	100744109	C/R-MU	C/R-MU	MRF-L	RM-20	SFR	7.5	0.18	20		2		2	4
	100744108	C/R-MU	C/R-MU	MRF-L	RM-20	SFR	0.9	0.2	20		2		2	5
	100744107	C/R-MU	C/R-MU	MRF-L	RM-20	SFR	0.8	0.15	20		2		2	4
	Subtotal							**4.68**			**47**		**47**	**112**
92	100718101	I	PB	MFR-M	RM-30	Vacant	0.0	3.51	NA				0	84
	104632143	I	PB	MFR-M	RM-30	Vacant	0.0	1.18	NA				0	28
	100718102	I	PB	MFR-M	RM-30	Vacant	0.0	0.55	NA				0	13
	100718103	I	PB	MFR-M	RM-30	Vacant	1.8	0.46	NA				0	11
	100718104	I	PB	MFR-M	RM-30	Vacant	1.3	0.34	NA				0	8
	Subtotal							**6.04**					**0**	**145**
93	104633322	B/R-MU	B/R-MU	MFR-L	RM-20	SFR	1.6	0.19	20		2		2	5
	104633323	B/R-MU	B/R-MU	MFR-L	RM-20	SFR	4.8	0.2	20		2		2	5
	104633319	B/R-MU	B/R-MU	MFR-L	RM-20	SFR	1.9	0.19	20		2		2	5
	104633324	B/R-MU	B/R-MU	MFR-L	RM-20	SFR	1.9	0.2	20		2		2	5
	104633325	B/R-MU	B/R-MU	MFR-L	RM-20	SFR	1.8	0.2	20		2		2	5
	104633326	B/R-MU	B/R-MU	MFR-L	RM-20	SFR	1.9	0.2	20		2		2	5
	104633318	B/R-MU	B/R-MU	MFR-L	RM-20	SFR	1.2	0.41	20		4		4	10
	104633317	B/R-MU	B/R-MU	MFR-L	RM-20	SFR/Contractor Yard	2.5	0.41	20		4		4	10
	104633313	B/R-MU	B/R-MU	MFR-L	RM-20	Driveway	0.0	0.64	20		6		6	15
	104633308	B/R-MU	B/R-MU	MFR-L	RM-20	SFR	2.1	0.2	20		2		2	5
	104633307	B/R-MU	B/R-MU	MFR-L	RM-20	SFR	3.1	0.2	20		2		2	5
	104633306	B/R-MU	B/R-MU	MFR-L	RM-20	SFR	1.8	0.4	20		4		4	10
	104633309	B/R-MU	B/R-MU	MFR-L	RM-20	SFR	1.9	0.41	20		4		4	10
	104633305	B/R-MU	B/R-MU	MFR-L	RM-20	Vacant	0.0	0.4	20		4		4	10

Site	APN	Current General Plan	Current Zoning	Proposed General Plan	Proposed Zoning	Existing Use	I/L Ratio	Acres	Current Density	Lower	Mod	Above Mod	Current Capacity	Potential Capacity
	104633310	B/R-MU	B/R-MU	MFR-L	RM-20	Vacant	1.5	0.41	20		4		4	10
	104633304	B/R-MU	B/R-MU	MFR-L	RM-20	Storage Yard	0.0	0.41	20		4		4	10
	104633301	B/R-MU	B/R-MU	MFR-L	RM-20	Vacant/Storage Yard	0.0	0.64	20		6		6	15
	104633327	B/R-MU	B/R-MU	MFR-L	RM-20	Contractor office/Storage yard	1.4	0.41	20		4		4	10
	104633329	B/R-MU	B/R-MU	MFR-L	RM-20	Office	2.3	0.2	20		2		2	5
	104633316	B/R-MU	B/R-MU	MFR-L	RM-20	Storage Yard	0.0	0.41	20		4		4	10
	104633331	B/R-MU	B/R-MU	MFR-L	RM-20	SFR/Business Use	1.5	0.61	20		6		6	15
	104633311	B/R-MU	B/R-MU	MFR-L	RM-20	SFR	2.1	0.41	20		4		4	10
	104633303	B/R-MU	B/R-MU	MFR-L	RM-20	Contractor storage yard	0.9	0.41	20		4		4	10
	104633312	B/R-MU	B/R-MU	MFR-L	RM-20	Contractor storage yard	0.0	0.41	20		4		4	10
	104633302	B/R-MU	B/R-MU	MFR-L	RM-20	Contractor storage yard	0.3	0.41	20		4		4	10
	Subtotal							**8.98**			**90**		**90**	**216**
94	104653101	SFR-M	RS-7.5	MFR-L	RM-20	SFR	1.8	0.21	10			1	1	5
	104653102	SFR-M	RS-7.5	MFR-L	RM-20	SFR/Vacant	1.9	0.55	10			3	3	13
	Subtotal							**0.76**				**4**	**4**	**18**
95	104653107	SFR-M	RS-7.5	MFR-L	RM-20	SFR/Vacant	1.9	0.5	10			1	1	12
	104653108	SFR-M	RS-7.5	MFR-L	RM-20	2 SFR	1.9	0.5	10			1	1	12
	104653109	SFR-M	RS-7.5	MFR-L	RM-20	SFR/Vacant	1.1	0.41	10			1	1	10
	Subtotal							**1.41**				**3**	**3**	**34**
96	104648114	LI-BP	LI	MFR-L	RM-20	Truss Yard	2.9	4.9	NA				0	118
	Subtotal							**4.9**					**0**	
97	104707205	OP	OP	SFR-M	RS-7.5	Vacant	0	0.16	NA				0	1
	Subtotal							**0.16**					**0**	**1**
98	104652101	LI-BP	LI	MFR-L	RS-20	Vacant	0	3	NA				0	72
	104651101	LI-BP	LI	MFR-L	RS-20	Vacant	0	0.14	NA				0	3
	Subtotal							**3.14**					**0**	**75**
99	104661116	SFR-M	RS-7.5	MFR-L	RS-20	Vacant	0	1.77	10			10	10	42
	104661126	SFR-M	RS-7.5	MFR-L	RS-20	1 - SFR	2.9	0.47	10			2	2	11
	104664102	I	PB	MFR-L	RS-20	Well Site	0	4.11	10			1	1	99
	Subtotal							**6.35**				13	**13**	**152**
100	100730107	C/I-MU	C/I-MU	MFR-L	RM-20	Industrial	1.5	0.92	20		9		9	22
	100730108	C/I-MU	C/I-MU	MFR-L	RM-20	Vacant	0.0	0.4	20		4		4	10
	100730109	C/I-MU	C/I-MU	MFR-L	RM-20	2 SFR	0.4	0.42	20		4		4	10
	100730110	C/I-MU	C/I-MU	MFR-L	RM-20	Office	1.0	0.42	20		4		4	10
	100730111	C/I-MU	C/I-MU	MFR-L	RM-20	Plant Retail	0.9	0.56	20		6		6	13
	Subtotal							**2.72**			**27**		**27**	**65**
101	104634110	I	PB	MFR-L	RM-20	SFR	1.1	0.85	NA				0	20
								0.85					**0**	**20**
102	100762105	LI-BP	LI	MFR-L	RM-20	Contractor Yard	0.0	1.94	NA				0	47
	100762106	LI-BP	LI	MFR-L	RM-20	Contractor Yard	0.0	1.9	NA				0	46
	100760101	LI-BP	LI	MFR-L	RM-20	Contractor Yard	0.0	4.65	NA				0	112
	Subtotal							**8.49**					**0**	**204**
103	100729108	C/I-MU	C/I-MU	MFR-L	RM-20	Auto Sales	1.8	0.55	20		6		6	13
	100729106	C/I-MU	C/I-MU	MFR-L	RM-20	Flood Control	0.0	3.92	20		39		39	94
	100728121	C/I-MU	C/I-MU	MFR-L	RM-20	Flood Control	0.0	2	20		20		20	48
	100728122	C/I-MU	C/I-MU	MFR-L	RM-20	Industrial	2.1	0.17	20		2		2	4

Site	APN	Current General Plan	Current Zoning	Proposed General Plan	Proposed Zoning	Existing Use	I/L Ratio	Acres	Current Density	Lower	Mod	Above Mod	Current Capacity	Potential Capacity
	100728146	C/I-MU	C/I-MU	MFR-L	RM-20	Industrial	3.3	0.11	20		1		1	3
	100728144	C/I-MU	C/I-MU	MFR-L	RM-20	Industrial	0.7	0.02	20		0		0	0
	100728145	C/I-MU	C/I-MU	MFR-L	RM-20	Industrial	0.0	0.03	20		0		0	1
	100728118	C/I-MU	C/I-MU	MFR-L	RM-20	Storage	0.2	1.56	20		16		16	37
	100728115	C/I-MU	C/I-MU	MFR-L	RM-20	Storage	0.0	0.56	20		6		6	13
	100728119	C/I-MU	C/I-MU	MFR-L	RM-20	Storage	1.7	0.2	20		2		2	5
	100728117	C/I-MU	C/I-MU	MFR-L	RM-20	Storage	0.8	0.2	20		2		2	5
	100728132	C/I-MU	C/I-MU	MFR-L	RM-20	Storage	0.0	0.41	20		4		4	10
	100728134	C/I-MU	C/I-MU	MFR-L	RM-20	Storage	0.7	1.06	20		11		11	25
	100728133	C/I-MU	C/I-MU	MFR-L	RM-20	Storage	0.4	0.8	20		8		8	19
								11.59			**116**		**116**	**278**
104	104658207	SP	HDU/Pleasant View	HDU/Citrus Trans.	SP	Auto Repair	1.6	0.48	10		5		5	12
	Subtotal							**0.48**	**55**		**5**		**5**	**12**
105	104655108	LI-BP	LI	MFR-L	RM-20	Tow Yard	1.1	1.62	NA				0	39
	104655102	LI-BP	LI	MFR-L	RM-20	Storage	1.1	0.26	NA				0	6
	104655101	LI-BP	LI	MFR-L	RM-20	Storage	1.5	0.3	NA				0	7
	104655107	SFR-M	RS-7.5	MFR-L	RM-20	SFR	4.4	0.15	10			1	1	4
	104655106	SFR-M	RS-7.5	MFR-L	RM-20	SFR	0.5	0.26	10			1	1	6
	104655141	LI-BP	LI	MFR-L	RM-20	Storage	1.9	0.34	NA				0	8
	104655103	LI-BP	LI	MFR-L	RM-20	Office	0.0	0.67	NA				0	16
	104652104	LI-BP	LI	MFR-L	RM-20	Light Industrial	0.5	0.9	NA				0	22
	Subtotal							**4.5**				**2**	**2**	**108**
	TOTALS									**0**	**285**	**26**	**311**	**1,627**

Notes:
Current capacity for residential zones based on 80% of allowable density
Current capacity for mixed-use zones based on 50% of allowable density
Potential capacity based on 24 du/ac (80% of 30 du/ac)

