



SPECIAL MEETING OF THE UPLAND PLANNING COMMISSION AGENDA

**August 12, 2020 at 6:30 PM
Council Chambers**

**ROBIN ASPINALL, CHAIR
GARY SCHWARY, VICE CHAIR
CAROLYN ANDERSON, COMMISSIONER
CHRISTINE S. CALDWELL, COMMISSIONER
THOMAS GRAHN, COMMISSIONER
SERGE MAYER, COMMISSIONER
PATRICK Y. SHIM, COMMISSIONER**

CALL TO ORDER OF THE PLANNING COMMISSION SPECIAL MEETING

PLEDGE OF ALLEGIANCE

ROLL CALL OF THE PLANNING COMMISSION

Chair Aspinall, Vice Chair Schwary, Commissioners
Anderson, Caldwell, Grahn, Mayer, and Shim

APPROVAL OF MINUTES

July 8, 2020 and July 22, 2020

COUNCIL ACTIONS

Robert D. Dalquest, Development Services Director
July 13, 2020, July 27, 2020 and August 10, 2020

FUTURE AGENDA ITEMS

Mike Poland, Contract Planning Manager

PRESENTATION

Presentations to outgoing Commissioners Alexander
Novikov and Yvette Walker

ORAL COMMUNICATIONS

This is the time for any citizen to comment on any items that are not listed on the agenda under "Public Hearings" but within the Planning Commission's purview. Anyone wishing to address the Planning Commission should submit a speaker card to the Planning Secretary prior to speaking. The speakers are requested to keep their comments to five (5) minutes. The use of visual aids

will be included in the time limit. Under the provisions of the Brown Act, the Planning Commission is prohibited from taking action on items not listed on the agenda.

PUBLIC HEARINGS

1. PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. 19-07.

Project Description: Request for a conditional use permit to allow a daycare/pre-school facility for up to 94 children within a 5,040 square foot tenant space in an existing shopping center.

Project Location: Property is located at 710 E. Foothill Boulevard, further described as Assessor’s Parcel Number 1046-101-08, and zoned Commercial/Office Mixed-Use (C/O-MU).

STAFF:	Joshua Winter, Associate Planner
APPLICANT:	Wei Zhao 4996 Aldine Street Montclair, CA 91763
RECOMMENDATION:	That the Planning Commission: <ol style="list-style-type: none"> 1. Receive staff’s presentation; and 2. Hold a public hearing and receive testimony from the public; and 3. Find that this project is Categorically Exempt from environmental proceedings pursuant to Article 19, Section 15301, Existing Facilities, Class 1 (a), of the California Environmental Quality Act Guidelines, since the proposed project consists of a negligible change in use within an existing structure; and 4. Move to adopt a Resolution for approval of Conditional Use Permit No. 19-07, based upon the findings and subject to conditions of approval as set forth in the Resolution.
COUNCIL HEARING REQUIRED:	No.
APPEAL PERIOD:	August 13, 2020 - August 24, 2020.

2. PUBLIC HEARING TO CONSIDER ZONE CODE AMENDMENT NO. 20-0001.
(Requested to be continued to September 23, 2020)

Project Description: Consideration of an Ordinance revising the City’s regulations pertaining to Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) to conform to the revisions to Government Code Sections 65852.2 and 65852.22 that went into effect on January 1, 2020.

Project Location: Citywide.

STAFF:	Robert D. Dalquest, Development Services Director
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APPLICANT:	City of Upland 460 N. Euclid Avenue Upland, CA 91786
RECOMMENDATION:	That the Planning Commission: 1. Move to continue the public hearing for Zone Amendment No. 20-0001 (Accessory Dwelling Units) to the next regularly scheduled Planning Commission meeting on September 23, 2020.
COUNCIL HEARING REQUIRED:	Yes
APPEAL PERIOD:	NA

STUDY SESSION

Planning Commissioner Training to provide an overview of land use laws as well as CEQA, meeting procedures, Brown Act, and Conflicts of Interest. (Isra Shah - Deputy City Attorney).

BUSINESS ITEMS

1. Resolution amending the Rules and Procedures of the Upland Planning Commission.
2. Holiday Schedule.

COMMISSION COMMUNICATIONS

ADJOURNMENT

Adjourn to the next regular scheduled Planning Commission meeting on September 23, 2020.

The regular scheduled Planning Commission meeting on August 26, 2020 has been cancelled.

NOTICE TO PUBLIC: All maps, environmental information, and other data pertinent to this item are filed in the City of Upland Development Services Department and will be available for public inspection by appointment prior to the meeting at 460 North Euclid Avenue during normal business hours. To schedule an appointment, please call 931-4305.

If you wish to appeal a decision of the Planning Commission, you must do so within ten (10) calendar days following the meeting. Please contact the Planning Division for information regarding the appeal procedure.

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.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division at 931-4305. 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 August 6, 2020, at least 72 hours prior to the meeting, a true and correct copy of this agenda was posted at 460 N. Euclid Avenue (Upland City Hall), 450 N. Euclid Avenue (Upland Public Library), and the City's website at www.uplandca.gov per Government Code Section 54954.2.



MINUTES OF A SPECIAL MEETING OF THE
UPLAND PLANNING COMMISSION HELD
WEDNESDAY, JULY 8, 2020
AT 6:30 P.M.

CALL TO ORDER OF THE PLANNING COMMISSION SPECIAL MEETING

Chair Aspinall called the Special Meeting of the Upland Planning Commission to order in the Council Chambers of the Upland City Hall at 6:31 P.M.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by *Commissioner Mayer*.

ROLL CALL

MEMBERS PRESENT: Commissioners Grahn, Mayer, Novikov, Vice Chair Schwary, and Chair Aspinall

MEMBERS ABSENT: Commissioners Anderson and Shim

ALSO PRESENT: Development Services Director and Planning Commission Secretary Dalquest, Contract Planning Manager Poland, Associate Planner Winter, Senior Administrative Assistant Miller, City Attorney Flower, Deputy City Attorney Shah

APPROVAL OF MINUTES

Commissioner Novikov requested page 5 in the June 10, 2020 minutes be updated to reflect the correct terms expiring.

Chair Aspinall requested the votes be corrected to reflect absence and not abstention.

Moved by *Vice Chair Schwary*, to approve the minutes of the Planning Commission meeting of May 27, 2020 and June 10, 2020, as amended.

The motion was seconded by *Commissioner Novikov*.

The motion carried by the following vote (5-0):

AYES: *Commissioners Grahn, Mayer, Novikov, Vice Chair Schwary, and Chair Aspinall*

NAYS: None ABSTAINED: None

ABSENT: *Commissioners Anderson and Shim*

COUNCIL ACTIONS

Development Services Director Dalquest provided a brief follow up on the June 8th City Council Meeting, noting the Council approved the second reading of an ordinance approving an amendment to the Development Agreement for The Enclave Specific Plan.

FUTURE AGENDA ITEMS

Contract Planning Manager Poland indicated the Commission will hear two (2) Conditional Use Permits at their July 22nd meeting for a bakery and a retail gun store.

ORAL COMMUNICATIONS

Chair Aspinall stated this is the time for any citizen to comment on any items that are not listed on the agenda under “Public Hearings” but within the Planning Commission’s purview. Anyone wishing to address the Planning Commission should submit a speaker card to the Planning Secretary prior to speaking. The speakers are requested to keep their comments to five (5) minutes. The use of visual aids will be included in the time limit. Under the provisions of the Brown Act, the Planning Commission is prohibited from acting on items not listed on the agenda.

Lois Sicking Dieter (via phone) reminded that community that the Tiny Tot’s Public Community Outreach Workshop will be held on July 9th at 6:00 p.m. in the Atwood Kitchen at Memorial Park. She explained the workshop will be to discuss the new Tiny Tot’s school building and exterior improvements at Memorial Park. Additionally, she spoke about the settlement agreement related to litigation between the Inland Oversight Committee and the City of Upland regarding CEQA exemptions at Memorial Park. She expressed concerns with the proposed Tiny Tot’s building, site plan and suggested the cumulative project is avoiding CEQA compliance and feels it is likely that an EIR is necessary for the project. She also spoke about the project’s function and related injunction, and encouraged residents to attend the outreach workshop.

Seeing no further members of the public wishing to address the Commission, *Chair Aspinall* closed oral communications.

PUBLIC HEARINGS

1. PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. 20-0003, DEVELOPMENT PLAN REVIEW NO. 20-0004, AND ENVIRONMENTAL ASSESSMENT REVIEW NO. EAR-20-0002.

Project Description: Consideration for 64 apartments within 14 buildings on 3.18 acres.

Project Location: Property is located at 1252 E. 7TH Street, further described as Assessor’s Parcel Number 1047-181-02, and zoned Multi-Family Residential Low (10-20 DU/AC, MFR-L).

STAFF:	Joshua Winter, Associate Planner
APPLICANT:	Naji Garabet 1245 Hicrest Road Glendora, CA. 91741
RECOMMENDATION:	That the Planning Commission: <ol style="list-style-type: none"> 1. Receive staff’s presentation; and 2. Hold a public hearing and receive testimony from the public; and 3. Find that the project is Categoricaly Exempt from environmental proceedings pursuant to Section 15332, Class 32, in that it consists of a project characterized as in-fill development per the California Environmental Quality Act Guidelines; and 4. Move to adopt a Resolution approving Conditional Use Permit No. 20-0003 and Development Plan Review No. 20-0004, subject to the conditions of approval as set forth in the draft Resolution.
COUNCIL HEARING REQUIRED:	None
APPEAL PERIOD:	July 9, 2020 – July 18, 2020

Commissioner Mayer announced a source of income conflict of interest, recused himself from the discussion and stepped down from the dais.

Associate Planner Winter provided a presentation on the details of the report, including the request; proposal; and application; location; building history; project layout; site plan; architecture style and elements; floor plan options; landscaping and open space areas; CEQA exemptions; noise and air quality analysis; preliminary Water Quality

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Management Plan and proposed sewer connections; and staff recommendation. He also noted a correction to the draft resolution, under “Whereas 3” to modify to reflect that the Planning Commission would take action on the project.

Vice Chair Schwary inquired as to the number of units the project is proposing and the number of guest parking spaces. He also inquired as to the proposed design and whether the renderings provided are a sample or what is intended to be built.

In response to *Vice Chair Schwary’s* inquiry, *Associate Planner Winter* indicated the applicant is proposing 64-units with 13 guest parking spaces. He indicated that the proposed number of guest spaces exceeds the required amount and the renderings depict what will actually be built.

Commissioner Novikov inquired as to the adoption of vehicle miles traveled (VMT) method by the City Council, and whether this project was examined utilizing VMT.

In response to *Commissioner Novikov’s* inquiry, *Development Services Director Dalquest* indicated the application was deemed complete in advance of the July 1st deadline. He also indicated the City Council will hear the Planning Commission’s recommendation to establish VMT at their July 27th meeting.

Chair Aspinall inquired as to the zoning and surrounding uses.

In response to *Chair Aspinall’s* inquiry, *Associate Planner Winter* replied the City changed the zoning for the property when they updated the General Plan. He indicated the neighboring industrial properties are zoned RM-2 and that the property to the west is currently for sale.

In response to *Chair Aspinall’s* inquiry, *Development Services Director Dalquest* added that the industrial buildings are currently non-conforming and spoke about the amortization schedule, noting once the schedule is up, the property is required to come into compliance with the current zoning requirements.

Chair Aspinall inquired as to construction noise requirements and as to the safety of the isolated south end of the proposed site plan.

In response to *Chair Aspinall’s* inquiry, *Associate Planner Winter* replied that the developer will use best management practices to mitigate construction noise. He also indicated the Police Department did not specifically call out the south area, but there are Conditions of Approval related to required lighting.

Commissioner Novikov requested clarification on the term “collector street.”

In response to *Commissioner Novikov’s* inquiry, *Associate Planner Winter* explained the difference between arterial streets and collector streets with regards to flow of traffic.

Naji Garabet, applicant, spoke about the work he has done with staff to ensure the project complies with all requests and requirements. He also indicated that his family intends on maintaining ownership of the property for the long-term.

Vice Chair Schwary inquired as to the possibility of increasing guest parking and what the rent for the units will be.

In response to *Vice Chair Schwary’s* inquiry, *Naji Garabet* indicated they are providing bike racks to supplement parking and spoke about the changing demographic with regards to the utilization of alternate forms of transportation. He also indicated rents will potentially start at \$2,000 - \$2,100 per month.

Commissioner Novikov commented positively on the aesthetics of the proposal and inquired as to plans to obstruct the view of the adjacent industrial uses.

In response to *Commissioner Novikov’s* inquiry, *Naji Garabet* indicated they intend on building a wall and indicated that at the moment, he does not plan on planting large trees; however, is open to the idea should the necessity arise in the future.

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Chair Aspinall inquired as to the decision to size the guest parking spaces as compact and inquired as to the artificial turf material proposed for the rooftop decks. She also inquired as to the siding material on the building and the number of ADA units.

In response to *Chair Aspinall's* inquiry, *Naji Garabet* indicated the decision was not made to intentionally meet requirements, and indicated that should problems arise in the future, he will be willing to find a solution. He also noted that each unit will have an enclosed two-space garage and he plans on hiring a management company to manage the facility operations. He also indicated he intends on using high quality artificial turf that will tolerate heat and wear and tear, and added that the architect for the project is award-winning and has presented the project at a high caliber. He also clarified that the siding material on the building is artificial and will not deteriorate over time.

In response to *Chair Aspinall's* inquiry, *Associate Planner Winter* indicated that there are more ADA units than required, and clarified that in order to be considered an ADA unit, there must be at least one (1) full bathroom and living space on the first floor.

Chair Aspinall inquired as to the intention of the common area at the south end of the property.

In response to *Chair Aspinall's* inquiry, *Naji Garabet* replied that he may offer landscaping and intends to rent units on the south end.

Discussion ensued related to the offering of BBQ areas around the site.

Commissioner Grahn inquired as to the plan for managing parking among the tenants and inquired about the solar panels in the renderings.

In response to *Commissioner Grahn's* inquiry, *Naji Garabet* indicated there is ample parking among the garages and each unit comes with as well as street parking. He also indicated they would like to install solar panels upon build, but are not prepared to do so at the moment, noting the roofs of the building are also being used as open-space for the tenants.

In response to *Commissioner Grahn's* inquiry, *Associate Planner Winter* indicated that per 2019 Building Code, new buildings are either required to have solar panels or be build solar-ready to be able to accommodate solar panels.

Commissioner Novikov inquired as to the number of units which will be located under the rooftop decks.

In response to *Commissioner Novikov's* inquiry, *Associate Planner Winter* indicated 40 units will have rooftop decks.

Vice Chair Schwary requested clarification on the option for street parking.

In response to *Vice Chair Schwary's* inquiry, *Naji Garabet* clarified that street parking is mainly to serve as overflow parking.

In response to *Vice Chair Schwary's* inquiry, *Associate Planner Winter* indicated there is no street parking permitted on the north side. He also indicated that the Commission may add a Condition of Approval where the tenants must limit their parking to inside their respective garages.

Commissioner Grahn suggested adding glass windows on the garage to deter tenants from utilizing garages for storage.

Commissioner Schwary suggested the use of stickers on the cars as a regulation measure.

Commissioner Novikov inquired as to the option to building an underground parking structure.

In response to *Commissioner Novikov's* inquiry, *Naji Garabet* indicated the consensus was not in favor of an underground parking structure and was willing to have windows on the garage doors as well as the use of stickers.

Chair Aspinall opened the public hearing.

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Lois Sicking Dieter (via phone) suggested the Planning Commission not adopt the Resolution as written. She feels the project should not be categorically exempt from CEQA and that an Initial Study should be conducted. She also expressed concerns with traffic impact, public safety, noise, solar panels, green energy features, electric vehicle (EV) chargers, parking, and only having compact parking spaces. She expressed concerns about parking impacts on the surrounding neighborhood and high density housing. She spoke about the disruption of street sweeping due to cars parked on the street and noted due to limited budget for parking enforcement, many cars aren't ticketed for street parking violations. She inquired as to how many trees will be removed and how will they be replaced, as well as the proximity of the development to public transportation. Additionally, she spoke about the future of the workforce, necessity for parks, and requested the Commission request the applicant utilize VMT.

Natasha Walton (via phone) indicated she is not against high density development, but noted proposals need to be evaluated properly in the public forum under the CEQA and feels the project is not exempt from CEQA. She noted that under section 15303, due to the density of the proposal, the project would require an Initial Study. She added the 30-day review period under CEQA would allow the public to evaluate the project and provide comments, where the developer would have to address concerns. She urged the Commission to require an Initial Study and indicated she did not see any type of analysis on hazardous materials on the site. She also spoke about the advantages to having an Initial Study and encouraged the developer to use warmer shielded lighting.

Naji Garabet indicated they conducted many different studies related to traffic and soils reports, and indicated they have removed hazardous materials which were found on the site. He also indicated when the site was purchased there were no trees, only a vacant warehouse building. Garabet indicated his only concern was with parking, however, he feels with the shift towards using mass transit and rideshare, parking in the future should not be an issue.

Chair Aspinall inquired if there are any plans for EV charging stations.

In response to *Chair Aspinall's* inquiry, *Naji Garabet* indicated he is not opposed to adding EV charging stations.

Seeing no further members of the public wishing to address the Commission, *Chair Aspinall* closed the public hearing.

Commissioner Novikov requested clarification on the permittance of underground parking garages.

In response to *Commissioner Novikov's* inquiry, *Associate Planner Winter* stated underground parking garages are very expensive to construct, and are usually shared in townhome-style developments.

Vice Chair Schwary requested a summary of Conditions of Approval as discussed.

In response to *Vice Chair Schwary's* inquiry, *Associate Planner Winter* summarized the conditions as follows: garage doors must have windows to ensure they are used for vehicle parking; leases must have a caveat that garages are used for vehicle parking; the inclusion of EV charging stations; and possible stickers for tenant vehicle identification.

Deputy City Attorney Shah suggested the Commission request the applicant submit a Parking Management Plan to address parking concerns, which will then be at the discretion of the Development Services Director to approve.

The Commission concurred with *Deputy Attorney Shah* and requested the applicant submit a Parking Management Plan to address the questions and concerns brought up during the discussion.

Chair Aspinall requested clarification on the biological study conducted.

In response to *Chair Aspinall's* inquiry, *Associate Planner Winter* indicated the Biological Resources Analysis looked at elements of nature that could have been present on the site, and noted there were no impacts found. He also indicated the applicant submitted a Phase 1 Environmental Assessment for the site that showed there was no contamination on site. Additionally, he indicated a Soils Report was conducted due to the history of the building and the report indicated no contamination was found, however, there was asbestos in the building that had to be removed. He indicated all reports and mitigation measures were taken to the requirements and satisfaction of the Building Official.

Chair Aspinall requested clarification on the CEQA exemption code.

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In response to *Chair Aspinall's* inquiry, *Development Services Director Dalquest* clarified the different exemptions and statutory exemptions by which staff made a determination through technical studies, and opined the project is exempt under the Class 32 infill exemption.

Commissioner Novikov requested further clarification on EV charging stations.

In response to *Commissioner Novikov's* inquiry, *Naji Garabet* indicated that there will be electrical outlets in the garage.

Chair Aspinall clarified that all parking concerns brought up during the hearing will be addressed in the Parking Management Plan.

Deputy City Attorney Shah clarified that submission of the Parking Management Plan will include elements of visibility into garages; EV charging station; permits; and a lease requirement related to parking prohibitions.

Vice Chair Schwary moved to find that the project is Categorically Exempt from environmental proceedings pursuant to Section 15332, Class 32, in that it consists of a project characterized as in-fill development per the California Environmental Quality Act Guidelines; and moved to adopt a Resolution approving Conditional Use Permit No. 20-0003 and Development Plan Review No. 20-0004, subject to conditions of approval as set forth in the draft Resolution, as amended to clarify that the Planning Commission is the deciding body.

The motion was seconded by *Commissioner Novikov*.

The motion carried by the following vote: (4-0-1):

AYES: *Commissioners Grahn, Novikov, Vice Chair Schwary, and Chair Aspinall*

NAYS: None ABSTAINED: *Mayer*

ABSENT: *Commissioners Anderson and Shim*

Commissioner Mayer joined the dais at 7:47 p.m.

2. PUBLIC HEARING TO CONSIDER ZONE CODE TEXT AMENDMENT NO. 20-0002.

Project Description: Consideration of an Ordinance adding Chapter 17.23.1 to the Upland Municipal Code related to regulating Short-Term Rentals in Single-Family Residential (RS) zones, Multi-Family Residential (RM) zones and residential specific plans.

Project Location: Citywide

STAFF:	Robert D. Dalquest, Development Services Director
APPLICANT:	City of Upland 460 North Euclid Avenue Upland, CA 91786
RECOMMENDATION:	That the Planning Commission: 1. Receive staff's presentation; and 2. Hold a public hearing and receive testimony from the public; and 3. Find that this Ordinance qualifies under the general rule that CEQA applies only to projects, which have the potential for causing significant effect on the environment. Pursuant to State CEQA Guidelines Section 15061(B)(3); and 4. Approve a Resolution recommending that the City Council adopt an Ordinance (Zone Code Text Amendment No. ZA-20-0002) regulating Short-Term Rentals.

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COUNCIL HEARING REQUIRED:	Yes
APPEAL PERIOD:	N/A

Development Services Director Dalquest provided a presentation on the details of the report, including background; goals; increases in rental market; breakdown of the current short-term rental makeup in the City; key elements of the proposed ordinance; CEQA exemptions; and staff recommendation. He reiterated this item is establishing a regulatory process.

Vice Chair Schwary requested clarification on the difference between short-term rentals and Air BnB's and inquired about the fees the City would receive as a result of these rentals.

In response to *Vice Chair Schwary's* inquiry, *Development Services Director Dalquest* defined short-term rental, as outlined in the draft Ordinance, noting short-term rentals are intended for single-family homes and permits stays under 30 days. He also noted the City intends to hire a vendor to monitor different rental platforms to ensure the City is maximizing Transient Occupancy Tax (TOT) revenues.

Commissioner Novikov inquired as to any existing ordinances for long-term rentals or short-term rentals. He also requested clarification on renting out ADU's.

In response to *Commissioner Novikov's* inquiry, *Development Services Director Dalquest* indicated there is an existing ordinance for Bed and Breakfasts, and explained the business model they must follow according to the Ordinance. He also spoke about provisions in the proposed ordinance with regards to restrictions on booking only one (1) group at a time. He clarified that homeowners may not allow short-term rentals for ADU's.

Commissioner Mayer requested clarification on inspection requirements, as outlined in the proposed ordinance.

In response to *Commissioner Mayer's* inquiry, *Development Services Director Dalquest* indicated that every two (2) months, Building Inspectors would be inspecting the property to ensure that life, safety, fire and building codes are met, as well as the other requirements such as the Administrative Use Permit, Conditions of Approval, and house rules being posted, in accordance with the Ordinance requirements.

Chair Aspinall inquired as to any other cities who may have similar requirements.

In response to *Chair Aspinall's* inquiry, *Development Services Director Dalquest* indicated the proposed ordinance is similar to the City of Rancho Cucamonga, as well as other cities which he used to author the ordinance. He spoke about his findings in researching ordinances for short-term rentals for surrounding cities. Additionally, he commented that he was unaware the City had so many short-term rentals.

Chair Aspinall clarified that the Planning Commission will make a recommendation on the ordinance to pass on to the City Council as the deciding body.

Commissioner Novikov requested clarification as to the current listings for short-term rentals.

In response to *Commissioner Novikov's* inquiry, *Development Services Director Dalquest* indicated there are no existing regulations to adequately regulate short-term rentals, and as such, the City's code enforcements division may only enforce public nuisances. He also indicated this is the reason the City is looking to adopt a short-term rental ordinance.

Chair Aspinall stated the need for short-term rentals regulations was a result from one of the Public Workshops the Planning Commission participated in last year regarding Assessorly Dwelling Units.

Commissioner Mayer requested clarification on page 7, item L of the draft ordinance with regards to un-hosted stay provisions. He also inquired as to how the provisions will be monitored.

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In response to *Commissioner Novikov's* inquiry, *Development Services Director Dalquest* clarified the City is allowing hosted and un-hosting stays for primary residences for up to 120-days in one (1) calendar year. He also indicated the City's vendor will be monitoring bookings.

Vice Chair Schwary inquired as to enforcement fines written into the draft ordinance.

In response to *Vice Chair Schwary's* inquiry, *Development Services Director Dalquest* indicated after any three (3) infractions, then the property owner is subject to a misdemeanor.

Discussion ensued related to what services the City's vendor will provide to ensure compliance with the ordinance; as well as professional qualifications of the vendor; hosted versus un-hosted stays; parameters; and limitations.

Commissioner Grahn inquired whether other cities have any noticing requirements and if there are mechanisms for revocation of the Administrative Use Permit if the short-term rentals are not in compliance.

In response to *Commissioner Grahn's* inquiry, *Development Services Director Dalquest* indicated that requirements in other cities vary, however with Administrative Use Permits there are no noticing requirements. He added with the establishment of lengthy Conditions of Approval, including the requirement that the rental be the owner's primary residence and not a vacation home, that potential issues will be mitigated. Additionally, he indicated there is a revocation process listed in the ordinance, to address noncompliance.

Commissioner Mayer requested clarification on page 4, item D of the draft ordinance regarding parking and suggested modifications to include permittance for parking legally on street frontage. He also expressed concerns for this item making the ordinance limiting.