Figure B1. Site Map – Northern Area

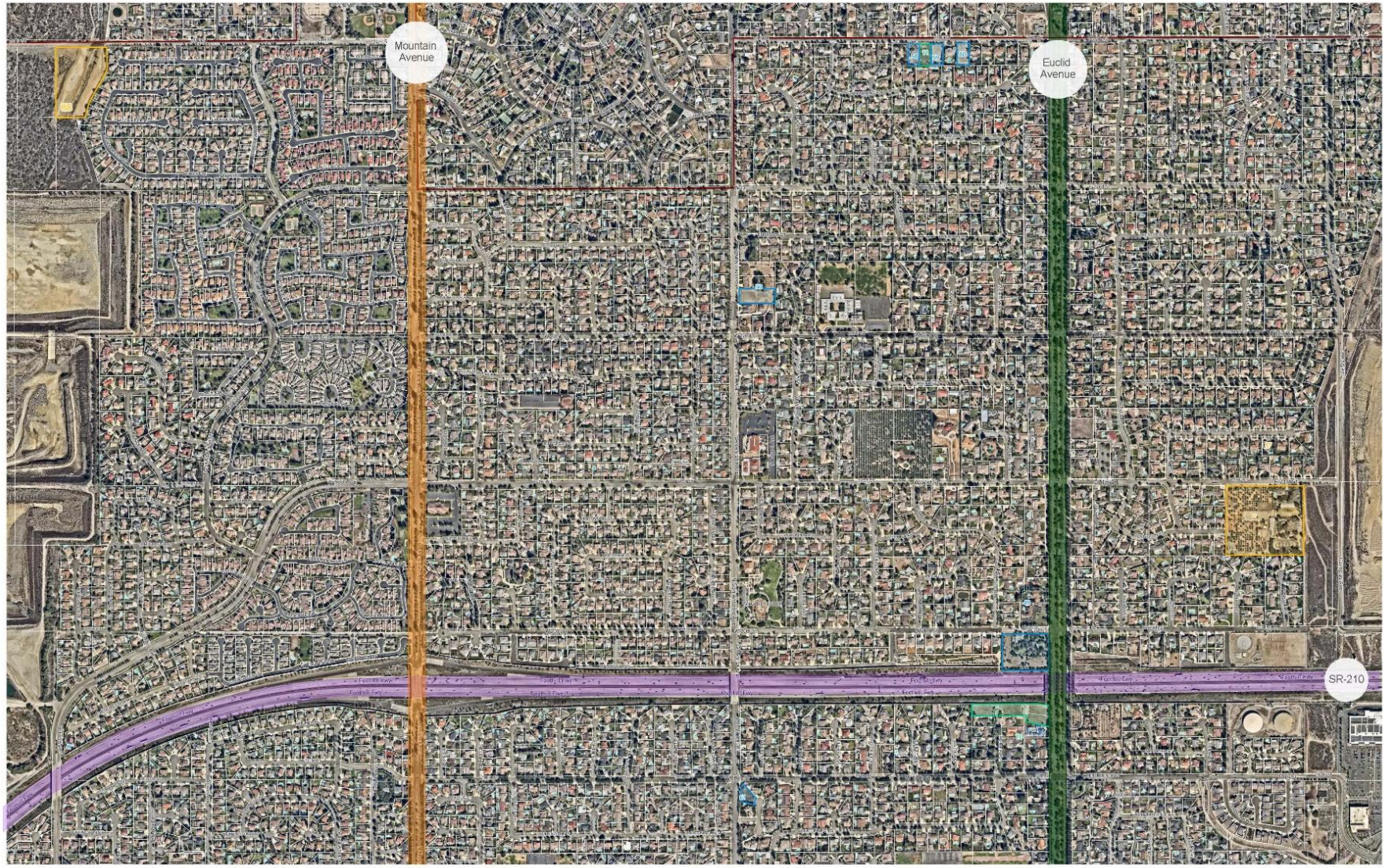


Figure B2. Site Map – Southeast Area

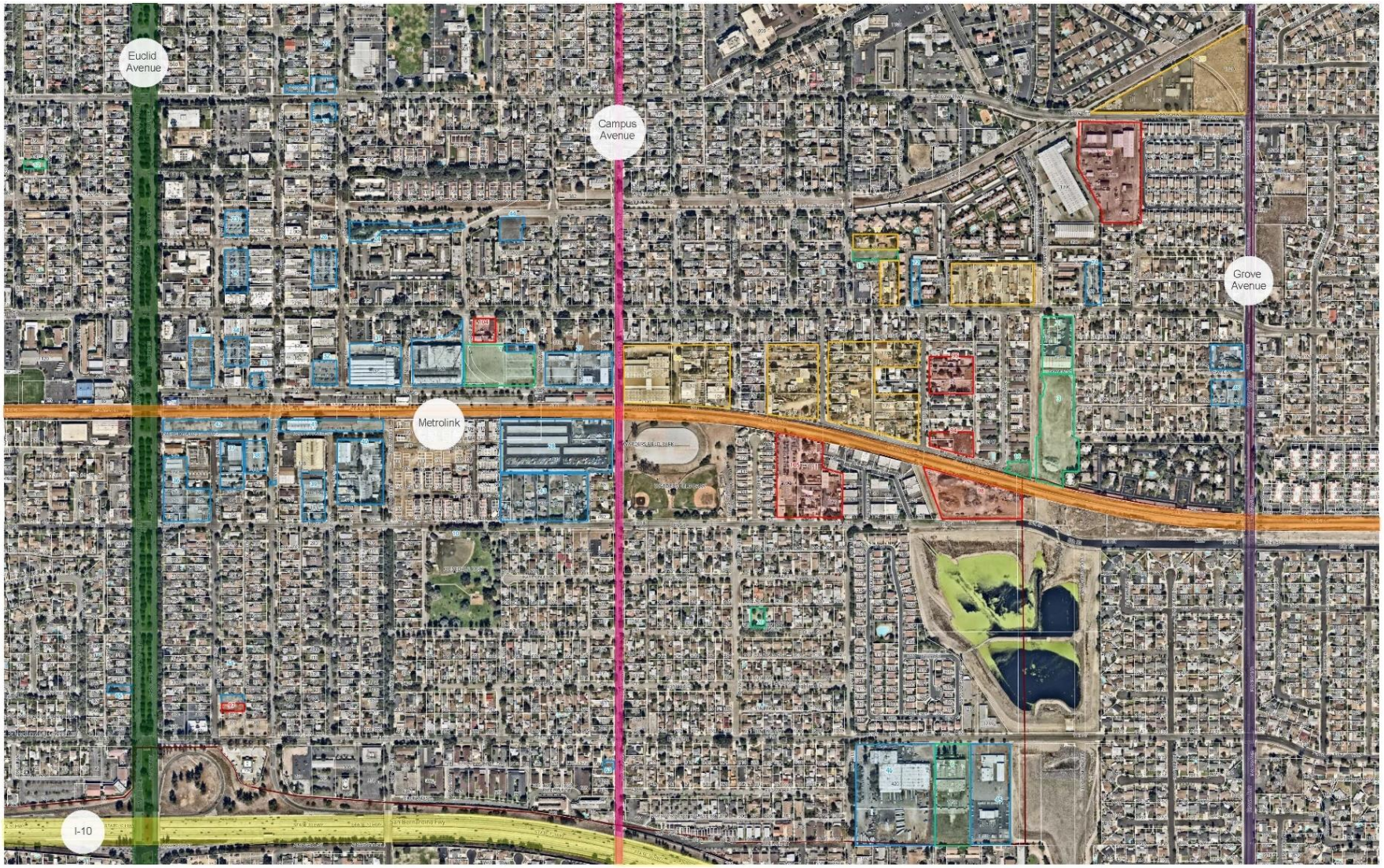


Figure B3. Site Map – Southwest Area

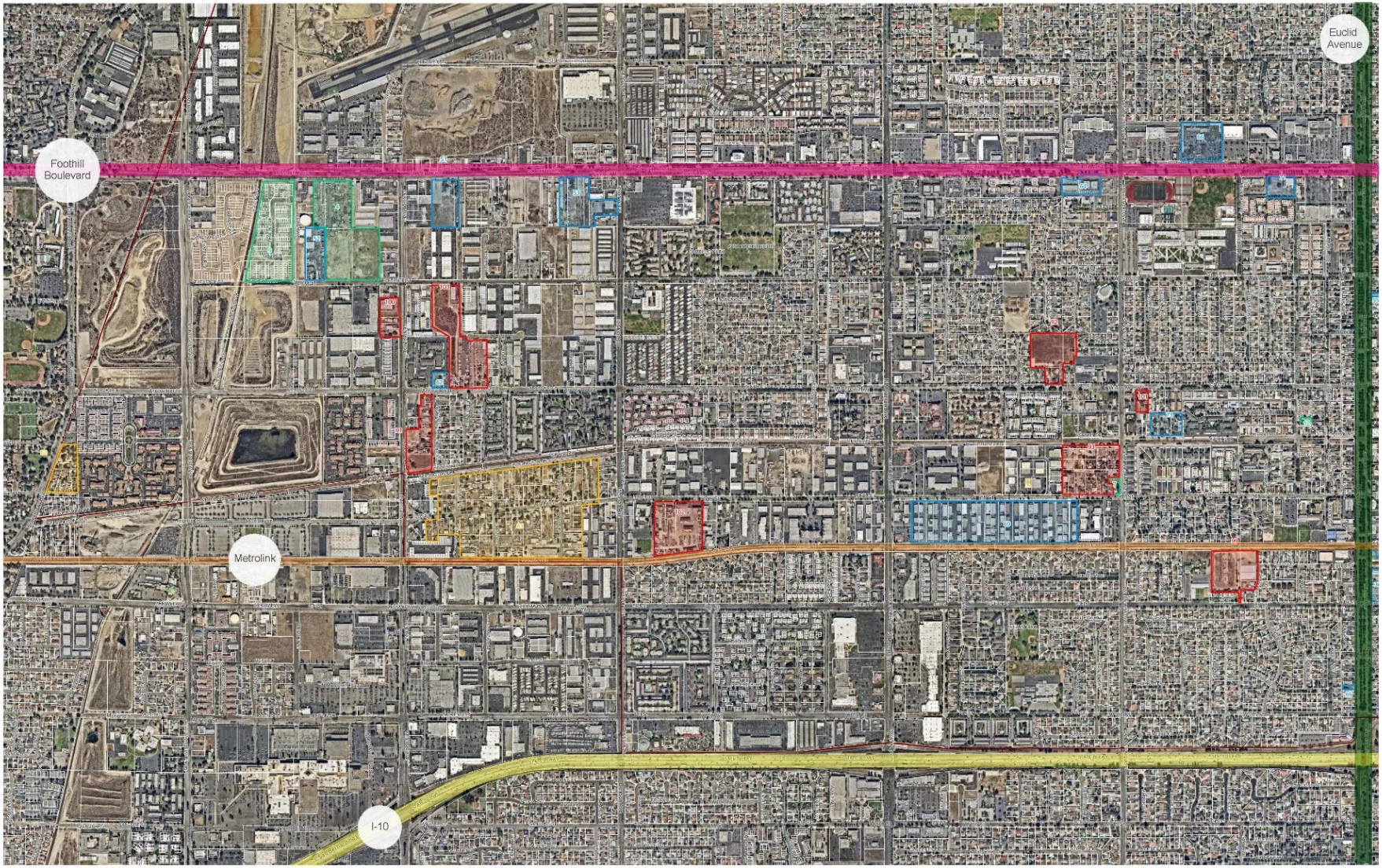
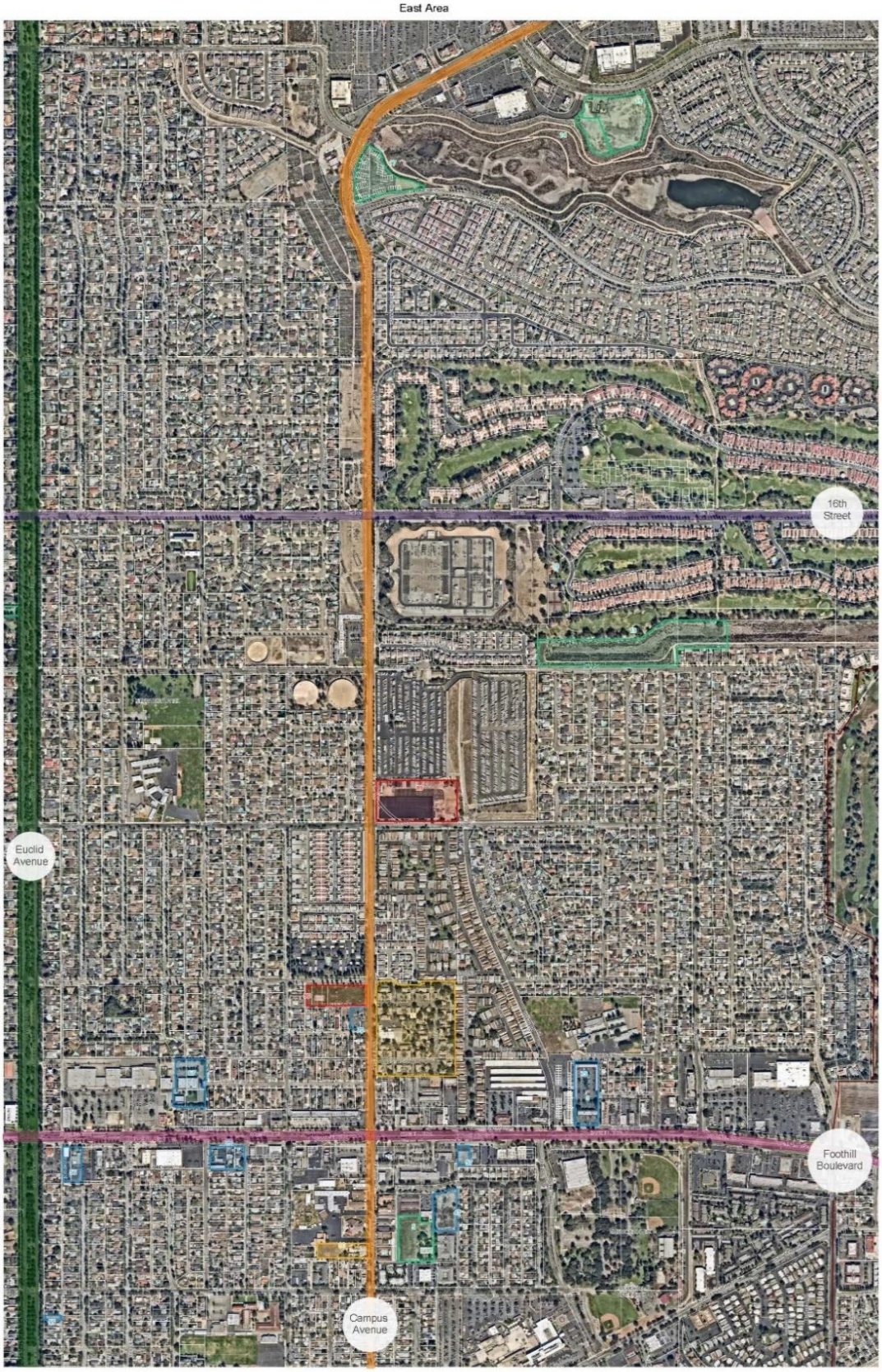


Figure B4. Site Map – East Area



Appendix C Fair Housing Assessment

Assembly Bill (AB) 686 requires housing elements to contain an Assessment of Fair Housing (AFH) consistent with the core elements of the analysis required by the federal Affirmatively Furthering Fair Housing (AFFH) Final Rule of July 16, 2015.

Under California law, AFFH means "taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics."

To comply with AB 686, the City has completed the following outreach and analysis.

1. Outreach

As discussed in the Public Participation section, early in the Housing Element update process the City developed a list of stakeholders with local expertise in housing issues, including fair housing. The stakeholder list included local service providers, affordable housing developers, and fair housing organizations in an effort to include the interests of lower-income residents and persons with special needs in the community.

Over the course of the Housing Element update process the City conducted a series of public meetings. Public notice of each meeting was posted on the City's dedicated Housing Element website and was also sent directly to persons and organizations on the stakeholder list. Public meetings were held both online and in person to encourage those with mobility difficulties to participate. Agendas and other information for each meeting was posted on the City website to allow interested stakeholders to access to this information throughout the process. Interested persons were also encouraged to provide input or ask questions via telephone or email.

In addition to public workshops and hearings, the City also directly contacted housing advocates, housing service providers, and community organizations who serve the interests of lower-income households and special needs groups to solicit comments on housing needs, barriers to fair and affordable housing, and opportunities for development.

To encourage continuing stakeholder involvement in local housing issues throughout the planning period, Program 19 includes a commitment to conduct ongoing, proactive outreach to engage members of all socio-economic groups and recruit members of underrepresented groups to participate in City meetings.

2. Fair Housing Assessment

This section provides an assessment of fair housing issues in Upland including fair housing enforcement and outreach capacity, patterns of integration and segregation, racial or ethnic patterns of concentration, disparities in access to opportunities, and disproportionate housing needs, including displacement risk.

A. Fair Housing Enforcement and Outreach Capacity

The City of Upland has contracted with Inland Fair Housing and Mediation Board (IFHMB) to provide fair housing and related services to residents. Established in 1980, IFHMB is a nonprofit, public benefit corporation that provides information about fair housing rights under the law, comprehensive housing counseling services,

mediation services for the resolution of disputes, and information concerning shared housing opportunities and needs among senior citizens. IFHMB serves as an intermediary to resolve issues related to housing discrimination, homeownership and housing sustainability, rental complaints, and disputes in court, with the goal of empowering individuals and enriching the communities they serve. IFHMB provides services to over 40,000 individuals annually throughout County of San Bernardino representing a multiplicity of racial, ethnic, age, and income groups.