In response to *Commissioner Mayer's* inquiry, *Development Services Director* indicated the intent of the ordinance is to contain the rentals on the property. He also indicated that staff can look at each individual Administrative Use Permit to assess fit for the use and deny the permit, if necessary. Adding, the applicants have the opportunity to appeal the denial to the Planning Commission. He also indicated that it is at the discretion of the Commission to modify language to allow street frontage to count as on-site parking.

Chair Aspinall inquired whether staff can inspect each property individually for parking availability when the Administrative Use Permit application is received.

In response to *Chair Aspinall's* inquiry, *Development Services Director* indicated parking is preferred on-site, and the applicants must submit a site plan and floor plan showing parking with their application.

Deputy City Attorney Shah suggested that should the Commission wish, they may modify the language to allow street parking at the discretion of the Development Services Director.

Chair Aspinall opened the public hearing.

Michele Alvarez spoke in support of the draft ordinance and expressed concerns with a short-term rental operating in her neighborhood, citing public nuisances and cases with local law enforcement. She indicated there have been numerous renters in and out of the property, ranging from 2-10 days at a time and indicated she witnessed nightly parties, guests climbing on the rooftop with unsafe circumstances, marijuana, trash left in the yard, and late night noise disturbances with law enforcement being called. She also expressed concerns with property values in her neighborhood.

Seeing no further members of the public wishing to address the Commission, *Chair Aspinall* closed the public hearing.

Vice Chair Schwary expressed support for the item.

Commissioner Mayer inquired as to next steps once the ordinance is adopted.

In response to *Commissioner Mayer's* inquiry, *Development Services Director* indicated that vacation rentals must cease to operate, and the City would have the owner's contact on file to track short-term rentals.

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Vice Chair Schwary moved to find that this Ordinance qualifies under the general rule that CEQA applies only to projects, which have the potential for causing significant effect on the environment. Pursuant to State CEQA Guidelines Section 15061(B)(3); and approve a Resolution recommending that the City Council adopt an Ordinance (Zone Code Text Amendment No. ZA-20-0002) regulating Short-Term Rentals, with Section 17.23.1.01 amended to include that the Development Services Director has the discretion to approve street frontage parking.

The motion was seconded by *Commissioner Novikov*.

The motion carried by the following vote: (5-0):

AYES: *Commissioners Grahn, Mayer, Novikov, Vice Chair Schwary, and Chair Aspinall*

NAYS: None ABSTAINED: None

ABSENT: *Commissioners Anderson and Shim*

3. PUBLIC HEARING TO CONSIDER ZONE CODE TEXT AMENDMENT NO. 20-0003.

Project Description: Consideration of an Ordinance amending Upland Municipal Code Chapter 17.40 Telecommunication Facilities (to be renamed Wireless Communications Facilities).

Project Location: Citywide

STAFF:	Robert D. Dalquest, Development Services Director
APPLICANT:	City of Upland 460 North Euclid Avenue Upland, CA 91786
RECOMMENDATION:	That the Planning Commission: <ol style="list-style-type: none"> 1. Receive staff’s presentation; and 2. Hold a public hearing and receive testimony from the public; and 3. Find that this Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act (“CEQA”) Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly.; and 4. Approve a Resolution recommending that the City Council adopt an Ordinance (Zone Code Text Amendment No. ZA-20-0003) regulating Wireless Communications Facilities.
COUNCIL HEARING REQUIRED:	Yes
APPEAL PERIOD:	N/A

Associate Planner Winter provided a presentation on the details of the report, including background; state and federal regulations; key elements; zone requirements; location preference hierarchy; permitting system; design and development standards; small cell renderings; standard Conditions of Approval; CEQA recommendations; amended definitions; and staff recommendations.

Chair Aspinall stated this item is a follow up from the Public Workshop the Planning Commission had in June 2020.

Commissioner Novikov inquired as to the situations which would arise which would trigger the approval of the cell on wheels (COW).

In response to *Commissioner Novikov’s* inquiry, *Associate Planner Winter* indicated the code has a section specific for emergency deployment.

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In response to *Commissioner Novikov's* inquiry, *City Attorney Flower* added that COW's are generally used for natural disasters and emergency situations to ensure continuity of service and are limited to 14 days.

Vice Chair Schwary reiterated the fact that the ordinance is a result of federal and state mandates.

City Attorney Flower indicated state and federal regulations which preempt the City's ability to regulate and the ordinance is an attempt to navigate legislation and preserve the City's authority to the greatest extent possible. He also reiterated that the City may not deny applications for telecommunication facilities based on environmental or health impacts due to radio frequency emissions, so long as they are in compliance with FCC standards.

Chair Aspinall added that the City's authority is limited to aesthetics.

Commissioner Novikov indicated he spoke with a telecommunications professional who assured him that there are no increased health concerns related to the installation of 5G versus 4G, but instead provides many incentives such as a great network for autonomous cars in the future.

Chair Aspinall opened the public hearing. Seeing no members of the public wishing to address the Commission, *Chair Aspinall* closed the public hearing.

Commissioner Mayer moved to find that this Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly.; and approved a Resolution recommending that the City Council adopt an Ordinance (Zone Code Text Amendment No. ZA-20-0003) regulating Wireless Communications Facilities.

The motion was seconded by *Vice Chair Schwary*.

The motion carried by the following vote: (5-0):

AYES: *Commissioners Grahn, Mayer, Novikov, Vice Chair Schwary, and Chair Aspinall*

NAYS: None ABSTAINED: None

ABSENT: *Commissioners Anderson and Shim*

BUSINESS ITEMS – None.

COMMISSION COMMUNICATION

Vice Chair Schwary welcomed *Commissioner Grahn* to the Commission and thanked staff.

ADJOURNMENT

There being no further business to come before the Planning Commission, *Chair Aspinall* adjourned the meeting at 8:50 P.M., to the regular meeting of the Planning Commission on July 22, 2020, at 6:30 P.M.

Respectfully submitted,

Robert D. Dalquest, Secretary
Upland Planning Commission



**MINUTES OF A REGULAR MEETING OF THE
UPLAND PLANNING COMMISSION HELD
WEDNESDAY, JULY 22, 2020
AT 6:30 P.M.**

CALL TO ORDER OF THE PLANNING COMMISSION REGULAR MEETING

Chair Aspinall called the Regular Meeting of the Upland Planning Commission to order in the Council Chambers of the Upland City Hall at 6:31 P.M.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by *Commissioner Shim*.

ROLL CALL

MEMBERS PRESENT: Chair Aspinall, Vice Chair Schwary, Commissioners Anderson, Grahn, Mayer, Novikov, Shim

MEMBERS ABSENT: None

ALSO PRESENT: Development Services Director and Planning Commission Secretary Dalquest, Contract Planning Manager Poland, Associate Planner Winter, Assistant Planner Hong, Senior Administrative Assistant Miller, City Attorney Flower, Deputy City Attorney Shah

APPROVAL OF MINUTES – None.

COUNCIL ACTIONS

Development Services Director Dalquest provided a brief follow up on the July 13th City Council Meeting, noting the City Council approved the ratification of an Executive Order of the Director of Emergency Services to provide a program to allow for outdoor dining and establishing funding to set up a program for local businesses to help provide for COVID compliance and security. He also noted the Council received a presentation on the Hotel Market Demand Analysis and participated in a policy discussion on murals in the downtown.

Chair Aspinall inquired as to the grant program funding.

In response to *Chair Aspinall's* inquiry, *Development Services Director Dalquest* indicated that grant funding will be provided as a result of the City's receipt of CARES Act funds.

FUTURE AGENDA ITEMS

Contract Planning Manager Poland indicated that the Commission will hear five (5) items at the August 12th special meeting, including a Planning Commissioner training; two (2) public hearings related to a proposed daycare facility and a proposed ordinance for Accessory Dwelling Units; a resolution affirming rules and procedures; and a discussion regarding the holiday schedule. He also indicated that the August 12th special meeting is a result of the cancellation of the August 26th regular meeting.

Chair Aspinall asked *Contract Planning Manager Poland* to explain to the Commission why the meetings in November and December are not scheduled at the beginning of the year.

In response to *Chair Aspinall's* request, *Contract Planning Manager Poland* indicated the Municipal Code states the Planning Commission meetings shall occur on the 4th Wednesday of every month, unless there is an affirmative action of the Planning Commission to reschedule a meeting.

ORAL COMMUNICATIONS

Chair Aspinall stated this is the time for any citizen to comment on any items that are not listed on the agenda under “Public Hearings” but within the Planning Commission’s purview. Anyone wishing to address the Planning Commission should submit a speaker card to the Planning Secretary prior to speaking. The speakers are requested to keep their comments to five (5) minutes. The use of visual aids will be included in the time limit. Under the provisions of the Brown Act, the Planning Commission is prohibited from acting on items not listed on the agenda.

Seeing no members of the public wishing to address the Commission, *Chair Aspinall* closed oral communications.

PUBLIC HEARINGS

1. PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. 20-0004.

Project Description: Request for a conditional use permit to allow the reconstruction of a legal non-conforming building damaged by fire by less than 50% of its market value, and allow a 15% increase in floor area to establish a bakery and sandwich shop with outdoor patio seating.

Project Location: Property is located at 1600 W. 9th Street, further described as Assessor’s Parcel Number 1007-643-16, and zoned Business/Residential Mixed-Use (B/R-MU).

STAFF:	Jacqueline Hong, Assistant Planner
APPLICANT:	Risen Bakery and Grill Gabriel Boyadjian 4558 Fruit Street La Verne, CA. 91750
RECOMMENDATION:	That the Planning Commission: <ol style="list-style-type: none"> 1. Receive staff’s presentation; and 2. Hold a public hearing and receive testimony from the public; and 3. Find that the project is Categorically Exempt from further environmental proceedings pursuant to article 19, Section 15301, Existing Facilities, Class 1 (d and e), for the reconstruction of an existing legal non-conforming building damaged by fire by less than 50% of its market value and for a 15% increase in floor area to establish a bakery and sandwich shop with outdoor patio seating; and 4. Move to adopt a Resolution for approval of Conditional Use Permit No. 20-0004, based upon the findings and subject to conditions of approval as set forth in the Resolution.
COUNCIL HEARING REQUIRED:	No
APPEAL PERIOD:	July 23, 2020 – August 3, 2020

Assistant Planner Hong provided a presentation on the details of the report, including request; project site; zoning; General Plan designation; site history; nonconforming status; site plan; parking; floor plan; current and proposed exterior elevations; Technical Review Committee recommendation; CEQA exemptions; and staff recommendation. She also clarified an update to two (2) typographical errors to the draft resolution related to condition number 30.24, to correct language to read “discernable” and 30.32 to correct language to read “legally.”

Chair Aspinall inquired as to the cause of the fire and who is responsible for maintaining the parkway.

In response to *Chair Aspinall’s* inquiry, *Assistant Planner Hong* noted that the applicant will be addressing the landscaping and indicated there is a condition which requires applicant to submit an updated landscape plan prior to building permits issuance. She indicated the parkway is the public right-of-way, however it will be maintained by the property owner. She then deferred to the applicant regarding the cause of the fire.

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Commissioner Mayer inquired as to the 15% expansion, and if it falls within existing zoning and design guidelines.

In response to *Commissioner Mayer's* inquiry, *Assistant Planner Hong* affirmed that the 15% expansion conforms to the Code.

Commissioner Mayer expressed concern with the site plan related to parking placement and accessible parking stalls.

In response to *Commissioner Mayer's* inquiry, *Assistant Planner Hong* indicated staff can add a condition that requires the applicant to submit revised site plans to address the depth of the drive aisle as well as adjustments to the accessible parking area, to the satisfaction of the Development Services Director, prior to the approval of building permits.

Chair Aspinall opened the public hearing.

Gabriel Boyadjian, owner, Risen Bakery and Grill, indicated the fire began after subcontractors cut into electrical wiring, which ignited a fire. He also spoke about the business, noting the bakery is a European-style bakery with a small variety of Mediterranean sandwiches, and noted that the business will be primarily take-out. He indicated the proposed site plan is COVID-compliant and they are open to modifying the accessible parking area.

Commissioner Anderson commented positively on the building and location.

Chair Aspinall requested further information on the design of the office and building. She also inquired as to the use of the stairs as outlined on the site plan.

In response to *Chair Aspinall's* inquiry, *Gabriel Boyadjian* indicated the office will be in the back of the building to add depth, street visibility as well as ceiling access. He also indicated the business will also sell coffee and noted the stairs will be used to access the roof of the building.

Commissioner Mayer inquired as to the height of the headroom in the attic.

In response to *Commissioner Mayer's* inquiry, *Gabriel Boyadjian* indicated that the height of the headroom will be 8-feet in the attic and 10-feet in the office for depth.

Seeing no further members of the public wishing to address the Commission, *Chair Aspinall* closed the public hearing.

Commissioner Mayer commented positively on the architecture. He also spoke about Condition number 30.33, and expressed concern with severity of the revocation terms and requested the language be amended from "shall" to "may" to allow for a process for revocation in lieu of immediate revocation of the CUP.

In response to *Commissioner Mayer's* inquiry, *Deputy City Attorney Shah* indicated that if any applicant violates the terms of their CUP, it is at that point a property right, and they would be required to come before the Planning Commission for a revocation hearing.

Discussion ensued to the revocation hearing process, City Council appeal process and the history of CUP revocation hearings.

Vice Chair Schwary requested staff discuss the revocation hearing process for CUP's at the next meeting's training.

Commissioner Anderson expressed support for *Commissioner Mayer's* recommendation to change the language of Condition number 30.33 from "shall" to "may."

Vice Chair Schwary moved to find that the project is Categorical Exempt from further environmental proceedings pursuant to Article 19, Section 15301, Existing Facilities, Class 1 (d and e), for the reconstruction of an existing legal non-conforming building damaged by fire by less than 50% of its market value and for a 15% increase in floor area to establish a bakery and sandwich shop with outdoor patio seating; and move to adopt a Resolution for approval of Conditional Use Permit No. 20-0004, based upon the findings and subject to Conditions of Approval as set forth in the Resolution, as amended to address two (2) typographical errors related to Condition Number 30.24, to correct

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language to read “discernable” and 30.32 to correct language to read “legally;” the requirement of the applicant to submit a revised site plan to address the depth of the drive aisle as well as adjustments to the accessible parking area, to the satisfaction of the Development Services Director, prior to the approval of building permits; and to amend the language of Condition Number 30.33 from “shall” to “may.”

The motion was seconded by *Commissioner Anderson*.

The motion carried by the following vote: (7-0):

AYES: *Chair Aspinall, Vice Chair Schwary, Commissioners Anderson, Grahn, Mayer Novikov, and Shim*

NAYS: None ABSTAINED: None

ABSENT: None

2. PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. 20-0005.

Project Description: Request for a conditional use permit to establish a firearm retailer with accessory gunsmithing.

Project Location: Property is located at 750 N. Mountain Avenue, further described as Assessor’s Parcel Number 1007-191-06, and zoned Commercial/Office Mixed-Use (C/O-MU).

STAFF:	Joshua Winter, Associate Planner
APPLICANT:	Brett and Kristina Swaim 5819 Beryl Street Rancho Cucamonga, CA 91737
RECOMMENDATION:	That the Planning Commission: <ol style="list-style-type: none"> 1. Receive staff’s presentation; and 2. Hold a public hearing and receive testimony from the public; and 3. Find that this project is Categorically Exempt from environmental proceedings pursuant to Article 19, Section 15301, Existing Facilities, Class 1 (a), of the California Environmental Quality Act Guidelines, since the proposed project consists of a negligible change in use within an existing structure; and 4. Move to adopt a Resolution for approval of Conditional Use Permit No. 20-0005, based upon the findings and subject to the conditions of approval as set forth in the Resolution.
COUNCIL HEARING REQUIRED:	No
APPEAL PERIOD:	July 23, 2020 – August 3, 2020

Associate Planner Winter provided a presentation on the details of the report, including request; site; building history; business operations; floor plan; security details; other agency requirements and approvals; Police Department assessed Conditions of Approval; CEQA exemptions; and staff recommendation.

Vice Chair Schwary requested confirmation that the Police Department conditions have been incorporated and they are in support of the CUP. He also inquired as to if the business will sell actual firearms.

In response to *Vice Chair Schwary’s* inquiry, *Associate Planner Winter* confirmed that the Police Department reviewed the project and did not see any further issues beyond their assessed conditions. He also indicated that the business plans to sell firearms, parts and accessories.

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Chair Aspinall spoke about Conditions 30.19 and 30.20, as discussed in the previous hearing, and suggested incorporating a similar change to the language with regards to violations and the revocation process. Additionally, she spoke about improvements to the exterior of the building and suggested incorporating landscaping and parking lot restriping.

Deputy City Attorney Shah indicated that at the appropriate time for consideration, the Commission may incorporate similar amendments to the draft Resolution as were incorporated in the previous public hearing.

Chair Aspinall opened the public hearing.

Brett Swaim, applicant, indicated the exterior improvements are in the process of being completed and were addressed as part of the escrow process. He also spoke about the family business, business model, experience, gross revenues, and the previous gun store in the City. Additionally, he mentioned advantages in owning the building since those who don't end up closing due to rising rents and filling the void of firearm sales in the City.

Commissioner Anderson spoke positively about the business and the increase in sales tax revenue as a result of the business relocating to the City of Upland.

Commissioner Mayer inquired as to what extent of the building the applicant is purchasing.

In response to *Commissioner Mayer's* inquiry, *Brett Swaim* clarified he is purchasing the entire building and will rent out the north area of the building to the existing and new tenants.

Vice Chair Schwary requested the applicant detail the security plans for the building.

In response to *Vice Chair Schwary's* inquiry, *Brett Swaim* spoke about the relationship the business has with local police departments. He also indicated that many firearm store break-ins do not occur in the state of California due to strict security requirements for gun stores. He indicated his store will have steel bars to specific standard; and outlined the door building materials, storage facilities, and shatterproof displays.

Chair Aspinall requested further detail on the steel bars on the windows and inquired as to the process for purchasing a firearm.

In response to *Chair Aspinall's* inquiry, *Brett Swaim* indicated the bars will not be visible and requested a waiver from the Commission to cover windows so that the interior is not visible to further increase security. He also spoke about security cameras which will be on the building's premises. Additionally, he spoke about the State's policy to purchase a firearm, which includes a testing requirement; including state and federal paperwork and background checks. He also mentioned a local gun range in the area which the business partners with, which they refer customers to for training and practice.

Tyler Quirk, Upland resident, spoke in support of the Conditional Use Permit and spoke about the integrity, professionalism, positive reputation and superior level of customer service of the business owners/applicants. He mentioned state requirements for the businesses with regards to the requirement to conduct business in person, noting the increase of customer traffic and patronage to surrounding businesses in the City as a result.

Seeing no further members of the public wishing to address the Commission, *Chair Aspinall* closed the public hearing.

Vice Chair Schwary spoke positively on the applicant's security measures, increase in sales tax revenue and the improvements to the exterior of the building.

Commissioner Novikov spoke in support of the business, as a result of the public testimony.

Chair Aspinall expressed interest in adding a condition related to the landscape plan.

In response to *Chair Aspinall's* inquiry, *Associate Planner Winter* suggested adding a condition which would require the applicant to submit a landscape rehabilitation plan subject to the approval of the Development Services Director.

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Vice Chair Schwary requested the applicant work with staff with regards to the coverings on the windows.

Commissioner Grahn suggested a condition be added to address parking lot refurbishments meet City standards.

Vice Chair Schwary moved to find that this project is Categorically Exempt from environmental proceedings pursuant to Article 19, Section 15301, Existing Facilities, Class 1 (a), of the California Environmental Quality Act Guidelines, since the proposed project consists of a negligible change in use within an existing structure; and moved to adopt a Resolution for approval of Conditional Use Permit No. 20-0005, based upon the findings and subject to the conditions of approval as set forth in the Resolution, as amended to include the requirement of a landscape rehabilitation plan be submitted and subject to the approval of the Development Services Director; parking lot be restriped and paved to the satisfaction of the Development Services Director; and amend the language of Condition number 30.33 from “shall” to “may.”

The motion was seconded by *Commissioner Anderson*.

The motion carried by the following vote: (7-0):

AYES: *Chair Aspinall, Vice Chair Schwary, Commissioners Anderson, Grahn, Mayer Novikov, Shim*

NAYS: None ABSTAINED: None

ABSENT: None

BUSINESS ITEMS – None.

COMMISSION COMMUNICATION

Vice Chair Schwary thanked *Commissioners Grahn* and *Mayer* for their input and participation.

Commissioner Anderson requested the Commission adjourn the meeting in honor and recognition of Linda Angona, for her 19 years of service to the Board of Education, Vic’s Group, and the community of Upland.

ADJOURNMENT

There being no further business to come before the Planning Commission, *Chair Aspinall* adjourned the meeting at 7:40 P.M., to the special meeting of the Planning Commission on August 12, 2020, at 6:30 P.M.

Respectfully submitted,

Robert D. Dalquest, Secretary
Upland Planning Commission



PLANNING COMMISSION REPORT

ITEM NO. 1

DATE: AUGUST 12, 2020

TO: PLANNING COMMISSION

FROM: ROBERT D. DALQUEST, DEVELOPMENT SERVICES DIRECTOR

PREPARED BY: JOSHUA WINTER, ASSOCIATE PLANNER

SUBJECT: CONDITIONAL USE PERMIT NO. CUP-19-07 FOR THE ESTABLISHMENT OF A CHILD CARE/PRESCHOOL FACILITY FOR UP TO 94 CHILDREN WITHIN AN EXISTING 5,040 SQUARE FOOT TENANT SPACE IN A COMMERCIAL CENTER, INCLUDING THE CONSTRUCTION OF AN OUTDOOR PLAY AREA WITHIN THE COMMERCIAL/OFFICE MIXED-USE (C/O-MU) GENERAL PLAN LAND USE DESIGNATION AND COMMERCIAL/OFFICE MIXED-USE (C/O-MU) ZONE LOCATED AT 710 E. FOOTHILL BOULEVARD (APN: 1046-101-08)

REQUEST

The applicant is seeking approval of a Conditional Use Permit to establish a child care/preschool facility within an existing 5,040 square foot tenant space in a commercial center and a new outdoor play area (See Exhibit A – Draft Resolution). The application for the project includes:

Conditional Use Permit No. 19-07. A Conditional Use Permit is required for a child care center within the Commercial/Office Mixed-Use (C/O-MU) zone.

SYNOPSIS

<i>Applicant:</i>	Wei Zhao
<i>Representative:</i>	Same as Applicant
<i>Property Owner:</i>	Manco International c/o Manny Borookhim

<i>Property Location:</i>	710 E. Foothill Blvd. (1046-101-08)																							
<i>Existing General Plan Land Use Designation:</i>	Commercial/Office Mixed-Use (C/O-MU)																							
<i>Existing Zoning Classification:</i>	Commercial/Office Mixed-Use (C/O-MU)																							
<i>Site Size:</i>	20,975 square feet																							
<i>Building/Suite Size:</i>	5,040 square feet																							
<i>Access:</i>	Driveway off North Campus and two driveways off of East Foothill Boulevard.																							
<i>Existing Conditions:</i>	Existing building and parking.																							
<i>Surrounding Land Uses:</i>	<table border="1"> <thead> <tr> <th>Direction</th> <th>Land Use</th> <th>General Plan</th> <th>Zone</th> </tr> </thead> <tbody> <tr> <td>North</td> <td>7/11 and Vehicle Repair Shop</td> <td>C/R-MU</td> <td>C/R-MU</td> </tr> <tr> <td>East</td> <td>CVS store and Carl's Jr. restaurant</td> <td>C/R-MU</td> <td>C/R-MU</td> </tr> <tr> <td>South</td> <td>Single-family Residential.</td> <td>SFR-M</td> <td>RS-7.5</td> </tr> <tr> <td>West</td> <td>Commercial/ Restaurant</td> <td>C/R-MU</td> <td>C/R-MU</td> </tr> </tbody> </table> <p>See Exhibit B – Vicinity Map</p>				Direction	Land Use	General Plan	Zone	North	7/11 and Vehicle Repair Shop	C/R-MU	C/R-MU	East	CVS store and Carl's Jr. restaurant	C/R-MU	C/R-MU	South	Single-family Residential.	SFR-M	RS-7.5	West	Commercial/ Restaurant	C/R-MU	C/R-MU
Direction	Land Use	General Plan	Zone																					
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South	Single-family Residential.	SFR-M	RS-7.5																					
West	Commercial/ Restaurant	C/R-MU	C/R-MU																					
<i>Previous Applications/Entitlement:</i>	N/A																							

AUTHORIZATION/GUIDELINES

Section 17.44.040(C) of the Upland Municipal Code requires the Planning Commission to approve, conditionally approve, or deny all conditional use permit applications.

PUBLIC NOTICE

This project included the following types of notification to the public, in accordance with Upland Municipal Code (UMC) Section 17.46.020.

1. On July 28, 2020, a Notice of Public Hearing was mailed to all property owners within 300 feet of the project site. This resulted in a total of 12 property owners being noticed.
2. On July 31, 2020, the Public Hearing Notice was published in the Inland Valley Daily Bulletin, as well as posted in two physical locations (Upland City Hall and Upland Library).

BACKGROUND

According to building permit records, the existing commercial building was originally constructed in 1985. The building is located in the Upland Country Village shopping center which was also constructed between 1984 and 1985. The building has contained multiple tenants throughout its history. Most recently, the building was divided into 3 units, and contained a chiropractor’s office and salon & day spa. Currently, the building is completely vacant. No previous land use entitlements were found for the building. Neighboring uses within the shopping center include Goodwill, El Pollo Loco, Round Table Pizza and Brandon’s Diner among other commercial uses.