Funded primarily with Community Development Block Grant (CDBG) funds, IFHMB provides programs and services focused on eliminating housing discrimination, general housing assistance, and education and outreach activities to residents in the County of San Bernardino as well as residents in the City of Indio and Cathedral City in Riverside County, the City of Pomona in Los Angeles County, and the City of El Centro in Imperial County. The comprehensive Fair Housing Programs includes:

- Community-Based Mediation: IFHMB provides trained mediators to provide education and information regarding rights and responsibilities under the California Landlord-Tenant laws and help to resolve conflicts between landlords and tenants (including mobile homes). IFHMB contracts with San Bernardino County to provide mediation in small claims and unlawful detainer lawsuits in County courts.

- Education/Outreach: IFHMB provides education and outreach services to landlords and tenants, Realtors, newspapers, service organizations, schools, persons with Limited English Proficiency, and others interested in learning about fair housing laws. IFHMB also provides HUD-certified counseling to homeowners who are delinquent on FHA loans or seniors interested in reverse equity mortgage loan programs. Fair housing workshops and newsletters are also provided on a quarterly basis.

- Senior Services: IFHMB actively and successfully mediates conflicts between seniors and Social Security, Medi-Cal, utility companies, collection agencies, neighbors, and others. IFHMB also provides a Care Referral Service, offers help in filing for HEAP and Homeowner/Renter Assistance, and maintains a list of senior housing and care homes.

- Alternative Dispute Resolution: The California Dispute Resolution Programs Act of 1986 provides the authority for mediation in the court system. Inland Fair Housing and Mediation Board has a contract with the County of San Bernardino to provide mediation in civil, family, probate, small claims, and unlawful detainer lawsuits in all of the courts in San Bernardino County.

- Mobile Home Mediation: IFHMBs mediators are trained to handle the specialized problems based on the Mobile Home Residency Law (MRL) that reflects the dual ownership and unique life style of mobile home communities. They provide education and information to residents and parks about the MRL, as well as provide information to both sides when fair housing issues are presented, and when requested serve as neutral third parties to facilitate resolution of conflicts.

IFHMB responds to discrimination inquiries and complaints in an expedient manner, relying on over 30 years of experience in the industry. Determining whether a client is inquiring regarding a fair housing discrimination problem or a non-discrimination landlord/tenant or other problem can be difficult. Often what may appear at first to be a simple landlord/tenant dispute turns out to be a situation where a landlord has violated one or more fair housing laws. While many of the cases IFHMB are presented with no longer involve a discriminatory policy, such as "No Hispanics need apply," many cases involve a discriminatory application of a facially neutral policy, such as different eviction timelines for minorities.

IFHMB investigates allegations of discrimination based on a person's status as a member of one of the State or Federal protected categories, which include: Race, Color, Religion, National Origin, Sex, Familial Status, Disability, Marital Status, Sexual Orientation, Ancestry, Age, Source of Income, and Arbitrary Characteristics. Race, Color, Religion, National Origin, Sex, Familial Status, and Disability are the categories protected by the federal Fair Housing Act. The State of California provides protection from discrimination based on all seven of the federal protected categories and has added Marital Status, Sexual Orientation, Ancestry, Age, Source of Income and Arbitrary Characteristics as additional protected classes under state law.

Once a fair housing complaint is received, IFHMB educates the complainant of their rights and responsibilities under the state and federal fair housing laws. Further investigation may then be conducted depending on the nature of the complaint and the suitability of the complaint to investigation.

IFHMB uses government-regulated testing methodologies to enforce, support, and conduct fair housing investigations. A housing discrimination complaint can be investigated through testing, the gathering of witness statements, and through research surveys. Based on the details provided by the complainant, IFHMB will either investigate the complaint or advise the complainant of their other options, which include: conciliation, filing a complaint with the Department of Housing and Urban Development (HUD) or with California's Department of Fair Employment and Housing (DFEH), hiring a private attorney, or possibly, a referral to such an attorney, or filing a complaint with the Department of Justice (DOJ).

During the five-year period studied, there were 138 discrimination inquiries made to IFHMB by Upland residents, with the primary basis for the inquiry as follows:

Basis	Number
Age	1
Ancestry	0
Arbitrary	7
Color	0
Disability	92
Familial Status	8
Marital Status	0
National Origin	6
Race	13
Religion	1
Sex	8
Sexual Orientation	1
Source of Income	1
Total:	138

Review of the data shows that disability is, far and away, the most common category for allegations of discrimination. No other protected category accounts for 10 percent of the total number of discrimination complaints, while disability represents a full two-thirds of all discrimination complaints. Race (9 percent) is the second most common basis for alleged discrimination, with sex and familial status tied for third with 6 percent of all discrimination complaints coming from the City of Upland over the last five years.

This data becomes more enlightening when compared to the data reported in 2013 in the City of Upland's prior Analysis of Impediments to Fair Housing Choice. For Fiscal Years 2007-2008 through 2011-2012, there were 141 fair housing discrimination complaints during that period. While the total number of discrimination complaints has stayed relatively the same, the nature of those complaints is what is worthy of consideration.

Over that time frame, discrimination based on disability went from 48 percent of all complaints made to IFHMB in the five-year period ending FY 2011-12 to 67 percent of all complaints made to IFHMB in the five-year period ending FY 2017-18. Conversely, allegations of discrimination based on race dropped from 21 percent of all complaints made to IFHMB in the five-year period ending FY 2011-12 to 9 percent of all claims made to IFHMB in the five-year period ending FY 2017-18. No other protected categories saw large shifts in their percentage of the total number of complaints IFHMB has received in the most recent five-year period versus the prior period.

One possible reason for this shift in the nature of discrimination complaints that IFHMB is receiving could be an aging population in the City of Upland. As one member of the community pointed out at one of the community meetings, the neighborhood in which she lived is predominately made up of longer-term residents, many of whom are the first and only owner of the home they live in. As more and more residents of the City of Upland "age in place," the needs of persons with disabilities will become more pressing.

The Office of Fair Housing and Employment (OFHE) is the federal agency responsible for investigating housing discrimination complaints filed with HUD. HUD annually compiles data on housing discrimination complaints from OFHE and Federal Housing Assistance Programs (FHAP) which are state and local government agencies that enforce fair housing laws. The annual report identifies the types of complaints, any fair housing impediments, OFHE's progress in addressing the complaints, and HUD's efforts to promote equal housing choice.

The most recent OFHE report, FHEO Annual Report FY 2017 found a similar percentage of complaints were made based on disability across the nation as was reported in the City of Upland. 59.4 percent of all discrimination complaints made to HUD during the last fiscal year were based on the protected category of disability. Race was second nationally, just as it was in the City of Upland, but the percentage of total complaints was higher nationally than in the City of Upland, 26 percent versus 9 percent respectively.

The Constraints section of this Housing Element describes ways that the City works to address potential impediments to fair housing choice. As noted in Program 19 of the Housing Plan, the City intends to continue to contract with the IFHMB to implement fair housing goals.

B. Patterns of Integration and Segregation

1) Race and Ethnicity

As seen in Figure C1, the percentage of non-white population in Upland is highest in the southern portion of the city and is similar to the adjacent areas in Montclair and Ontario, while the northern portion of the city has a lower non-white proportion similar to the adjacent areas of Claremont and Rancho Cucamonga.

2) Persons with Disabilities

As shown on Figure C2, the proportion of Upland residents with a disability is similar to adjacent cities and is less than 20% of the population in all areas. There appears to be no significant geographic difference in disability rates.

Additional data regarding the number of people with disabilities by disability type in Upland is provided in Figure H-16 in Chapter 2: Housing Needs. Some individuals may experience more than one type of disability, and some disability types are not recorded for children below a certain age. The California Department of Developmental Services (DDS) estimates that there are approximately 1,547 persons with developmental disabilities within the City of Upland.

The housing needs of persons with disabilities vary, but generally include accessible and affordable housing, and access to supportive services. More severely disabled individuals may require a group living environment where supervision is provided, and the most severely affected individuals may require an institutional environment where medical attention and physical therapy are provided. The City of Upland facilitates housing for persons with disabilities through its Reasonable Accommodation procedures and regulations to encourage production of supportive housing.

3) Familial Status

Familial status refers to the presence of children under the age of 18, whether the child is biologically related to the head of household, and the martial status of the head of households. Families with children may face housing discrimination by landlords who fear that children will cause property damage. Some landlords may have cultural biases against children of the opposite sex sharing a bedroom. Differential treatments such as limiting the number of children in a complex or confining children to a specific location are also fair housing concerns.

Single-parent households are also protected by fair housing law. Female-headed households with children require special consideration and assistance because of their greater need for affordable housing and accessible day care, health care, and other supportive services. As discussed in the Housing Needs Assessment, 13.9% of Upland households are female-headed, 6.3% are female-headed and with children, and 0.6% are female-headed and with children under 6. 0 shows the percentage of children living in married couple households in Upland.

4) Income

Income is an important aspect in understanding patterns of segregation. Figure C4 shows that median incomes in Upland are lowest in the southern portions of the city. Lower incomes also appear to correlate with housing problems such as overcrowding and overpayment.

To address the housing challenges faced by Upland's lower-income residents, the Housing Plan includes several programs that provide financial assistance, encourage construction of new affordable housing, and address issues of discrimination.

Figure C1. Racial Demographics - Upland

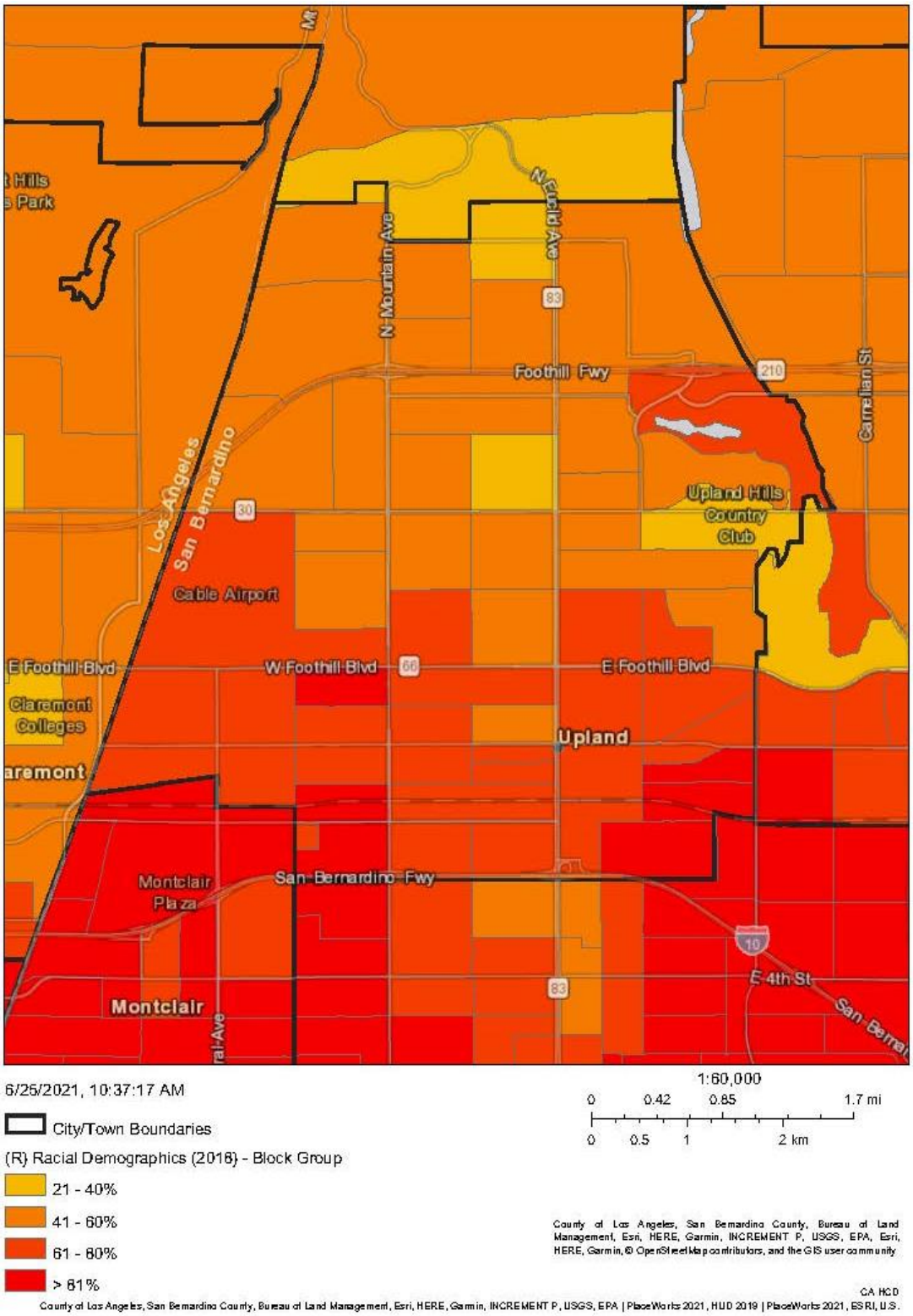


Figure C2. Population with a Disability – Upland

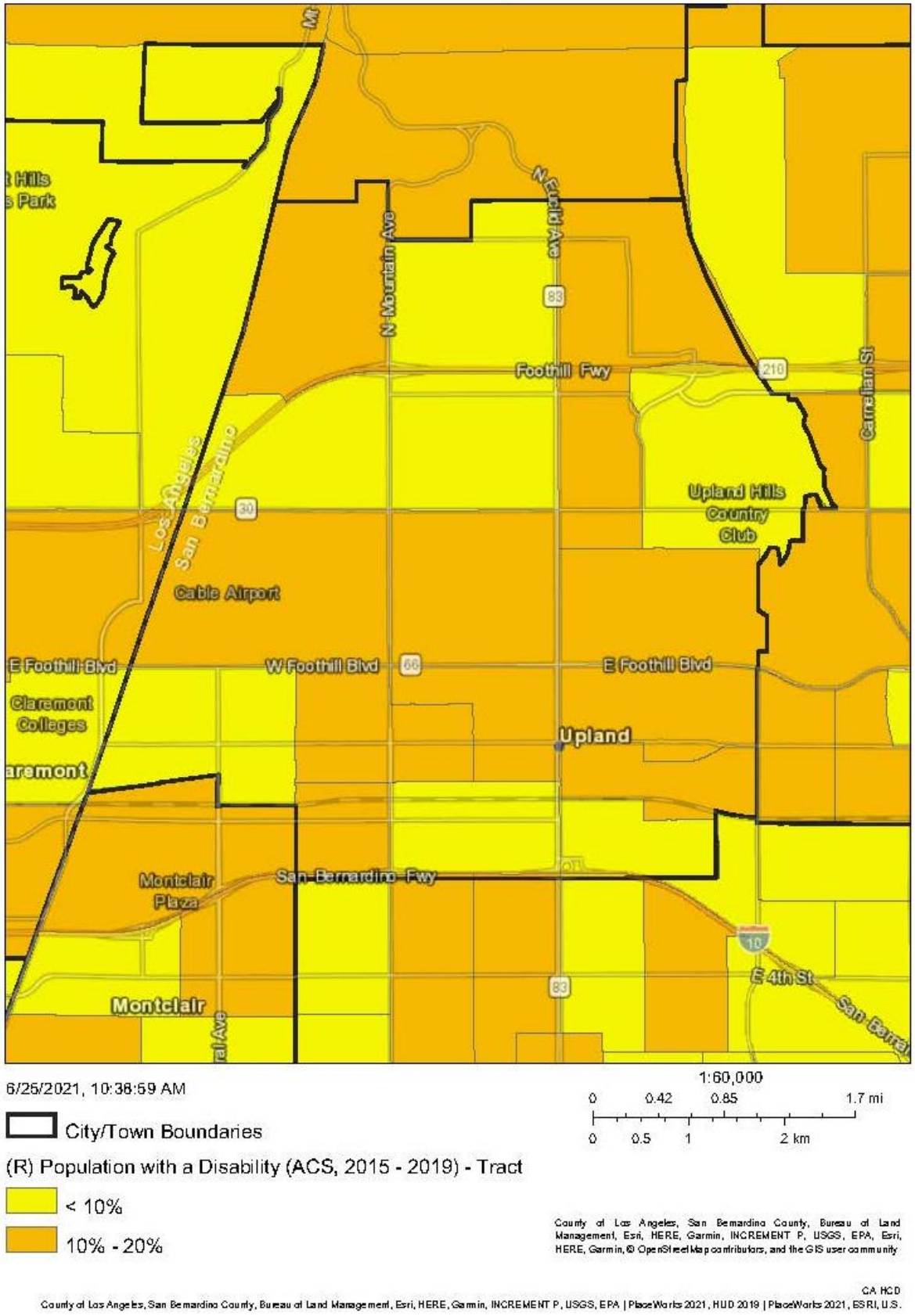


Figure C3. Percentage of Children in Married Couple Households – Upland

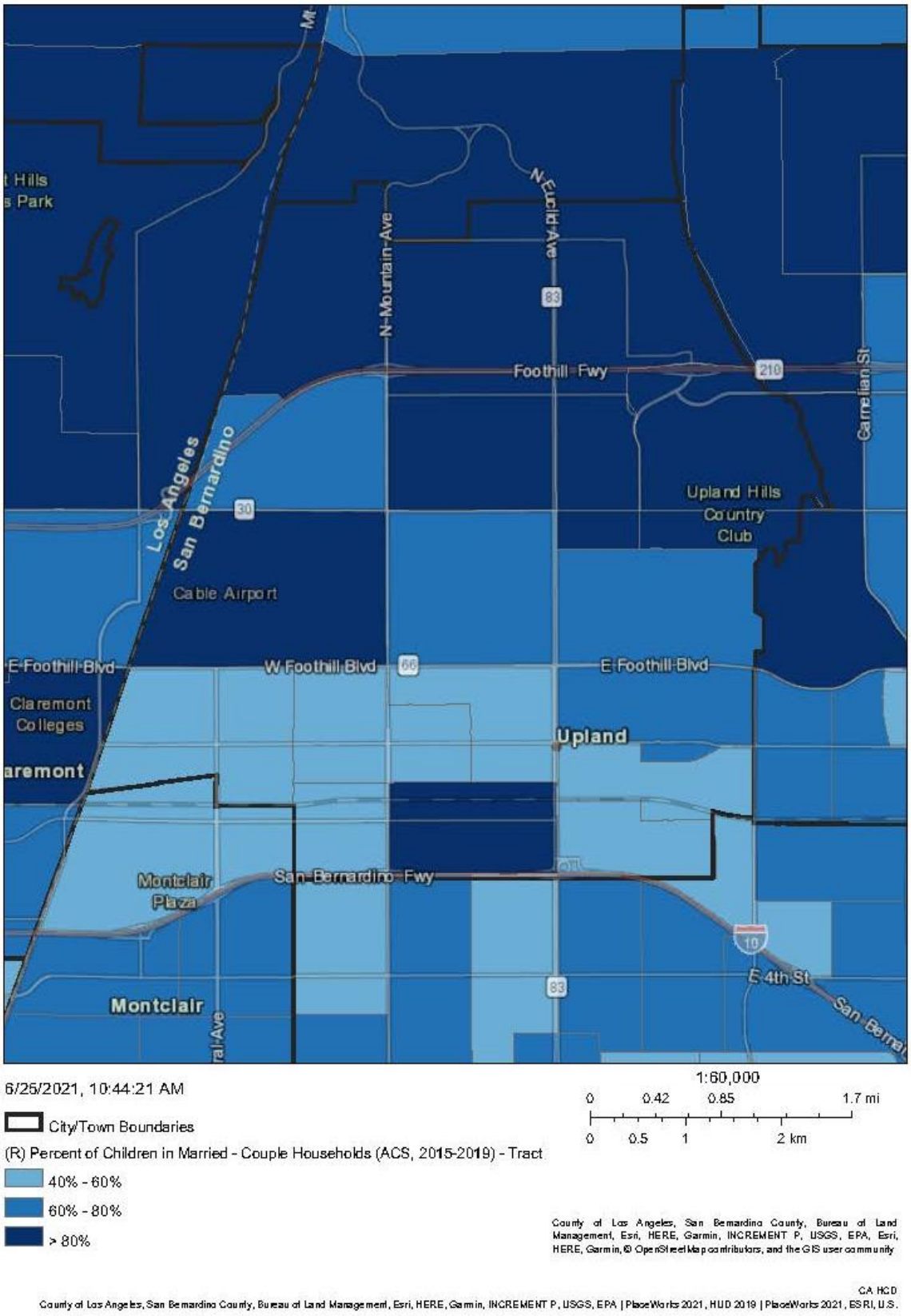
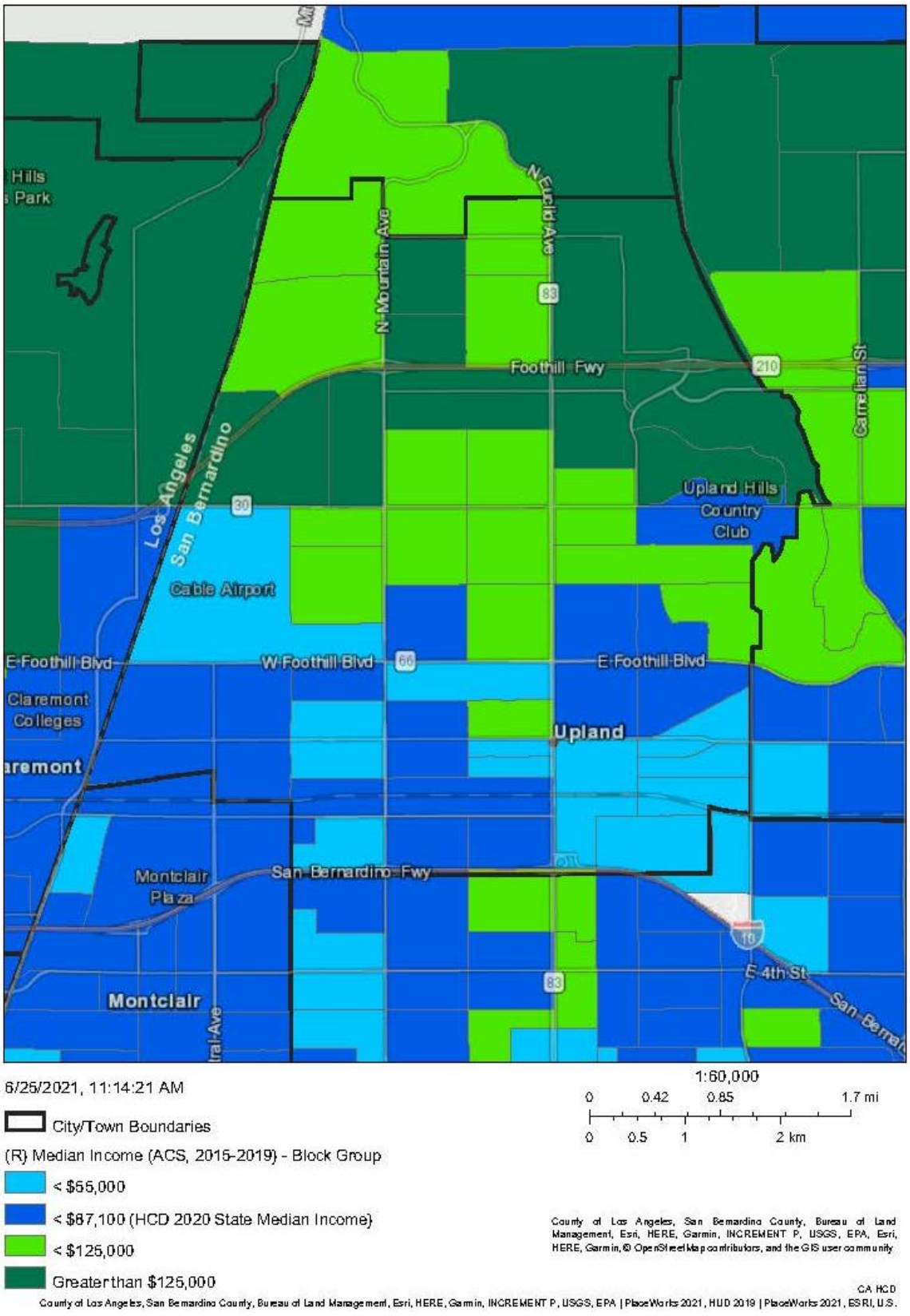


Figure C4. Median Income – Upland



C. Racially/Ethnically Concentrated Areas

1) Racially/Concentrated Areas of Poverty

According to HUD, a racially or ethnically concentrated area of poverty (R/ECAP) is an area in which 50 percent or more of the population identifies as non-White and 40 percent or more of residents are living in poverty. As shown in Figure C5, there are no designated R/ECAP areas in Upland. The nearest R/ECAP areas are in the City of Ontario approximately 1 mile to the south of Upland.

Racially/Concentrated Areas of Affluence

According to the Housing and Community Development AFFH Guidance Memo, "segregation is a continuum, with polarity between race, poverty, and affluence, which can be a direct product of the same policies and practices." Therefore, both sides of the continuum must be examined. While HCD does not provide a standard definition for RCAAs and the HCD Data Viewer does not currently provide RCAA maps, available data regarding the percentage White population and median household income can provide insight into racially concentrated areas of affluence.

Table C2 compares the median household incomes of White/non-Hispanic residents in Upland and San Bernardino County as a whole to the median incomes for the total population of the city and county. This table shows that in Upland, the median income for non-Hispanic White households is about 29% higher than for the city's population as a whole. Countywide, the median income for non-Hispanic White households is about 13% higher than for the population as a whole. These data suggest that there is more racial concentration of affluence in Upland that in San Bernardino County as a whole.

Table C2. : Median Household Income by Race – Upland and San Bernardino County

Median Household Income	Upland	San Bernardino County
White Alone (not Hispanic)	$93,808	$71,910
All Households	$72,782	$63,362

Source: U.S. Census ACS 2015-2019
B19013 (all)
B19013H (white alone, not Hispanic)

D. Disparities in Access to Opportunity

1) Overview

California housing law requires cities to analyze disparities in access to opportunity as part of the fair housing assessment. The California Tax Allocation Committee (TCAC) and the California Department of Housing and Community Development (HCD) have developed maps showing access to various types of opportunities such as education, economic, transportation, and environmental indicators.

2) Educational Opportunity

Educational opportunity scores for Upland are shown in Figure C6. As shown in this map, TCAC educational opportunity scores are highest in the northern areas of the city and lowest in the south-central portion of the city.

3) Economic Opportunity

Figure C7 shows economic opportunity areas in Upland as determined by TCAC. As seen in this map, the majority of the city is identified as having high economic opportunity scores.