ANALYSIS

General Plan

The project site has a “Commercial/Office Mixed-Use” General Plan Land Use Designation. The designation is intended to accommodate for mixed office and commercial uses along Foothill Boulevard near San Antonio Hospital in order to support regional employment opportunities. Commercial uses are also supported within this designation, including the proposed child care center, which will provide employment opportunities and necessary services for local workers. The business is consistent with the General Plan goals and/or policies as shown in Table 1 below.

Table 1

Goal/Policy	Consistency
Policy LU-1.4 Complete and Balanced Community. Foster new land uses and building types that contribute to City revenues and increase employment while also ensuring the provision of sufficient housing, shopping, civic, cultural, open space, and recreational opportunities.	The business owner provides a new business that will cater to Upland residents and provides a valuable service for workers child care needs, as well as employment opportunities. Additionally, the use will draw people to a center that is experiencing a high vacancy rate.
Goal ES-1 A sustainable business environment that supports local entrepreneurial growth and attracts commercial and industrial investment and revitalization.	The action supports entrepreneurial growth by supporting a new business investment. The project also provides new investments into a currently vacant building.

Zoning

The C/O-MU Zone is situated along Foothill Boulevard near San Antonio Hospital and along Mountain Avenue near the I-10 Freeway. The zone is intended to support mixed office and commercial uses in support of regional employment opportunities. The zoning designation allows for a variety of retail, service, and office users, and specifically requires the approval of a Conditional Use Permit for a child care center. (See Exhibit D – General Plan and Zoning Map)

Project Description

The applicant requests approval of a Conditional Use Permit to allow a child care center/preschool facility for up to 94 children within a 5,040 square square-foot building, and including a new 3,526 square-foot outdoor playground (see Exhibit D – Project Plans). The proposed child care center/preschool would be available to children between the ages of two years and six years old. The facility would include 1 teacher for every 12 children, or 1 teacher and 1 teacher aid for up to 15 children plus additional administrative staff, with the applicant anticipating approximately 21 employees.

The proposed age group breakdown is provided in the Table 2 below.

Table 2

Age	Number
2/3 years	30
3/4 years	30
5/6 years	34
Total	94

Operations

The proposed use will operate between the hours of 6:30 a.m. and 6:00 p.m. Children will leave and arrive at various times during the day according to each family's needs. The preschool will cater in meals for children, with breakfast served from 7:30 am to 8:30 am, Lunch service from 12:00 pm to 1:00 pm and a snack will be served from 2:30 pm to 3:30 pm. Children of every age will be required to be walked into the facility and signed-in and -out by a parent or guardian each day. There will be no designated drop off and pickup areas; parents must park and enter the facility to drop off and pick up their child. Outside playtime will be staggered between age groups. The use will also include various special activities throughout the year, for example, a Halloween parade will occur during the Halloween season. For additional operational details, please see Exhibit E – "Fairytale Castle Parent Handbook".

Site and Floor Plan

The proposed facility will occupy the entirety of the existing 5,040 square foot building. The floor plan includes space for the reception area, classrooms, bathrooms, and employee break space. (See Exhibit D)

The project proposes no exterior changes to the building and maintains the existing building setbacks, floor area, lot coverage, and height. The project will include interior tenant improvements, which will consists of offices, breakrooms, storage rooms, a utility room, classrooms, and the remainder of the space will be used for

restroom facilities and corridor space. The size and use of the classrooms and building are broken down as shown below in Table 3:

Table 3

Classroom 1 - 2/3 years	421 square feet
Classroom 2 - 2/3 years	425 square feet
Classroom 3 - 3/4 years	555 square feet
Classroom 4 - 3/4 years	517 square feet
Classroom 5 - 5/6 years	695 square feet
Classroom 6 - 5/6 years	692 square feet
Remainder square footage devoted to office/reception/lobby/hallways	1735 square feet
Total Square Footage	5,040 Square Feet

Outdoor Playground

State Law (State of California, Title 22, Division 12, Chapter 1 of the Manual of Policies and Procedures for Community Care Licensing, Section 101238.2, Outdoor Activity Space), requires the following for infants, toddlers and preschoolers (6 weeks – 6 years):

- There shall be at least 75 square feet per child of outdoor activity space.
- The outdoor space shall provide a shaded rest area and permit children to reach the activity space safely.
- The surface of the activity space shall be in a safe condition and free of hazards.
- The areas around and under climbing equipment, swings slides and similar equipment shall be cushioned with material that absorbs falls.
- Sandboxes shall be inspected daily and kept free of foreign materials.
- The playground shall be enclosed by a fence at least four feet high.

The applicant is providing a 3,526 square foot outdoor play area at the east side of the building, built over 9 existing parking stalls. There will be a total of 94 children permitted to be at the facility, therefore, 7,050 square feet (94 children x 75 square feet) of outdoor activity space is required. Because the applicant’s outdoor space is not large enough to meet the State requirement, the applicant is required to stagger outdoor playtime by age group in order to ensure the children are provided adequate outdoor area. Conditions of approval have been included on the project to ensure the ratio of 75 square foot per child is maintained while the outdoor playground is in use.

The outdoor play area will be improved with a rubber play surface, various playground equipment and bench seating. The applicant has proposed a 6 foot high decorative fence, consisting of 3 feet of decorative wrought iron and 3 feet of concrete wall. In addition, a 5 foot landscaping planter will surround the playground area to further buffer the playground from the drive aisle. Finally, the plans currently show the fencing going in front of the primary entrance of the building, which is not permitted,

therefore, a condition has been included required that access be maintained and the outdoor area be reoriented away from the front entrance.

The project would introduce a new outdoor noise source, but the noise generation will be during the day, and, the noise of children playing is not anticipated to exceed the City of Upland's allowed daytime noise levels of 65 dBA, found in Chapter 9.40 of the Municipal Code.

Parking and Circulation

Access to the project is provided by Foothill Boulevard to the north and Campus Avenue to the west. Both streets are designated as Major arterials. In order to ensure traffic associated with the use will not result in any impacts, a Trip Generation Analysis was prepared for the project which determined that the number of trips generated by the project would not create a significant impact. Trip rates were calculated based on the Institute of Transportation Engineers Trip Generation Manual (10th Addition (ITE, 2017)). It was determined that the project would generate 240 total daily trips and 55 AM peak hour trips, and 56 PM peak hour trips. Staff required the applicant to provide a Level of Service (LOS) Analysis for the intersection of Campus Avenue and Foothill Boulevard. The LOS Analysis found that, with the new traffic generated by the project, the intersection will continue to operate at an LOS C during both a.m. and p.m. peak hours, and comply with the General Plan Goal of maintaining an LOS D (General Plan Policy CIR-1.1). Therefore, the project will not result in a significant impact related to traffic. (See Exhibit F – Traffic Impact Analysis)

While the analysis shows that the project will not result in a significant traffic impact, the project's traffic engineer has noted the existing traffic at the intersection of Foothill Boulevard and Campus Avenue does back-up to the south, which blocks the project site's driveway off of Campus Avenue, often blocking left turns from said driveway. Therefore, the traffic engineer has recommended a sign be placed at the intersection of the project site driveway onto Campus Avenue that prohibits left turns during peak hours. A Condition of Approval has been added requiring this recommendation, for the Planning Commissions consideration.

In accordance with Upland Municipal Code Section 17.11.030/Table 17.11-1(On-site Parking Requirements), the required parking for the proposed Child Care Center is 1 parking space for every 350 square feet of gross floor area. Therefore, at 5,040 square feet, the use requires a total of 15 parking spaces.

The shopping center currently has 268 parking spaces. Based on the existing uses in the shopping center, including the proposed Child Care Facility, the center requires a total of 193 parking spaces. This results in a surplus of 75 parking spaces, therefore parking is adequate for the proposed child care facility, including the loss of 9 parking spaces for the outdoor play area, and all existing uses on site.

ENVIRONMENTAL ASSESSMENT

The project has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301, Existing Facilities, Class 1 (a), of the CEQA Guidelines as the project involves minor interior and exterior alterations to an existing building and site.

REQUIRED FINDINGS

According to Municipal Code Section 17.44.040, in order to approve a conditional use permit, the Planning Commission is required to make specific findings. Section 1 of the Planning Commission Resolution contains the mandated findings for the Planning Commission's consideration.

TECHNICAL REVIEW COMMITTEE

The Technical Review Committee reviewed the project, and recommended approval, subject to conditions of approval that have been incorporated into the draft resolution. As part of this process, the application was reviewed by the Upland Police Department, who has provided conditions of approval that include requirements for a video surveillance system and the allowance for an inspection of the premises every six (6) months by the Upland Police Department.

RECOMMENDED ACTION

The Planning Division recommends that the Planning Commission adopt a Resolution entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UPLAND, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. CUP-19-07 FOR THE ESTABLISHMENT OF A CHILD CARE/PRESCHOOL FACILITY WITHIN AN EXISTING 5,040 SQUARE FOOT COMMERCIAL BUILDING INCLUDING THE CONSTRUCTION OF AN OUTDOOR PLAY AREA WITHIN A THE COMMERCIAL/OFFICE MIXED-USE (C/O-MU) GENERAL PLAN LAND USE DESIGNATION AND COMMERCIAL/OFFICE MIXED-USE (C/O-MU) ZONE LOCATED AT 710 E. FOOTHILL BOULEVARD (APN: 1046-101-08).

MOTION

- Move to find the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301, Existing Facilities, Class 1 (a), of the CEQA Guidelines, since the proposed project consists of a negligible change in use within an existing structure.
- Move to approve Conditional Use Permit No. CUP-19-07 for the establishment of a child care/preschool facility, based on the findings and subject to the conditions of approval, as set for in the Resolution.

EXHIBITS

- Exhibit A: Draft Resolution
- Exhibit B: Vicinity Map
- Exhibit C: General Plan and Zoning Map
- Exhibit D: Project Plans
- Exhibit E: Fairytale Castle Parent Handbook
- Exhibit F: Traffic Impact Analysis

Exhibit A – Draft Resolution



RESOLUTION NO.**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UPLAND APPROVING CONDITIONAL USE PERMIT NO. CUP-19-07 FOR THE ESTABLISHMENT OF A CHILD CARE/PRESCHOOL FACILITY WITHIN AN EXISTING 5,040 SQUARE FOOT COMMERCIAL BUILDING INCLUDING THE CONSTRUCTION OF AN OUTDOOR PLAY AREA WITHIN A COMMERCIAL/OFFICE MIXED-USE (C/O-MU) GENERAL PLAN LAND USE DESIGNATION AND COMMERCIAL/OFFICE MIXED-USE (C/O-MU) ZONE LOCATED AT 710 E. FOOTHILL BOULEVARD (APN: 1046-101-08)**

Intent of the Parties and Findings

WHEREAS, Wei Zhao (Applicant) has filed an application requesting approval of the Project; 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 Development Services Director determined that the Project qualifies for a Categorical Exemption from the provisions of CEQA per Section 15301, Existing Facilities, of the CEQA Guidelines in that a Class 1 exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of the existing private structure, and involves no expansion of use beyond that existing at the time of the lead agency's determination; and

WHEREAS, the City of Upland Planning Division on July 30, 2020, 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 July 28, 2020, mailed the public hearing notice to each property owner within a 300-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 Planning Division on July 31, 2020, 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 Planning Commission conducted a duly noticed public hearing on August 12, 2020, at which time it received public testimony concerning the Project, and considered the CEQA Exemption for the proposed Project and the project itself.

NOW, THEREFORE, the Planning Commission of the City of Upland hereby finds, determines and resolves 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.

B. The project is consistent with the following General Plan Policies:

1. Policy LU-1.4 Complete and Balanced Community. Foster new land uses and building types that contribute to City revenues and increase employment while also ensuring the provision of sufficient housing, shopping, civic, cultural, open space, and recreational opportunities.

Fact: The business owner provides a new business that will cater to Upland residents and provides a valuable service for workers child care needs, as well as employment opportunities. Additionally, the use will draw people to a center that is experiencing a high vacancy rate.

2. Goal ES-1 A sustainable business environment that supports local entrepreneurial growth and attracts commercial and industrial investment and revitalization.

Fact: The action supports entrepreneurial growth by supporting new business investment and supports Upland residents and workers by allowing for needed support services. The project also provides new investments into a currently vacant building.

C. In accordance with Upland Municipal Code Section 17.44.040 F, the Planning Commission may approve an application for a Conditional Use Permit only if the proposed project complies with applicable standards in the Zoning Ordinance, other City ordinances, the General Plan, and any other applicable community or specific plans, and as supported by all of the following findings:

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

Evidence: The site is located within an existing commercial development with nearby commercial and residential uses and adjacent to the Campus Avenue and Foothill Boulevard commercial corridor. The proposed tenant space would be large enough to accommodate the number of children the applicant has requested. The traffic analysis shows the operation would not result in traffic impacts, and the staggered drop off would reduce potential traffic impacts from students arriving or departing the site. There is sufficient parking on-site to accommodate the existing and proposed use for the site under the Upland Zoning Code.

2. Finding: 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.

Evidence: The use is located within an existing commercial site, primarily surrounded by commercial uses with multi-family residential uses to the south. The design of the project will utilize the existing parking and circulation, which is adequate. The design of the outdoor play ground a 6-foot high decorative tubular steel fence and 5 foot landscaping planter will surround the playground area to further buffer the playground from the drive aisle. The size and shape of the existing site and building provide sufficient space to accommodate the proposed use, including classrooms, required restrooms and outdoor space. The center's parking lot would allow child drop offs and pick-ups to occur away from the public right of way and would not conflict with existing uses. The existing circulation is adequate for public access, including public service and emergency vehicles.

3. Finding: 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.

Evidence: The proposed use would be located within an existing commercial office development with operation occurring during normal business hours. The proposed use would operate indoors with a proposed outdoor playground. Parents will be required to sign in their children at arrival times and again sign out their child upon picking up their children. The project is consistent with the development standards of the Commercial/Residential Mixed-Use (C/R-MU) zone intended to protect the public health, safety and welfare. The use is appropriately conditioned to ensure the public health, safety, and welfare are protected. Conditions include limitations of hours of operations as well as security and maintenance requirements.

Section 2. DETERMINATION. In light of the evidence presented at the public hearing and based on the findings set forth above, the Planning Commission hereby finds that the requirements necessary for the approval of Conditional Use Permit No. CUP-19-07 have been met, subject to all applicable provisions of the Upland Municipal Code, and the following conditions of approval:

10.0 General Conditions

- 10.1 The approved project includes a Child Care Center/Preschool for 2 to 6 year olds within an existing 5,040 square foot building; including a 3,526 square foot outdoor playground. Expansion of project beyond the scope and nature of the project, which would increase the projected scale of

the project, shall not be permitted except upon application for and approval of modification to this approval.

- 10.2 All Ordinances, Policy Resolutions, and Standards of the City in effect at the time this project is approved shall be complied with as a condition of this approval.
- 10.3 Development of the project shall be consistent with the stamped approved plans on file with the City of Upland Planning Division.
- 10.4 Prior to issuance of permits, all tenant improvements shall be subject to plan check with the Planning Division, Building Division, Engineering Division, Public Works Department and Fire Department.
- 10.5 All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash, and debris at all times. Dead, damaged, and/or missing landscaping shall be replaced/replanted, subject to the satisfaction of the Planning Division.
- 10.6 To the maximum extent permitted by law, Applicant must defend, indemnify, and hold City and its elected officials, officers, contractors serving as City officials, agents, and employees ("Indemnitees") harmless from liability for damage and/or claims for damage for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Applicant's activities in connection with Conditional Use Permit No. CUP-19-07("Project") on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Applicant's contractors, agents, tenants, employees or any other persons acting on Applicant's behalf, which relate to the development and/or construction of the Project. This indemnity provision applies to all damages and claims for damage, as described above, regardless of whether or not the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this approval, or any other supporting document relating to the Project, the Applicant must indemnify, defend and hold harmless the Indemnitees, and each of them, with respect to all liability, costs and expenses incurred by, and/or awarded against, the City or any of the Indemnitees in relation to such action. The City shall have the right to select counsel of its choice that the Applicant reasonably approves. The parties hereby agree to cooperate in defending such action. The City will not voluntarily assist in any such third-party challenge or take any position adverse to the Applicant in connection with such third-party challenge.

- 10.7 Within 15 calendar days of this approval, the Property Owner or Project Applicant, shall submit to the Development Services Department written evidence of agreement with all conditions of this approval before the approval becomes effective. (UMC 17.45.030)
- 10.8 The applicant shall not engage in any construction activities other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety or as otherwise approved by the Development Services Director.
- 10.9 Termination of approval if either: (1) development has not been diligently commenced and actively pursued to completion thereafter within a two (2) year period from the date of approval (i.e. August 12, 2022); or, (2) if the use approved hereunder is discontinued for a period of one hundred and eighty days or longer; or, (3) non-compliance with any provision of the Upland Municipal (UMC) not specifically waived in compliance with City procedures.

20.0 Planning Division Conditions

- 20.1 Child Care hours of operation are limited from 6:00 am to 6:00 pm, Monday through Friday. This limitation excludes administrative operations.
- 20.2 The child care facility is limited to a maximum of 94 children.
- 20.3 The operator shall ensure the ratio of 75 square foot per child is maintained while the outdoor playground is in use. Currently, due to the size of the outdoor playground, the total number of children allowed within the outdoor playground at any given time shall not exceed 47. If the applicant desires to expand the outdoor play area, the applicant shall submit plans and applications, as required by the Development Services Director, for review and approval by the Development Services Director
- 20.4 If traffic or circulation issues occur as a result of this use the operator is required to make any modifications to operation of the school, up to and including suspending the use, necessary to resolve the issues, to the satisfaction of the Development Services Director.
- 20.5 The project shall be operated in accordance with all local, state and federal regulations.
- 20.6 Curbside drop-offs in front of the building shall be prohibited at all times. Each child shall be walked into the building upon arrival and picked-up inside the building upon departure. No idling, double parking or blocking of the drive aisles shall be allowed. The applicant shall ensure that all parents are provided with a written copy of this policy upon enrollment and as a reminder in any regularly published newsletters.

- 20.7 The applicant shall provide parents/guardians with a written advisory and diagram that details the protocols for entering, parking, and exiting the site. The applicant shall require parents/guardians to acknowledge (in writing) that they have read and will abide by the provisions of the advisory.
- 20.8 The applicant shall monitor the queues in front of the building. Should the vehicle queues extend onto the drive aisles, modifications to the size of individual classes, the class schedule, or additional assistance during loading/unloading time will be required. Such modifications shall be subject to the approval of the Development Services Director.
- 20.9 All children shall be signed in by a parent upon arrival and signed out prior to departing the premises.
- 20.10 Applicant shall utilize non-toxic and age appropriate play equipment and plant materials.
- 20.11 The proposed playground equipment shall conform to the standards set forth by the American Society for Testing and Materials.
- 20.12 Prior to the issuance of building permits for tenant improvements, the applicant shall provide cut sheets for the proposed fencing/wall materials. Fencing shall be constructed out of decorative tubular steel/wrought iron and a stuccoed concrete wall to the satisfaction of the Development Services Director or designee.
- 20.13 The tenant improvement plans submitted for plan check shall include the following:
 - a. A detailed site plan for the outdoor playground area, including manufacturers cut sheet (spec sheet) and specific playground equipment and furniture.
 - b. The plan shall identify all outdoor playground materials, including but not limited to, ground covers, sand boxes and equipment, furniture, etc.
 - c. The plans shall also include a landscape plan for the new proposed landscape planters surrounding the outdoor play area.
 - d. The plan shall reorient the outdoor playground so the fencing does not block the primary entrance to the satisfaction of the Building Official and Development Services Director.

30.0 Police Department

- 30.1 The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Upland Police Department, and City Planning.
- 30.2 A 6-month review/inspection shall be conducted to ensure permittee's

compliance with all operating conditions.

- 30.3 Public access shall be restricted to a single point of entry which may include double doors.
- 30.4 All doors shall be alarmed so as to notify staff when someone is entering or exiting through any point of the business.
- 30.5 All exterior doors shall be equipped with a lighting device capable of providing a minimum of two foot-candle of light at ground level.
- 30.6 Lighting is required in all areas of public access.
- 30.7 All exterior lighting shall be oriented inward into the project so as not to interfere with adjacent residential areas or vehicular traffic on adjacent public streets.
- 30.8 At a minimum, internally illuminated address signs/numbers are required for each building, to the satisfaction of the Deputy Fire Marshal and the Chief of Police.
- 30.9 A digital video surveillance system is required at the premise. It is recommended to have a surveillance video/visual media that shall be maintained for a minimum of sixty (60) days and upon request, shall be accessible to law enforcement personnel for viewing, copying and collection purposes during regular business hours. The system shall be able to make license plates discernable. The video system shall cover all ingress and egress points of the parking lots, the building, and inside of the premises.
- 30.10 Provide UPD with contact information of person responsible for maintaining video equipment/system and who has access to retrieve and copy surveillance video. The surveillance video/visual media shall be remotely accessible to the Upland Police Department.
- 30.11 Signs shall comply with all City of Upland sign requirements (UMC 17.15 et seq.). No more than 25% of the total window area and clear doors shall bear advertising or signs of any sort. Window signs shall be placed and maintained in a manner so that there is a clear and unobstructed view of the interior of the premises from the public sidewalk or entrance to the premises (this applies to all windows of this location).
- 30.12 Signs prohibiting loitering shall be installed to the satisfaction of the Chief of Police. They shall be mounted between six and ten feet above ground. The following must be printed on the sign in letters at least two inches tall: "PC647 (h), UMC I 0.72.010." and "NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES." The signs shall be posted on the front, rear, and sides of the building, and shall be clearly

visible to patrons of the licensee.

- 30.13 Graffiti abatement by the business owner/licensee shall be immediate and ongoing on the licensed premises, but in no event shall graffiti be allowed unabated on the premises for more than 48 hours. Abatement shall take the form of removal or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee shall notify the City within 24 hours of any graffiti elsewhere on the property not under the business owner/licensee's control so that it may be abated by the property owner.
- 30.14 All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash, and debris at all times.
- 30.15 The applicant shall be responsible for maintaining the area adjacent to the premises over which they have control free of litter.
- 30.16 If any community issues arise, such as noise, odors, parking, crime, etc., the owner/operator shall be responsible for immediate implementation of measures to address the issues, including additional restrictions on the intensity of the use, to the satisfaction of the Development Services Director and/or the Chief of Police.
- 30.17 Violation of any of the aforementioned conditions, may result in revocation of the CUP, consistent the process established in UMC Section 17.45.100, Permit Revocation or Modification.

40.0 Building and Safety

- 40.1 The applicant shall obtain building permits for all tenant improvements, receive a final inspection for said permits and a Certificate of Occupancy prior to the issuance of a Business License.
- 40.2 All tenant improvements shall be in compliance with the 2019 California Building Code.
- 40.3 The primary entrance shall not be blocked by any fencing.

50.0 San Bernardino County Fire Protection District (SBCoFD)

- 50.1 The development shall have a minimum of 2 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. a. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions. b. Multi-

Story Road Access Width. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height.

- 50.2 Prior to the issuance of building permits, building plans shall be submitted to the Fire Department for review and approval.
- 50.3 The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.
- 50.4 An automatic fire sprinkler monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
- 50.5 Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.
- 50.6 An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit plans to the with hydraulic calculation and manufacturers specification sheets to the Fire Department for approval and approval. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.
- 50.7 An approved Fire Department key box is required. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock.
- 50.8 Permission to occupy or use the building (certificate of Occupancy or shell release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for Fire Final.
- 50.9 In addition to the Fire requirements stated herein, other onsite and offsite improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office. Deferred Submittal required for Alarms, Sprinklers and Underground Fire water.
- 50.10 This standard, in conjunction with the latest edition of NFPA 13, NFPA 13R and NFPA 24, shall apply to the design and installation of, and the modification to, all new and existing fire sprinkler systems in commercial and industrial buildings and multi-family dwellings. This standard and

its interpretation shall take NOT precedent where there is any conflict with NFPA standards.

60.0 Review/Compliance

- 60.1 If the Development Services Director finds evidence that the conditions of approval have not been fulfilled or the use has or have resulted in a substantial adverse effect to the health, and/or general welfare of users of adjacent or proximate property, or have a substantial adverse impact on public facilities or services, the Development Services Director may refer the conditional use permit back to the Planning Commission for review. If, upon such item the Commission finds that any of the results above have occurred the Commission may modify or revoke the conditional use permit.
- 60.2 The Planning Commission may review the use 90 days, 180 days, and on an annual basis following the date of final inspection, or as needed at the discretion of the Development Services Director, to determine whether the applicant and operators are operating the use in a manner that is compatible with the community. The Planning Commission may establish additional conditions of approval that are necessary to eliminate any issues that arise from the operation of the use that adversely impact the public health, welfare, and safety, or may direct staff to initiate revocation proceedings. The conditional use permit may be revoked if the permittee, his agents or assigns, or employee(s) of the establishment, or any other person connected or associated with the permittee or his business establishment, or any person who is exercising managerial authority of the business establishment has:
- a. Violated any rule, regulation, or condition of approval adopted by the Planning Commission relating to the conditional use permit or contained in the Upland Municipal Code, or state or federal regulations. Violation of any provision of the Upland Municipal Code (UMC) or the conditions of approval set forth in this resolution, shall be deemed to constitute an infraction of the Upland Municipal Code, and shall be subject to the applicable fines and penalties, including the possibility of revocation of this permit.
 - b. Conducted the operation permitted hereunder in a manner contrary to the peace, health, safety, and general welfare of the public, or in a manner which either generates or contributes to noise and/or health/sanitation nuisances, or which results in undesirable activities that negatively affects adjacent properties or creates an increased demand for public services.