Figure C5. Racially/Ethnically Concentrated Areas of Poverty – Upland

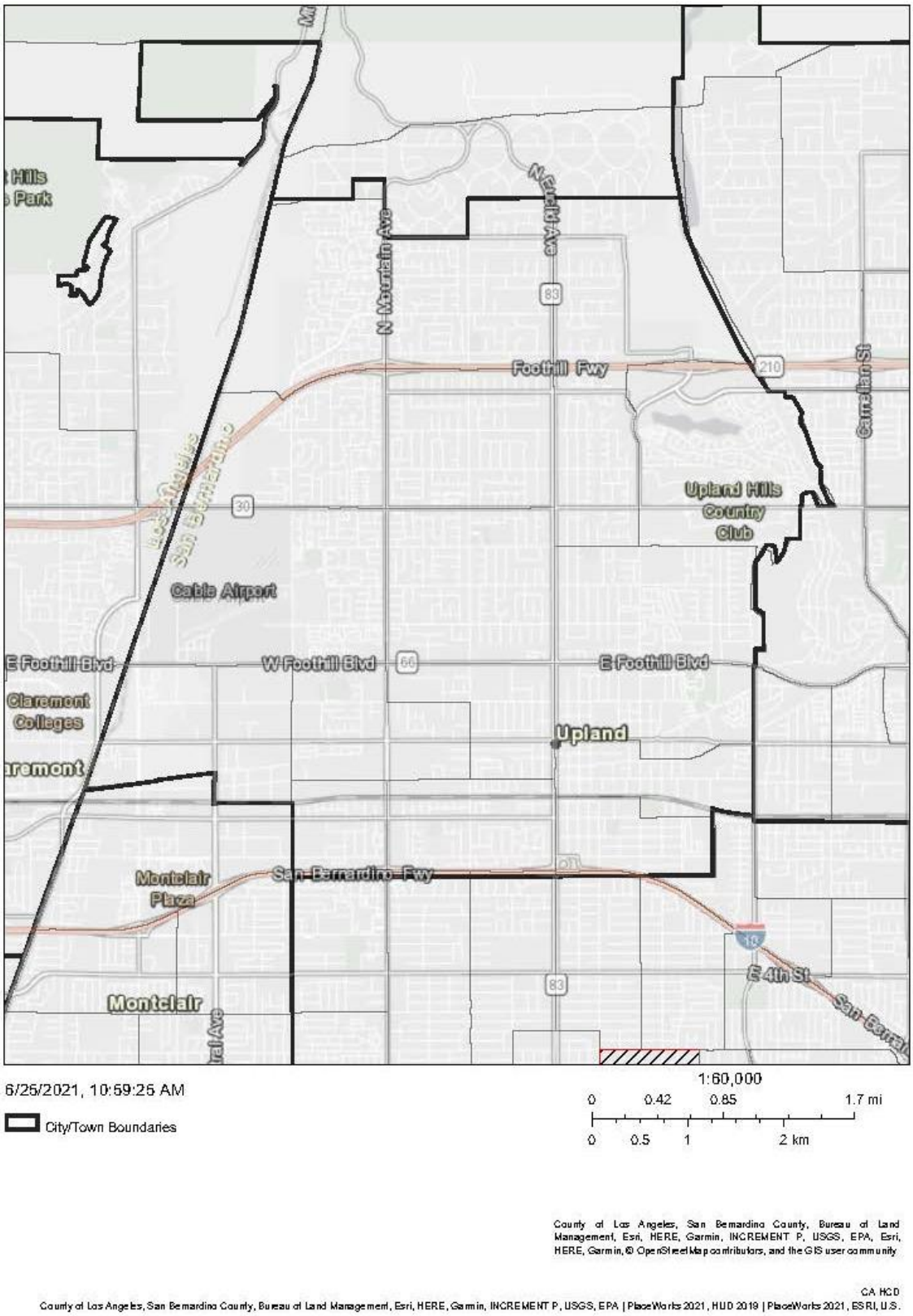


Figure C6. TCAC Educational Opportunity Areas – Upland

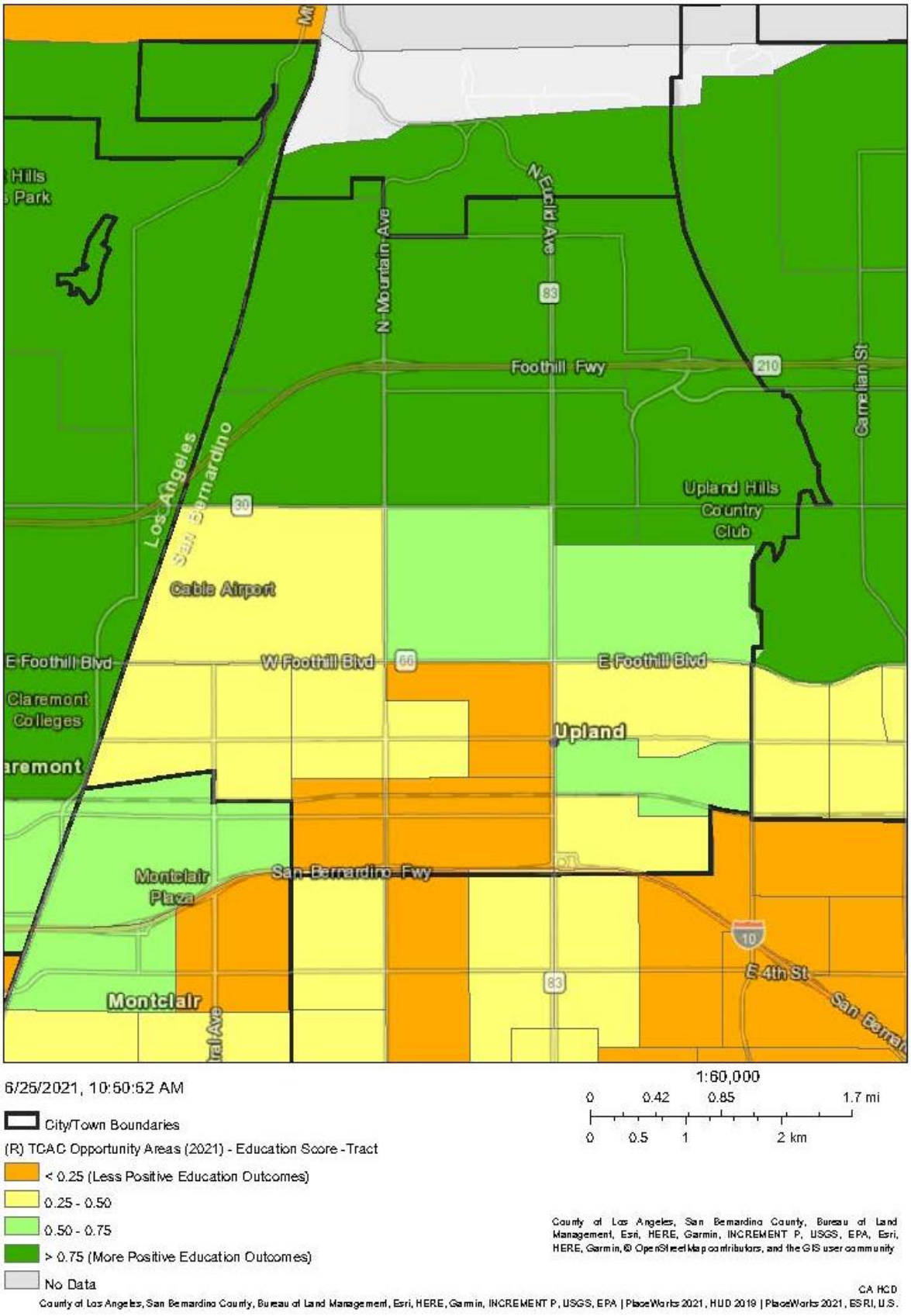
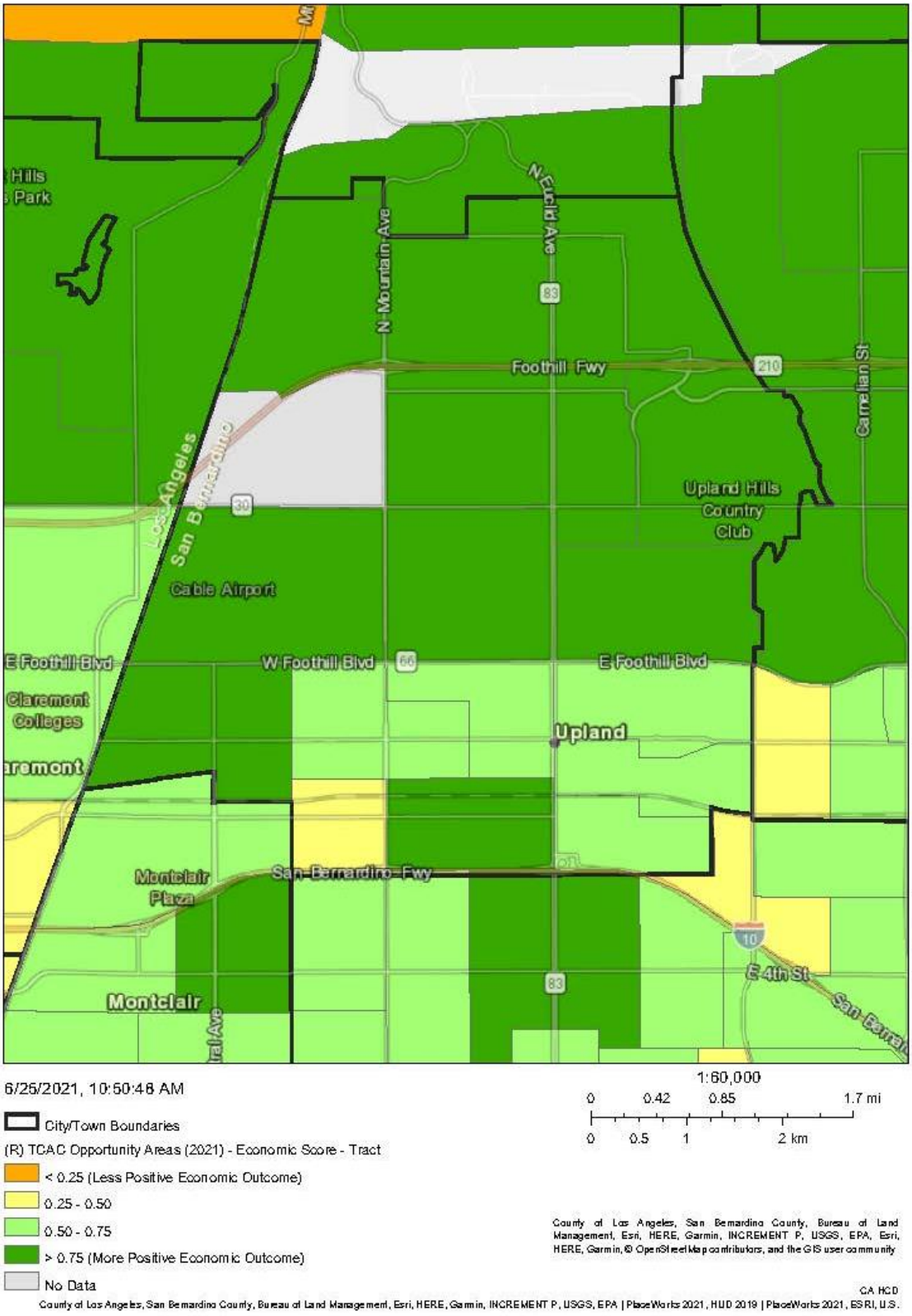


Figure C7. TCAC Economic Opportunity – Upland



4) Transportation Opportunities

According to the City's AI, Upland residents enjoy superior access to transportation infrastructure, which includes the Burlington Northern/Santa Fe Railroad and the Upland Metrolink Station; the location of both a local airport (Cable Airport) and an International airport (Ontario Airport); and the traversing of the two major freeways through its boundaries (Interstates 10 and 210).

5) Environmental Opportunity

According to HUD, "The environmental health index summarizes potential exposure to harmful toxins at a neighborhood level." The Index combines standardized EPA estimates of air quality carcinogenic, respiratory and neurological hazards with indexing census tracts.

Values are inverted and then percentile ranked nationally. Values range from 0 to 100: the higher the index value, the less exposure to toxins harmful to human health; or, put differently, the higher the value, the better the environmental quality of a neighborhood, where a neighborhood is a census tract.

The EPA standardizes its estimates of air quality hazards using the National Air Toxics Assessment (NATA), which is EPA's ongoing review of air toxics in the United States. EPA developed NATA as a screening tool for state, local and tribal air agencies. NATA's results help these local agencies identify which pollutants, emission sources and places they may wish to study further to better understand any possible risks to public health from air toxics. EPA suggests that local communities use NATA to "prioritize pollutants and emission source types; identify places of interest for further study; get a starting point for local assessments; focus community efforts; inform monitoring programs." According to EPA, communities have found that using NATA helps "inform and empower citizens to make local decisions about their community's health. Local projects often improve air quality faster than federal regulations alone."

Although EPA characterizes NATA results as "a snapshot of outdoor air quality with respect to emissions of air toxics," it nonetheless suggests long-term risks to human health if air toxics emissions are steady over time, including estimates of the cancer risks from breathing air toxics over many years. It also estimates non-cancer health effects for some pollutants, including diesel particulate matter (PM). It is important to note that NATA only includes outdoor sources of pollutants, and its estimates of risk "assume a person breathes these emissions each year over a lifetime (or approximately 70 years). NATA only considers health effects from breathing these air toxics. It ignores indoor hazards, contacting or ingesting toxics, and any other ways people might be exposed." (http://www.epa.gov/national-airtoxics-assessment/nata-overviewepa.gov)

The Upland AI[6] analyzed Environmental Health Index values for various groups within Upland and within the region at large. Across every category, including those results reported for communities below the federal poverty level, Upland scores are significantly lower than those for the region. These lower scores are an indication of significantly greater exposure to cancer risks for City residents and of the potential for elevated non-cancer health effects from pollutants such as diesel particulate matter.

While Whites in Upland score the highest on the Index, at 35.55, their score is 35.92 percent lower than the score for Whites in the region, at 55.48. For Blacks the differential is -37.68 percent (27.56 vs. 44.22); For Hispanics, -33.15 percent (28.33 vs. 42.38). For Asians, the score within the jurisdiction is 17.07 percent lower than that for the region (35.07 vs. 42.29), and Native Americans within the City score 45.70 percent lower (30.54 vs. 56.24). For communities living under the federal poverty level, the jurisdiction compares similarly

[6] City of Upland, Analysis of Impediments to Fair Housing Choice 2019-2023, p. II-37

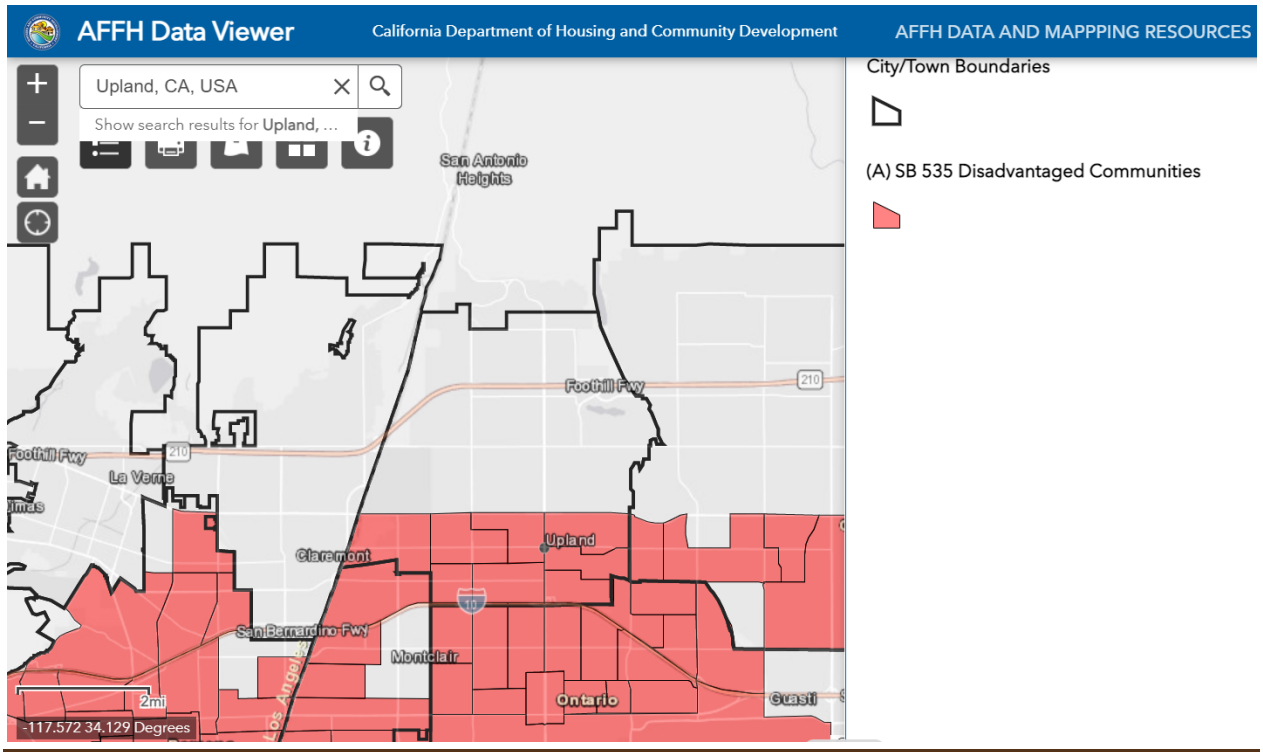
unfavorably to the region: 32.37 vs. 56.84 for Whites; 20.44 vs. 44.86 for Blacks; 24.12 vs. 42.23 for Hispanics; 31.99 vs. 39.74 for Asians; and 25.67 vs. 50.63 for Native Americans.