Section 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). The project is Categorically Exempt from environmental proceedings pursuant to Article 19, Section 15301, Existing Facilities, Class 1 (a), of the California Environmental Quality

Act Guidelines, since the proposed project consists of a negligible change in use within an existing structure.

Section 4. APPEAL. Pursuant to Upland Municipal Code Section 17.47.040, the decision of the Planning Commission may be appealed to the City Council provided that written notice of the appeal is filed with the City Clerk within ten (10) days following the date the decision was rendered, unless a longer appeal period is specified as part of the project approval. Failure to file a timely appeal shall constitute a waiver of the right of appeal, and the decision of the Planning Commission shall be final.

Section 5. INCONSISTENCY. If any section, division, sentence, clause, phrase or portion of this resolution or the document in the record in support of this resolution is determined by a court of competent jurisdiction to be invalid, unenforceable, unconstitutional or otherwise void, that determination shall not affect the validity of the remaining sections, divisions, sentences, clauses, phrases of this resolution.

Section 6. CERTIFICATION. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this Resolution, and shall cause this Resolution and their certification to be entered in the Book of Resolutions of the Planning Commission of the City.

PASSED, APPROVED and ADOPTED this 12th day of August, 2020.

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 12th day of August, 2020, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Robert D. Dalquest, SECRETARY