The lowest scoring census tracts in Upland are located south of Foothill Boulevard and nearer in proximity to Interstate 10, the rail line, industrial uses and Ontario International Airport.

6) Disadvantaged Communities

Senate Bill 1000 (SB 1000) requires cities with designated disadvantaged communities to include environmental justice goals and policies in the General Plan. Per SB 1000, the California EPA uses CalEnviroScreen, a mapping tool to identify disadvantaged communities. CalEnviroScreen examines various indicators to characterize pollution and socioeconomic factors. As seen in Figure C8 below, the southern portion of the city is classified as a disadvantaged community.

Figure C8. Disadvantaged Communities – Upland



E. Disproportionate Housing Needs and Displacement Risk

The AFFH Rule Guidebook (24 C.F.R. § 5.152) defines "disproportionate housing needs" as "a condition in which there are significant disparities in the proportion of members of a protected class experiencing a category of housing needs when compared to the proportion of a member of any other relevant groups or the total population experiencing the category of housing need in the applicable geographic area." The analysis is completed by assessing cost burden, severe cost burden, overcrowding, and substandard housing. In addition, this analysis examines homelessness and displacement risk.

1) Cost Burden (Overpayment)

A household is considered cost-burdened if it spends more than 30 percent of its income in housing costs, including utilities. Reducing housing cost burden can also help foster more inclusive communities and increase access to opportunities for persons of color, persons with disabilities, and other protected classes.

Overpayment is a problem for many Upland residents, particularly for lower-income households. According to recent HUD estimates (Table C3) approximately 6,265 renter households (52% of all renters) and 4,325 owner households (29% of all owners) were paying more than 30% of income for housing. The highest rates of overpayment occur among very-low-income and extremely-low-income households. The impact of housing overpayment on lower income households is particularly significant for special needs populations – seniors, persons with disabilities, and female-headed households with children.

Table C3. Cost Burden by Tenure and Income Category - Upland

Income by Cost Burden (Renters only)	Cost burden > 30%	Cost burden > 50%	Total
Household Income less-than or= 30% HAMFI	1,475	1,415	1,960
Household Income >30% to less-than or= 50% HAMFI	1,415	1,125	1,585
Household Income >50% to less-than or= 80% HAMFI	1,695	500	2,000
Household Income >80% to less-than or= 100% HAMFI	840	55	1,385
Household Income >100% HAMFI	840	55	5,230
Total	6,265	3,150	12,155
Income by Cost Burden (Owners only)	**Cost burden > 30%**	**Cost burden > 50%**	**Total**
Household Income less-than or= 30% HAMFI	535	475	755
Household Income >30% to less-than or= 50% HAMFI	415	365	645
Household Income >50% to less-than or= 80% HAMFI	700	425	1,265
Household Income >80% to less-than or= 100% HAMFI	520	170	1,010
Household Income >100% HAMFI	2,155	265	11,045
Total	4,325	1,700	14,720

As shown in Figure C9, overpayment among renters is most prevalent in the southern portions of the city. Overpayment among Upland homeowners is highest in the central and southern portions of the city (Figure C10).

The problems of overpayment are addressed in the Housing Plan through efforts to facilitate production and preservation of affordable housing.

Figure C9. Renters Overpaying for Housing - Upland

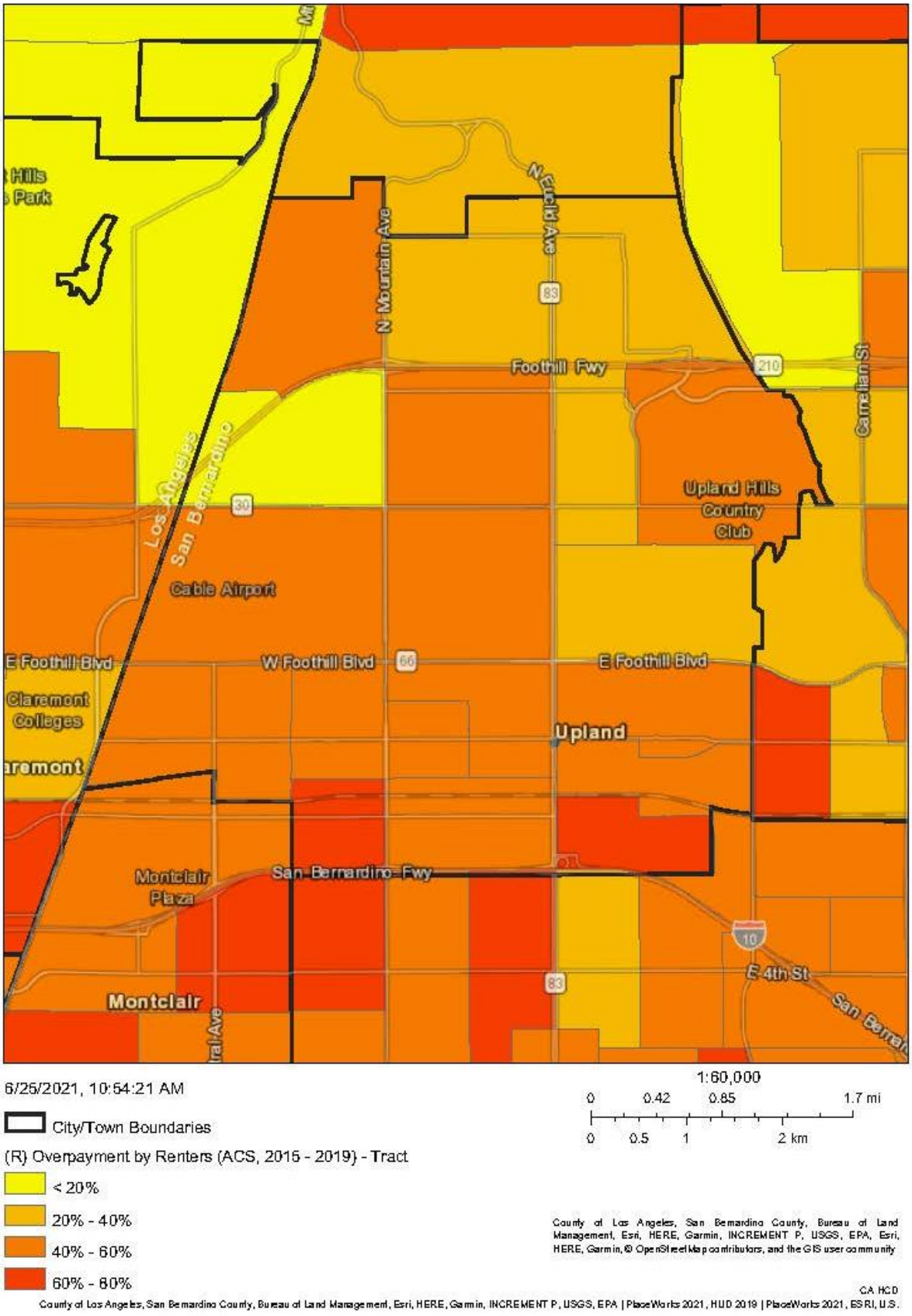
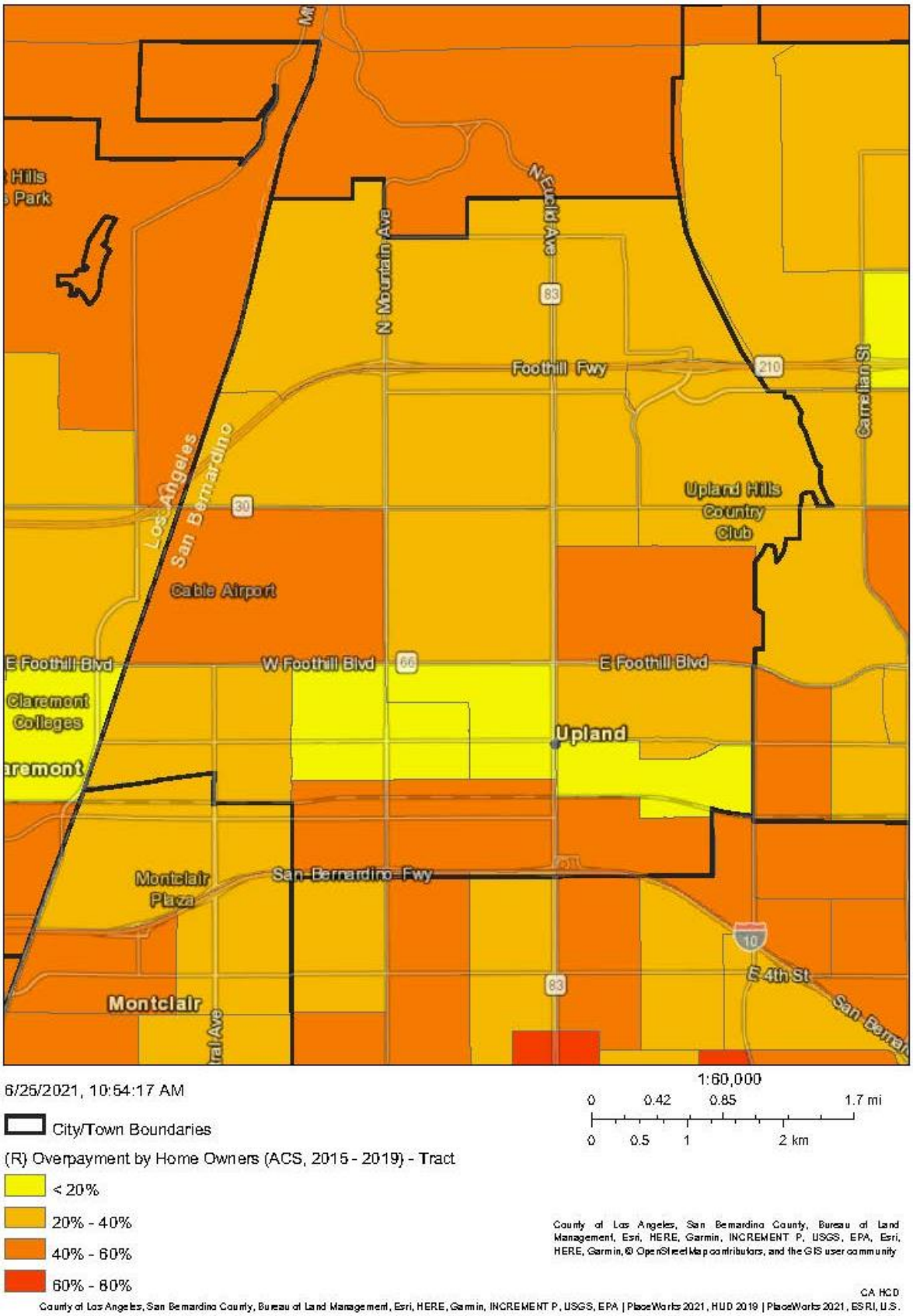


Figure C10. Homeowners Overpaying for Housing – Upland



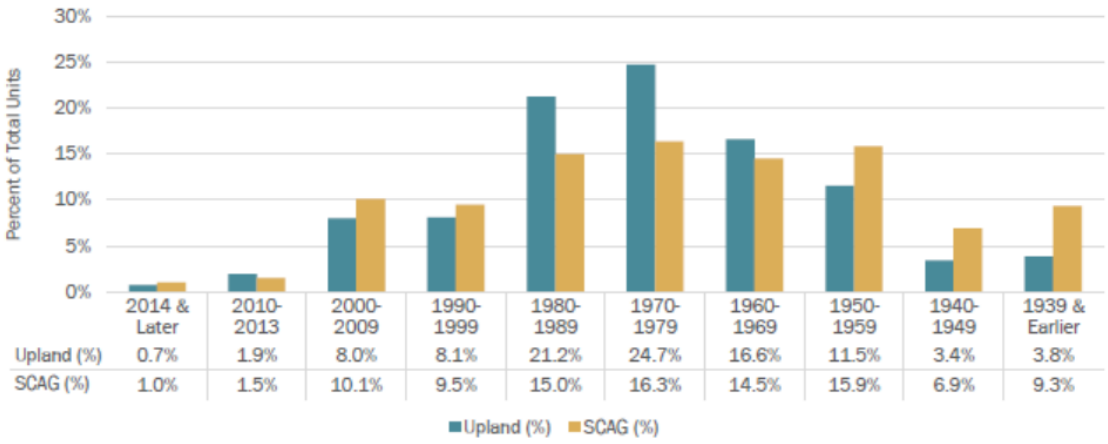
2) Substandard Housing

The age of a housing unit is often an indicator of housing conditions. Housing units without proper maintenance can deteriorate over time. Housing units built before 1970 are the most likely to need rehabilitation and to have lead-based paint in deteriorated condition. Lead-based paint becomes hazardous to children under age six and to pregnant women when it peels off walls or is pulverized by windows and doors opening and closing.

Housing over 50 years old is considered aged and is more likely to exhibit a need for major repairs. Additionally, older units may not be built to current building standards for fire and earthquake safety.

The age of housing units in Upland compared to the SCAG region as a whole is shown in Figure C11. Approximately 60% of Upland's housing units were constructed prior to 1980 and are now more than 40 years old. These findings suggest that there may be a substantial need for maintenance and rehabilitation, including remediation of lead-based paint. Based upon field observations of City building inspectors and code enforcement staff, it is estimated there may be 9,000 housing units currently in the City that are in need of substantial rehabilitation. Housing programs to assist lower-income households with needed repairs are described in Chapter 4.

Figure C11. : Age of Housing Units – Upland vs. SCAG Region



American Community Survey 2014-2018 5-year estimates.

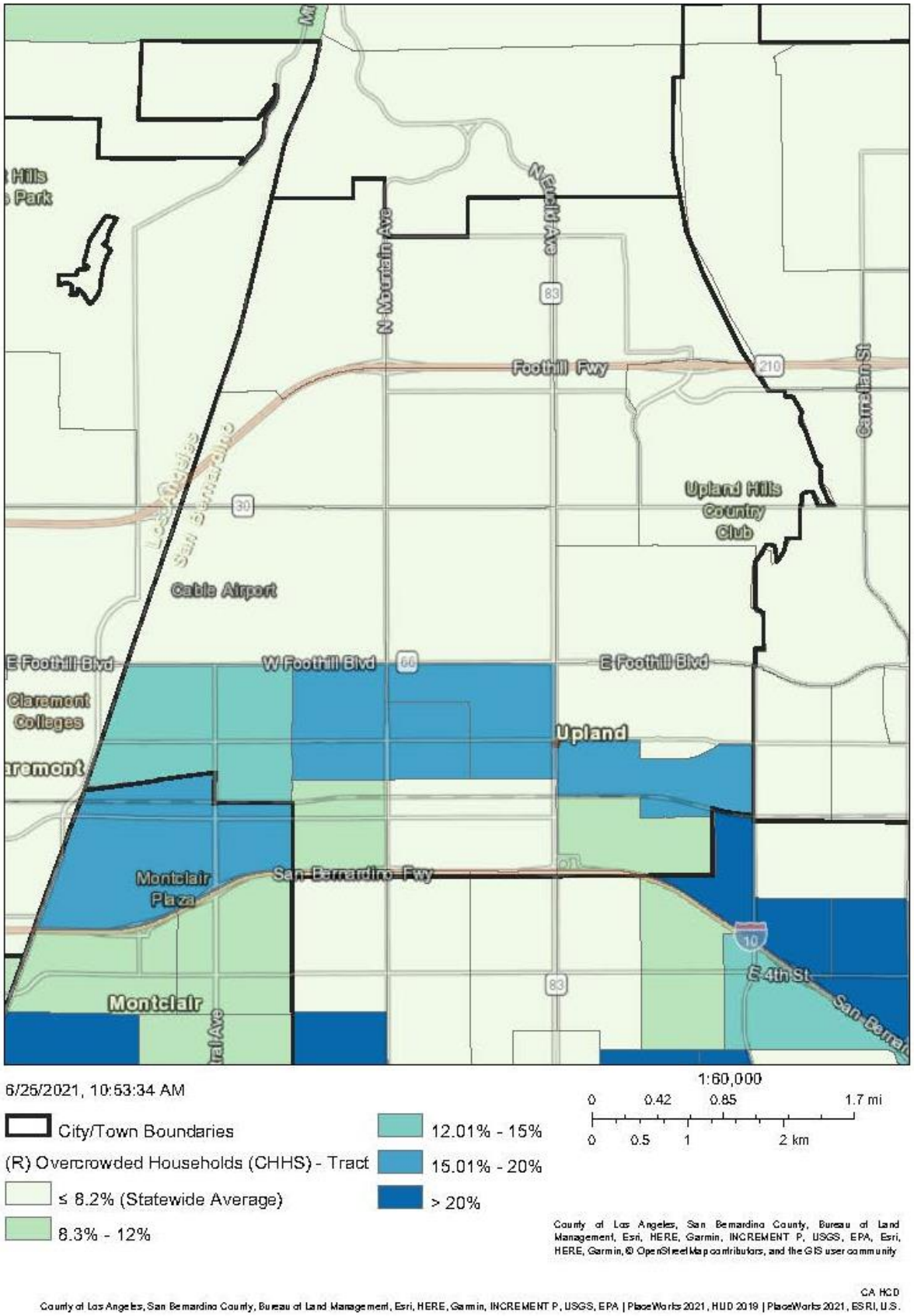
3) Overcrowding

"Overcrowding" is defined as a housing unit occupied by more than 1.01 persons per room (excluding kitchens, porches, and hallways). A unit with more than 1.51 occupants per room is considered "severely overcrowded." The incidence of overcrowded housing is a general measure of whether there is an available supply of adequately sized housing units. Overcrowding is also related to overpayment, because households may not be able to afford a large enough home to accommodate their needs. Overcrowding can lead to a variety of other problems such as lower educational performance among children, psychological stress and adverse health impacts.

In Upland, the highest rates of overcrowding occur in the southern portion of the city (Figure C12), which are also the areas with higher percentages of minority residents.

The problems of overcrowding are addressed in the Housing Plan through efforts to facilitate production and preservation of affordable housing and also through financial assistance such as Section 8 vouchers.

Figure C12. Overcrowded Households – Upland



4) Homelessness

Persons threatened with homelessness are often those with incomes at 30% of area median income or below who are paying more than 30% of their income for rent. Homeless persons are defined as those who lack a fixed and adequate residence. Homelessness is a pressing issue for many communities, and the varied dimensions involved have implications for housing programs. People who are homeless may be chronically homeless (perhaps due to substance abuse) or situationally homeless resulting from job loss, family strife, incarceration, or violence. Homeless people face critical housing challenges due to their very low incomes and other problems.

Counting the homeless population is problematic due to its transient nature. According to the 2020 San Bernardino County Homeless Count and Subpopulation Survey Report[7] there were 44 unsheltered and no sheltered homeless persons in Upland at the time of the survey.

Housing accommodations for homeless people include emergency shelters, navigation centers, transitional housing, and permanent supportive housing. Facilities serving Upland residents are described in Chapter 2: Housing Needs.

5) Displacement Risk

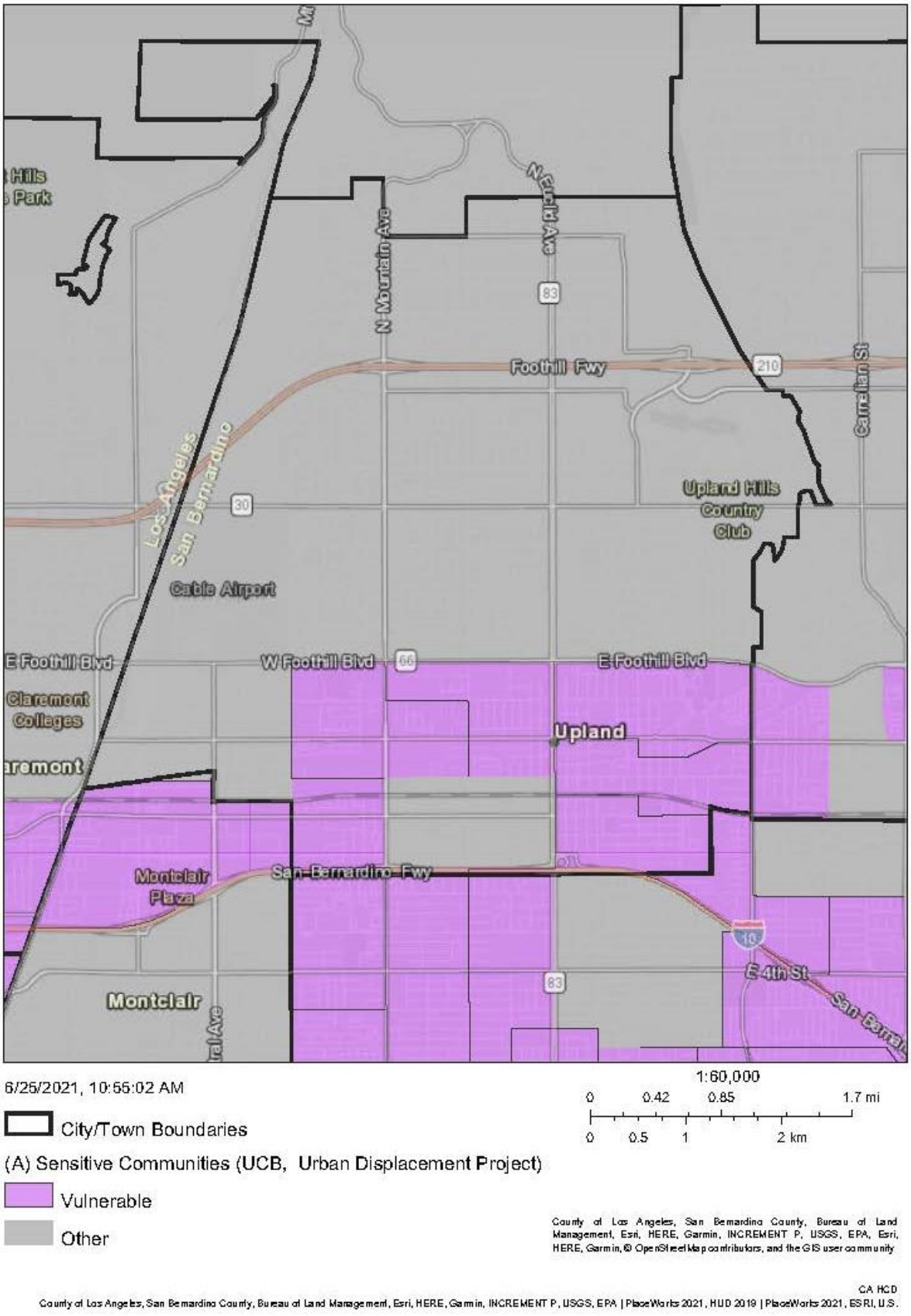
Displacement refers to any involuntary household move caused by landlord action or market changes. Displacement can be caused by rising housing costs, insufficient affordable housing opportunities, expiration of affordability covenants, evictions, housing discrimination, or the physical demolition of existing housing to make way for new development.

The Urban Displacement Project at UC Berkeley identifies that are areas vulnerable to displacement. As shown in Figure C13, portions of Upland south of Foothill Boulevard are considered vulnerable to displacement.

Displacement mitigation strategies include tenant protections, physical maintenance and conservation of the existing affordable housing stock, preservation of existing deed-restricted affordable units at-risk of conversion to market-rate, acquisition and rehabilitation of existing housing units, requiring the replacement of existing affordable units demolished as part of redevelopment, and facilitating construction of additional affordable housing. The Housing Plan (Chapter 5) includes programs to implement all of these strategies.

[7] https://wp.sbcounty.gov/dbh/sbchp/wp-content/uploads/sites/2/2020/04/2020-SBC-Homeless-Count-Report.pdf

Figure C13. Vulnerability to Displacement - Upland



3. Sites Inventory Analysis

The City's inventory of sites for potential housing is presented in Appendix B. As summarized in Table B-1, the inventory is comprised of approved projects, vacant sites, non-vacant underutilized sites and future ADUs. The sites analysis shows that as with most cities in the urbanized areas of Southern California, vacant developable land is very rare and underutilized sites provide the majority of future housing capacity.

As illustrated in Figures B-1 through B-4 in Appendix B, the majority of potential sites for housing development are on redevelopment of underutilized sites in the southern portions of the city and the Historic Downtown near the Metrolink rail station. Most of these sites are within areas designated by the TCAC/HCD opportunity maps as Moderate or High Resource (see Figure C14 below).

Because the northern portions of the city are almost completely built-out and are stable neighborhoods, future residential development in those areas during the 2021-2029 planning period is expected to focus on ADUs.

4. Contributing Factors

The Housing Element must include an identification and prioritization of significant contributing factors to segregation, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs. "Fair housing contributing factor" means a factor that creates, contributes to, perpetuates, or increases the severity of one or more fair housing issues. Contributing factors should be based on all the prior efforts and analyses: outreach, assessment of fair housing, and site inventory. Contributing factors must also be prioritized in terms of needed impact on fair housing choice and strongly connect to goals and actions.

Through the participation of stakeholders, fair housing advocates, and the assessment of fair housing issues described in this appendix, the City has identified fair housing issues and contributing factors as well as meaningful actions to address those issues as described in Table C4: Fair Housing Issues, Contributing Factors and Meaningful Actions.

5. Goals, Policies and Actions

Based upon the analysis presented above, the City has identified fair housing issues, contributing factors, and meaningful actions that will be taken to address those issues during the planning period. These actions are consistent with the Upland 2019-2023 Analysis of Impediments to Fair Housing Choice.

Figure C14. TCAC Opportunity Areas Composite Score - Upland

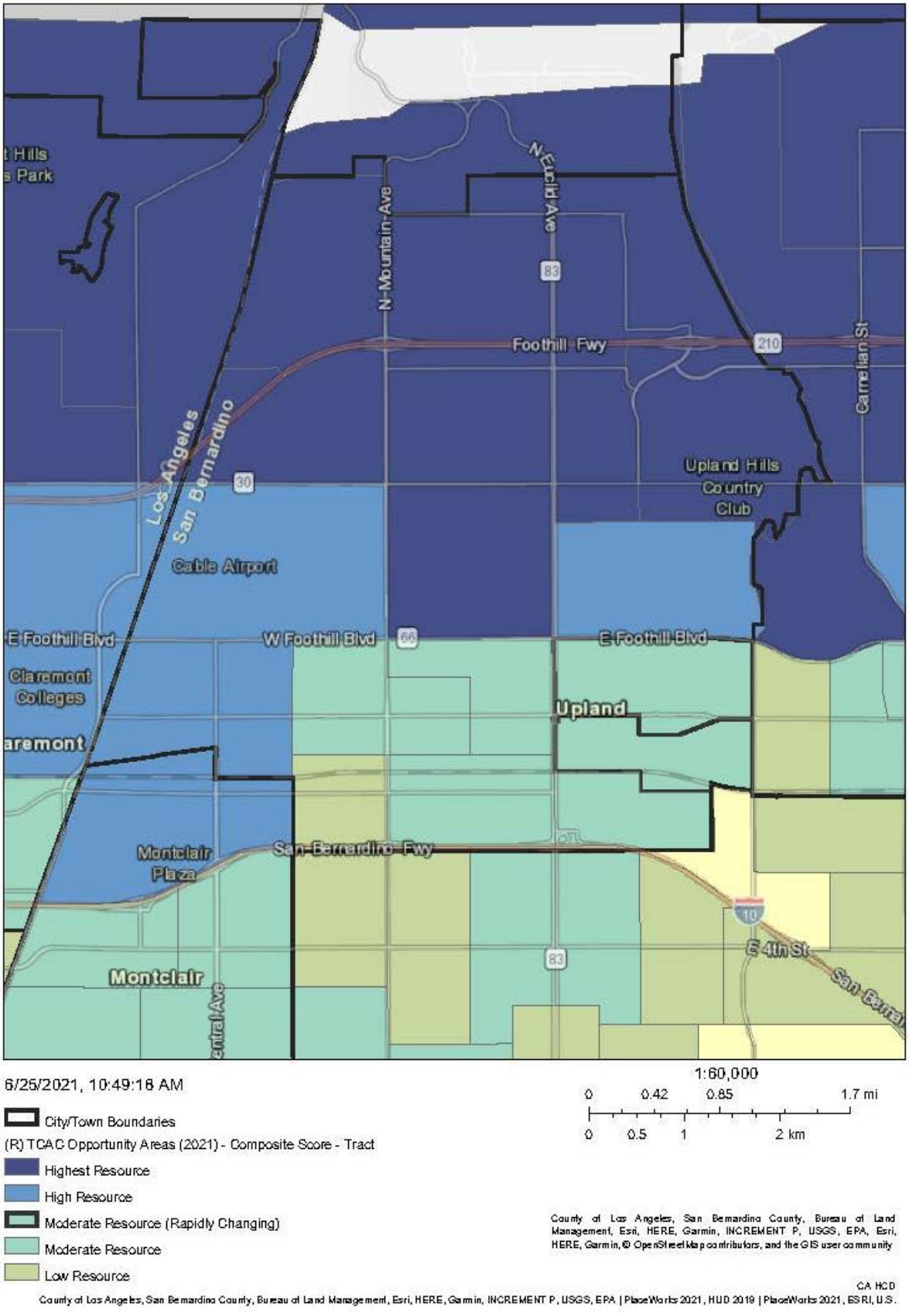


Table C4. Fair Housing Issues, Contributing Factors and Meaningful Actions

Fair Housing Issue	Contributing Factor	Priority	Meaningful Action
1. Transit Access	Transit provides elderly residents, low-income residents, youth, and others access to jobs, medical facilities, parks, housing, and public services. Omnitrans, the City's transit provider, has adopted service standards to ensure an equitable distribution of services. For instance, all areas having a minimum residential density of 3.5 dwelling units per acre or employment density of 10 jobs per acre, as measured over an area of 25 acres, should be provided with a transit service that places 90 percent of residences and jobs within one-half mile of a bus stop. The Omnitrans Short-Range Transit Plan indicated that all neighborhoods and employment nodes in Upland are well-served. Closer analysis of Upland's development patterns in the 2013-2018 A.I. revealed a then-underserved area. At that time, Omnitrans did not have any bus routes connecting the new Colonies Crossroads commercial development within the Colonies San Antonio Specific Plan area, more specifically the commercial area that includes the Home Depot, LA Fitness, Nordstrom Rack, etc. Omnitrans Route 83 was subsequently modified and now connects with the commercial area. However, there is no fixed route service in the City of Upland north of the 210 Freeway.	High	The City will monitor residential and commercial developments that may impact ridership potential for expanded fixed route service north of the 210 Freeway and if any new developments in this area have the potential to generate ridership, the City will share this information with Omnitrans for consideration in future transit planning. (Housing Element Program 19)
2. Discrimination against Persons with Disabilities	Approximately two-thirds of discrimination complaints in Upland over the last five years were on the basis of physical or mental disability. The high proportion of disability complaints to IFHMB in Upland is consistent with other communities in the area and is also consistent with data at the state and federal level. Fair housing discrimination on the basis of disability demonstrates a lack of understanding in the housing industry of the housing rights of persons with disabilities. Disabled persons are particularly experiencing difficulties when requesting reasonable accommodations or modifications from their housing provides. In particular, persons with cognitive disabilities experience significantly more problems with these accommodations. This impediment was addressed in the past through fair housing outreach and education; however, given that two-thirds of all fair housing complaints received locally are on the basis of disability, this impediment remains a priority.	High	The Upland Development Services Department and IFHMB will continue providing educational opportunities for property owners, property managers, and residents in Upland concerning the law as it pertains to reasonable accommodations and reasonable modifications. The City will contract with IFHMB to provide two workshops per year in the City, with one workshop per year serving as a general introduction to fair housing laws and possible discrimination, and one workshop each year being specifically focused on housing issues faced by persons with disabilities and the reasonable accommodation and modification processes. The City will also contract with IFHMB at least once during the planning period to fund matched pair testing in Upland to address issues of possible discrimination based on disability as well as race, familial status, national origin, disability and other protected categories. (Housing Element Program 19)

Fair Housing Issue	Contributing Factor	Priority	Meaningful Action
3. Lack of Rental Housing Opportunities in Northern Upland	Examination of the General Plan Land Use Map and Zoning Map and comparison to Affirmatively Furthering Fair Housing Data and Mapping Tool (AFFH-T) maps illustrating the tenure of occupied housing units geographically reveals that tenure is consistent with land use and zoning in Upland. In the Census Tracts north of Foothill Boulevard, between 68.4 and 81.43 percent of housing units are owner-occupied. In the Census Tracts north of Baseline Avenue, between 81.43 and 100 percent of housing units are owner occupied. South of Foothill Boulevard, only 33.51 percent of the housing units are owner-occupied in most Census Tracts. HUD AFFH data suggests that northern Upland is characterized by higher performing schools and relatively less exposure to poverty. Therefore, the limited rental housing opportunities in the northern portion of the city is a contributing factor and an impediment to fair housing.	High	To foster development of a balanced community that provides access to a diverse array of housing opportunities for all Upland residents including members of protected classes, the City will seek to expand affordable rental housing opportunities north of Foothill Boulevard by encouraging multi-family affordable rental housing developments as part of infill projects or as part of Specific Plans where mixed use and flexible residential uses are currently allowable. (Housing Element Programs 5 and 19)

Appendix D Public Comments

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February 28, 2022

Policy Recommendations for 6th Cycle Housing Element

Dear Planning staff:

YIMBY Law submits this letter to share our policy goals and recommendations for the Policies and Programs section of your Housing Element. We appreciate the opportunity to participate in the Housing Element process.

The Policies and Programs section of the city's Housing Element must respond to data, analysis and findings presented in the Housing Needs section. We repeatedly see findings that housing prices are high, segregation exists, and there is a lack of housing for special populations, but the Policies and Programs don't respond to these findings or try to change outcomes. The overview of the city's housing environment should set the scene, and the policies and programs should explain what the city is going to do to fix it.

Our policy goals are as follows:

Affirmatively Furthering Fair Housing

1. **Prioritize rezoning in high resource, historically exclusionary neighborhoods.** Many of the highest resource neighborhoods with the best access to jobs, good schools, and other amenities have histories of exclusion which are still reflected in their zoning. Cities should rezone to allow more housing opportunities in those neighborhoods, particularly those with low Vehicle Miles Traveled, as part of their

Housing Elements.

2. **Establish a strong tenant protection ordinance so that new housing benefits everyone.** Development should not permanently displace current residents. Housing replacement programs, temporary housing vouchers, right of return, and demolition controls will create stability for renters while allowing new homes to be built for new households and to accommodate the growth associated with RHNA. In your sites inventory and rezoning programs, you should prioritize development on sites with owner-occupied housing & commercial uses over those with existing rent-controlled apartments or other rental housing with lower income residents.

3. **Support homeownership opportunities for historically excluded groups.** Homeownership continues to be a path to building financial security and inter-generational wealth, which has been systematically denied to many Americans. As a society, we need to make this right by intentionally offering opportunities to communities who have been excluded. The housing element should identify opportunities to create a variety of for-sale housing types and create programs to facilitate property ownership among excluded groups.

Site Capacity

4. **Adequately plan for density.** Ensure that a site's density will accommodate the number of homes that are projected to be built. In addition, make sure height limits, setback requirements, FAR, and other controls allow for adequate density and the ability to achieve a site's realistic capacity. Housing will not be feasible if you have a high density paired with low height limits. This density should be emphasized around jobs and transit and should go beyond the Mullin density in those areas.

5. **Provide sufficient zoned capacity to accommodate all income levels, including a minimum No Net Loss buffer of 30%.** Not every site will be developed at maximum density during the eight-year planning period. Identify an ample amount of opportunity sites and zone the sites to accommodate lower-income housing types (usually a statutory minimum of 30 dwelling units per acre) to give the city the best chance at meeting its RHNA.

6. **Use data from the 5th Cycle to calculate the likelihood of development for your 6th Cycle site inventory.** Likelihood of development is a measure of the probability of an inventory site being developed during the planning period. The median likelihood of development across the state is 25%, meaning only one of every four sites will likely be developed during the planning period for the median city. Incorporating the likelihood of development into the zoned capacity will set the city up to successfully achieve their RHNA, making the housing element less of a paper exercise and more of an actionable, functional document.

Accessory Dwelling Units

7. **Commit to an automatic mid-cycle adjustment if ADU permitting activity is lower than estimated in the housing element.** We highly recommend complying with HCD's standards of using one of its "safe harbor" methodologies to anticipate future ADU production. However, if the city is optimistic about ADU growth, then creating an automatic mid-cycle adjustment will automatically facilitate alternative housing options (i.e., a rezoning program, removing development constraints, ADU incentives, etc.) if the city falls behind the estimated ADU production.

8. **Incentivize new ADUs, including those that are rent-restricted for moderate- or lower-income households or that are prioritized for households with housing choice vouchers.** Consider offering low- or no-interest loans, forgivable loans, impact fee waivers for ADUs that are 750 square feet or larger, allowances to facilitate two-story and second-story ADU construction, etc.

Zoning

9. **Allow residential to be built in areas that are zoned for commercial use.** There are a myriad of ways to do this, but a housing overlay is one common policy. Additionally, consider eliminating new commercial space in mixed-use developments where there is not a strong demand or there is otherwise a glut of commercial space that is unused or frequently vacant.

10. **Allow flexibility in inclusionary zoning.** Cities should require different percentages for different AMI levels. Additionally, we urge cities to incentivize land

dedication to affordable developers in order for market-rate developers to meet their inclusionary requirements. Avoid getting trapped into thinking that the affordable units must be "sprinkled throughout" the market-rate units, or require the market-rate units to look exactly the same as the affordable ones. This should be balanced against not locating all of the affordable units in one place and ghettoizing neighborhoods by creating or perpetuating racially concentrated areas of poverty.

Better Entitlement Process & Reducing Barriers to Development

11. **Ensure that the city has a ministerial process for housing permitting, especially multi-family housing, and remove impact fees for deed-restricted housing.** A discretionary process for housing development creates uncertainty and adds to the cost of construction. For example, multi-family housing should not require a conditional use permit or city council approval unless the builder is asking for unique and extraordinary concessions. Right-sizing governmental constraints, entitlement processes, and impact fees will help the city successfully meet its RHNA.

12. **Reduce parking standards and eliminate parking minimums.** Minimum parking requirements are a major constraint on housing, especially for lower cost housing types. They can cost in excess of $30,000 per spot and can raise rents by as much as 17%, and eliminating them is particularly important for smaller & other spatially constrained sites. Consider adopting a parking maximum.

13. **Cap fees on all new housing.** Most construction costs are outside the City's control, but reducing impact fees can demonstrate that a city is serious about building new housing. At a minimum, cities should delay the collection of impact fees until the issuance of the certificate of occupancy to reduce financial impacts on new housing and make the units cheaper by not asking the developer to carry impact fee charges or debt throughout the construction phase.

14. **Provide local funding.** One of the largest barriers to building new affordable homes is the lack of city/county funds available to assemble sites, provide gap funding, and to pay for dedicated staff. Without new funding, especially at the local level, we will not be able to build more affordable homes. There are three

new revenue streams that should be considered: 1) **Transfer tax**, a one-time payment levied by a jurisdiction on the sale of a home, may be utilized to raise much needed revenue to fund affordable homes; 2) **Vacancy tax** may be collected on vacant land to convince landowners to sell their underutilized properties and be used to fund the construction of affordable homes; 3) **Commercial linkage** fees should be adopted or revisited for increases on new commercial developments.

We urge you to include these policies in your 6th cycle Housing Element.

Best regards,

Sonja Trauss
Executive Director
YIMBY Law
sonja@yimbylaw.org

Item No. 12.A.

PUBLIC WORKS COMMITTEE MEETING
OCTOBER 11, 2022
****
CONCLUSION/ACTION SUMMARY

In attendance: Committee Chairperson Maust, Committee Member Zuniga, Citizen Advisory Members Hoss, and Rubio, Public Works Director Yu, Engineering Manager Critchfield, Principal Engineer French, Traffic Engineer Tai, Environmental Quality Administrator deMoet, Management Analyst Garcia.

Absent: Citizen Advisory Member Breitling

CALL TO ORDER AT 5:09 PM

1) **ORAL COMMUNICATIONS,**

Wesley Menke spoke to the Committee regarding his request for a traffic signal light to be installed at intersection of Euclid Ave and 21st St.

2) **CAPITAL IMPROVEMENT PROGRAM PROJECT UPDATE,** Engineering Manager Critchfield gave a presentation on Capital Improvement Projects that are currently under design, or in construction and highlighted the project completion of the Citywide Alley Improvement-Phase 1. The Committee received and filed the presentation.

3) **FINAL DRAFT OF THE LOCAL ROAD SAFETY PLAN,** Clyde Prem from KOA Consulting gave a presentation via Zoom on the draft final Local Road Safety Plan (LRSP) and Traffic Engineer Tai updated the City's application of a Highway Safety Improvement Program (HSIP) Grant. The Committee received and filed the presentation.

4) **NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT UPDATE,** Environmental Quality Administrator deMoet gave a presentation on update and impacts to the proposed National Pollution Discharge Elimination System (NPDES) permit. The Committee received and filed the presentation.

ADJOURN AT 6:18 PM

Public Works Committee Meeting

October 11, 2022

5:00 PM

Carnegie Building, 123 East D Street

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1. CALL TO ORDER AND ROLL CALL
2. ORAL COMMUNICATIONS
3. CAPITAL IMPROVEMENT PROGRAM PROJECTS UPDATE
4. FINAL DRAFT OF THE LOCAL ROAD SAFETY PLAN
5. NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT UPDATE

NOTE: All Agenda items and back-up materials are available for public review at the Upland Public Library, downstairs reference desk at 450 North Euclid Avenue, the City Clerk's Office at 460 North Euclid Avenue and the City website at www.uplandca.gov.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 909.931.4120. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADA Title II]

POSTING STATEMENT: On October 6, 2022, a true and correct copy of this agenda was posted at 123 E. D Street (Carnegie Building), on the bulletin boards at 450 N. Euclid Avenue (Upland Public Library), 460 N. Euclid Avenue (Upland City Hall), and on the City's website at www.uplandca.gov

The full packet for the Public Works Committee meeting can be viewed on our website at:

https://www.uplandca.gov/public-works-committee

You may also view the video of the meeting at:

https://uplandca.gov/council-meeting-broadcasts

(choose the tab for “other archived meetings” to locate the meeting video)