Exhibit B – Vicinity Map



EXHIBIT B – VICINITY MAP

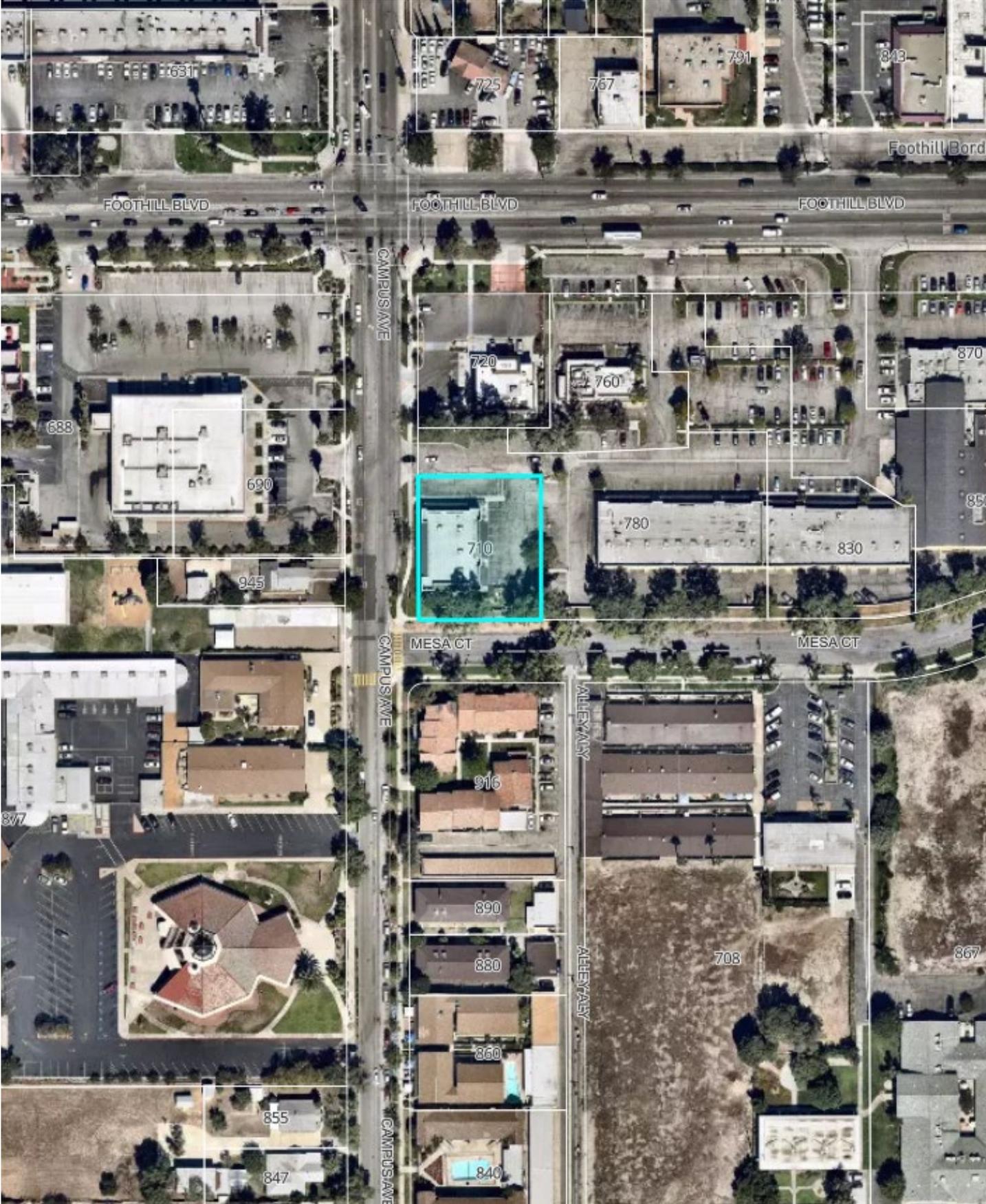


Exhibit C – General Plan and Zoning Map



Exhibit C - General Plan and Zoning Map

General Plan Land Use Map

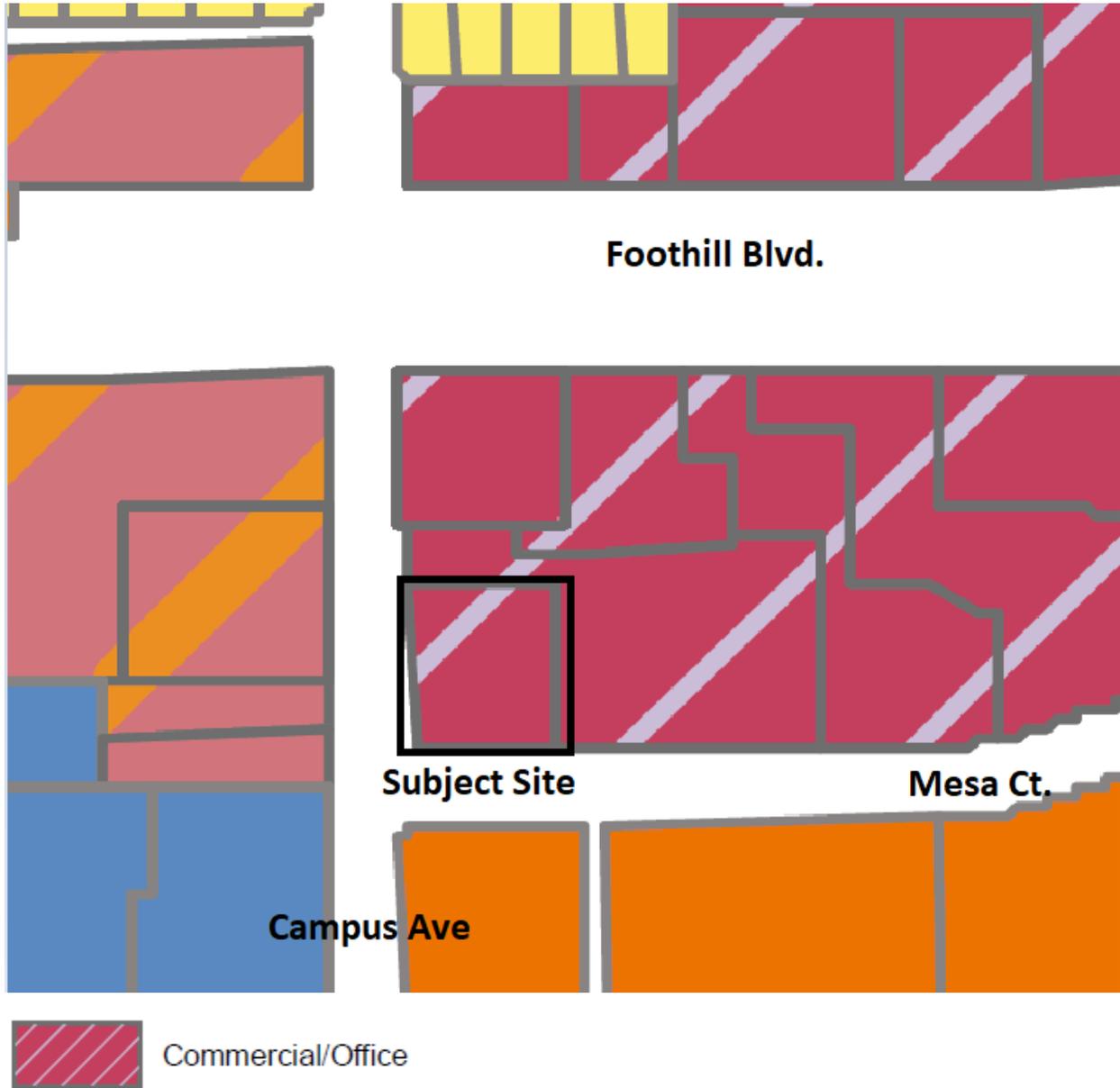


Exhibit C - General Plan and Zoning Map

Zoning Map

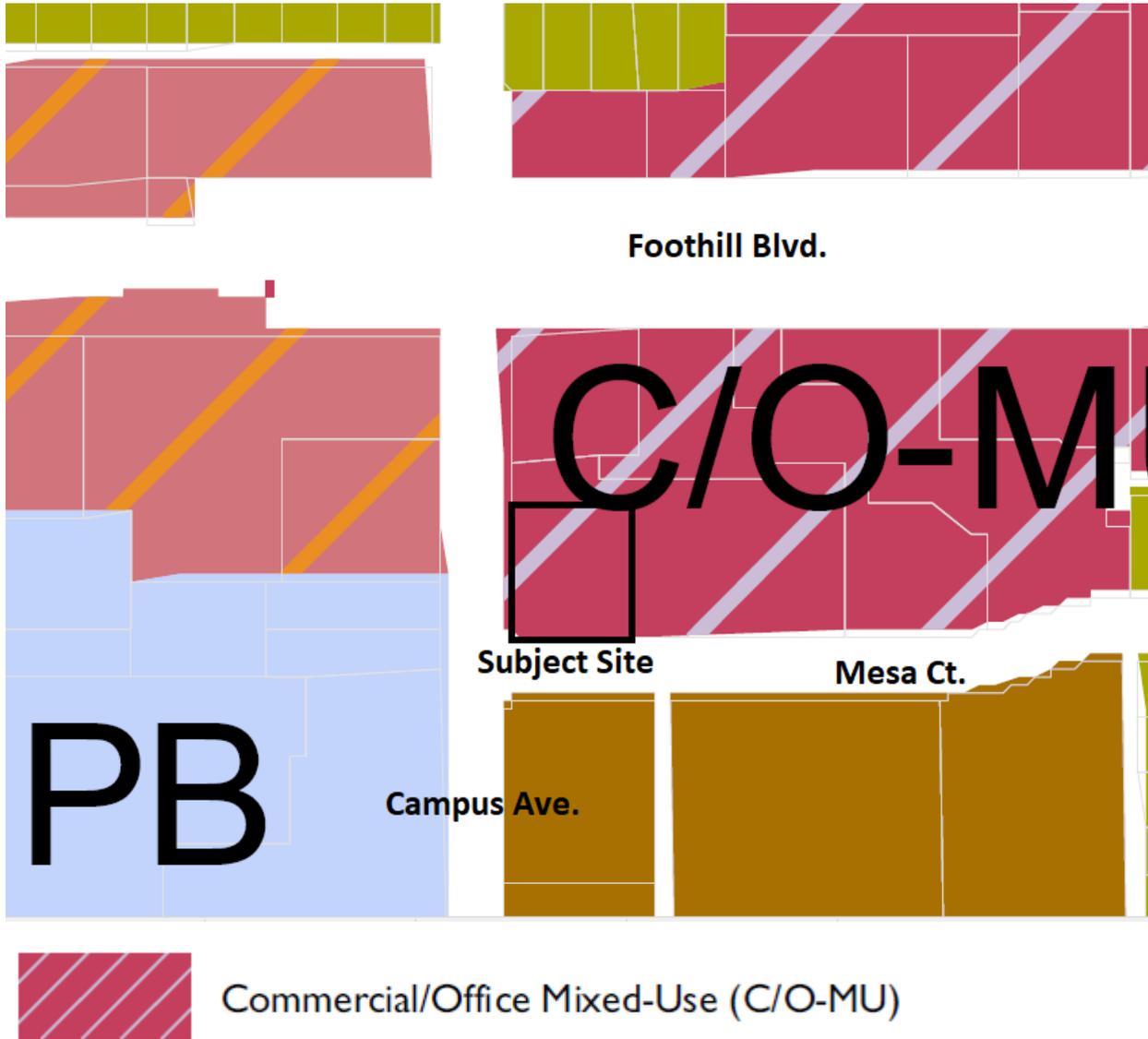


Exhibit D – Project Plans



GENERAL NOTES

- THE CONTRACTOR AND/OR SUB-CONTRACTORS SHALL VISIT AND REVIEW CONDITIONS PRIOR TO SUBMITTING BIDS.
- THE CONTRACTOR SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT INCLUDING SAFETY OF ALL PERSONS & PROPERTY. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY & NOT BE LIMITED TO NORMAL WORKING HOURS. THE CONTRACTOR SHALL PROVIDE PUBLIC PROTECTION AS NECESSARY & REQUIRED BY GOVERNING CITY AGENCIES.
- THE WORK SHALL CONFORM TO THE APPLICABLE BUILDING CODE AND OTHER ORDINANCES CODES & REGULATIONS LISTED IN THE SPECIFICATIONS OR ON THE DRAWINGS, & REQUIRED BY LOCAL BUILDING AUTHORITIES. THE GOVERNING CODES, RULES & REGULATIONS ARE COLLECTIVELY REFERRED TO AS "THE CODE". THE CONTRACTOR SHALL REPORT ANY INCONSISTENCIES, CONFLICTS OR OMISSIONS HE MAY DISCOVER TO THE ARCHITECT FOR INTERPRETATION PRIOR TO PERFORMING THE WORK.
- THE GENERAL CONTRACTOR SHALL VERIFY ALL CONDITIONS & DIMENSIONS ON THE JOB SITE & REPORT ANY & ALL DISCREPANCIES AND/OR UNUSUAL CONDITIONS TO THE DESIGNER PRIOR TO FINALIZING BIDS OR COMMENCEMENT OF ANY CONSTRUCTION.
- TRADE NAMES AND MANUFACTURERS REFERRED TO ARE FOR QUALITY STANDARDS ONLY. SUBSTITUTIONS WILL BE PERMITTED WHERE SUBMITTED TO AND APPROVED BY THE OWNER & DESIGNER PRIOR TO THEIR PURCHASE AND INCORPORATION INTO THE WORK.
- PROVIDE APPROVED FIRE EXTINGUISHERS AS REQUIRED BY FIRE MARSHALL. LOCATIONS SHALL BE DETERMINED IN THE FIELD BY THE FIRE MARSHALL.
- THE CONTRACTOR SHALL OBTAIN & PAY FOR ALL PERMITS & VERIFY GOVERNING AUTHORITIES' REQUIREMENTS FOR CONSTRUCTION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL COSTS FOR INSPECTIONS AND/OR TESTS, UNLESS NOTED OTHERWISE.
- ALL RAMPS SHALL HAVE A NON-SLIP FINISH.
- DO NOT SCALE THESE DRAWINGS. SHOULD ANY DIMENSIONAL DISCREPANCIES BE ENCOUNTERED, CLARIFICATIONS SHALL BE OBTAIN FROM THE DESIGNER.
- UNLESS OTHERWISE NOTED ON THESE DRAWINGS OR IN THE SPECIFICATIONS AS BEING N.I.C. OR EXISTING, ALL ITEMS, MATERIALS, etc., & THE INSTALLATION OF SAME ARE A PART OF THE CONTRACT DEFINED BY THESE DRAWING SPECIFICATIONS.
- THE BUILDING & ITS FACILITIES SHALL BE ACCESSIBLE TO & FUNCTIONAL TO THE PHYSICALLY HANDICAPPED.
- PROVIDE EXIT SIGNS AT ALL LEGAL EXITS AS REQUIRED BY CODE. EXIT SIGNS, WHERE INDICATED ON PLANS, SHALL BE ILLUMINATED & READ "EXIT" IN 6" HIGH LETTERS. EXITS SIGNS SHALL BE ON CIRCUIT & INDEPENDENTLY CONTROLLED REFER TO ELECTRICAL DRAWINGS.
- DETAILS ARE INTENDED TO SHOW THE INTENT OF THE DESIGN. MINOR MODIFICATIONS MAY BE REQUIRED TO SUIT THE FIELD DIMENSIONS OR CONDITIONS & SUCH MODIFICATION SHALL BE INCLUDED AS PART OF THE WORK OF THE CONTRACT.
- ALL INTERIOR WALL DIMENSIONS ARE TO THE FACE OF THE STUD UNLESS OTHERWISE NOTED.
- ALL EXTERIOR WALL DIMENSIONS ARE TO FACE OF CONCRETE BLOCK OR TO FACE OF STUD, UNLESS OTHERWISE NOTED.
- THE CLIENT, DESIGNER, CONSULTANTS & ALL INSPECTORS FROM PERTINENT AGENCIES SHALL BE PERMITTED ACCESS TO THE JOB SITE AT ALL TIMES DURING NORMAL WORKING HOURS.
- THE CONTRACTOR SHALL PROVIDE SOLID BLOCKING, UNLESS NOTED OTHERWISE AS REQUIRED FOR NAILING OF ALL INTERIOR & EXTERIOR TRIMS, FINISHES, AND SHALL PROVIDE FOR ALL THE NECESSARY FRAMING & BRACING FOR THE INSTALLATION OF N.I.C. EQUIPMENT INDICATED.
- PROVIDE VENTILATION FOR ALL ELECTRICAL & TELEPHONE EQUIPMENT ROOMS.
- MECHANICAL VENTILATION SHALL SUPPLY A MINIMUM 5 CFM OF OUTSIDE AIR, EXCEPT IN TOILET ROOMS WHERE FIVE (5) AIR CHANGES PER HOUR SHALL BE PROVIDED. SYSTEM MUST PROVIDE A TOTAL CIRCULATION OF NOT LESS THE 15 CUBIC FEET PER MINUTE PER OCCUPANT IN ALL PORTIONS OF THE BUILDING. REFER TO MECHANICAL DRAWINGS.
- PROVIDE METAL TRIM OR CASING AT ALL EDGES OF PLASTER OR DRYWALL WHERE IT TERMINATES OR MEETS ANY OTHER MATERIAL, EXCEPTS FLOORS.
- THE CONTRACTOR SHALL VERIFY LOCATION & SIZE OF ALL FLOOR, ROOF, & WALL OPENINGS WITH ALL APPLICABLE DRAWINGS
- KEEP PIPING AS CLOSE TO WALLS & AS HIGH TO UNDERSIDE OF ROOF FRAMING AS POSSIBLE.
- WHERE LARGER STUDS OR FURRING ARE REQUIRED TO COVER DUCTS, PIPING CONDUIT, etc., THE LARGER STUD OR FURRING SHALL EXTEND THE FULL LENGTH OF THE SURFACE INVOLVED.
- THE CONTRACTOR SHALL VERIFY INSERTS & EMBEDDED ITEMS W/ ALL APPLICABLE DRAWINGS BEFORE POURING CONCRETE.
- ALL EXTERIOR EXPOSED METAL (TRIMS, RAILING, FRAMES, MOLDINGS etc.) SHALL BE PAINTED, UNLESS NOTED OTHERWISE.
- IN ALL CASES, PROVIDE ISOLATION OF ALUMINUM FROM ADJACENT STEEL OR COAT SURFACES IN CONTACT WITH BITUMINOUS PAINT.
- ALL EXTERIOR WALL OPENINGS, FLASHING, COPING, & EXPANSION JOINTS SHALL BE WEATHERPROOF.
- ALL ROOF DRAINS SHALL BE LOCATED AT THE LOWEST POINT OF THE ROOF TAKING INTO CONSIDERATION THE CAMBER OF BEAMS & DEFLECTION OF CANTILEVERS. CONTRACTOR SHALL VERIFY THAT POSITIVE DRAINAGE EXISTS FROM ALL POINTS ON ROOF PRIOR TO INSTALLING DECK.
- SIZES OF MECHANICAL EQUIPMENT PADS, BASES, ROOF EQUIPMENT PADS, & OPENINGS ARE BASIS FOR DESIGN ONLY. CONTRACTOR SHALL VERIFY ALL DIMENSIONS OF ALL EQUIPMENT PADS & BASES WITH EQUIPMENT MANUFACTURERS. MECHANICAL CONTRACTORS SHALL VERIFY ALL SIZES & LOCATIONS OF DUCT OPENINGS ON ROOF.
- GLAZING NOTES:
A: ALL FIXED & OPENABLE WINDOWS FROM ZERO TO 50 SQ. FT. IN AREA SHALL HAVE 1/4" MINIMUM GLASS GRIP & 0 MINIMUM GLASS EDGE CLEARANCE.
B: ALL FIXED & OPENABLE WINDOWS OVER 50 SQ. FT. IN AREA SHALL HAVE 1/2" MINIMUM GLASS GRIP & 0 MINIMUM GLASS EDGE CLEARANCES.

GENERAL NOTES

- GLAZING IN ALUMINUM DOORS SHALL HAVE 1/4" MINIMUM GLASS GRIP & 0 MINIMUM GLASS EDGE CLEARANCE.
 - ALL WINDOWS & DOOR GLAZING SHALL HAVE CONTINUOUS GLAZING RABBET & GLASS RETAINER & RESILIENT SETTING MATERIAL.
- SUSPENDED ACOUSTICAL CEILING SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH 2014 LA COUNTY CODE.
 - THE BUILDING SHALL BE COMPLETELY SPRINKLED WITH AN AUTOMATIC FIRE EXTINGUISHING SYSTEM AS APPROVED BY THE GOVERNING FIRE DEPARTMENT, BUILDING DEPARTMENT, AND THE OWNER'S FIRE INSURANCE RATING BUREAU. COPIES OF FIRE DEPARTMENT & INSURANCE BUREAU APPROVED PLANS SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT FOR CHECKING & APPROVAL PRIOR TO INSTALLATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DESIGN & CONSTRUCTION OF A COMPLETE SYSTEM, FROM CONNECTION TO THE SITE WATER MAIN (OR SITE FIRE SERVICE VAULT WHERE PROVIDED) TO THE BUILDING INTERIOR SPRINKLER DISTRIBUTION. REFER TO SITE UTILITY PLANS. ALL SPRINKLER LINES SHALL RUN CONCEALED IN ALL FINISHED AREAS, INTERFERENCE WITH LIGHTS, DUCTS, PIPES, etc., SHALL BE AVOIDED. EXPOSED PIPING IN FINISHED AREAS WILL NOT BE ACCEPTABLE. AUTOMATIC FIRE EXTINGUISHERS SYSTEM MUST BE FULLY OPERATIONAL & ENERGIZED PRIOR TO FIXTUREIZATION OF THE BUILDING.

FIRE NOTES

- K CLASS FIRE EXTINGUISHER(S) WITHIN 30 FEET OF COOKING INVOLVING VEGETABLE OR ANIMAL OIL AND FATS (SUCH AS DEE FAT FRYERS), AS MEASURED ALONG AN UNOBSTRUCTED PATH OF TRAVEL, ARE REQUIRED IN THE KITCHEN AREA.
- PANIC HARDWARE OR FIRE EXIT HARDWARE (RATED PANIC HARDWARE) AS APPLICABLE, ARE REQUIRED ON ALL EXIT DOOR FORM ASSEMBLY AREAS/ ROOMS.
- ASSEMBLY PERMIT IS REQUIRED. CONTACT THE BUREAU OF FIRE PREVENTION AT FIRE DEPARTMENT FOR INFORMATION.
- ALL PORTIONS OF THE BUILDING SHALL BE WITHIN 75 FEET OF A FIRE EXTINGUISHER. THE MINIMUM SIZE OF THE EXTINGUISHER SHALL BE 2-A:10-BC.
- TACTILE EXIT SIGNS SHALL BE PROVIDED AS REQUIRED TO COMPLY WITHIN SECTION 1003.2.8.6.
- EMERGENCY LIGHTING PER SECTION 1003.2.9.2 IS REQUIRED.
- EACH SINGLE SYSTEM PROVIDING HEATING OR COOLING AIR IN EXCESS OF 2,000 CUBIC FEET PER MINUTE SHALL BE EQUIPPED WITH AN AUTOMATIC SHUTOFF ACTIVATED BY SMOKE DETECTORS.
- COMBINATION FIRE/ SMOKE DAMPERS (FSD'S) SHALL BE PROVIDED AS REQUIRED TO COMPLY WITH SECTIONS 713.10 & 713.11.
- A MANUAL FIRE SPRINKLER SYSTEM AS REQUIRED FOR GROUP A, DIVISION A 2.1 OCCUPANCIES SHALL BE PROVIDED. SUBMIT SHOP DRAWINGS (3 SETS) AND A PERMIT APPLICATION TO THE CITY OF UPLAND FIRE DEPARTMENT FOR APPROVAL BEFORE ALTERING THE SYSTEM.
- THE CITY OF UPLAND FIRE DEPARTMENT MUST BE CONTACTED A MINIMUM OF 7-10 DAYS IN ADVANCE TO SCHEDULE INSPECTIONS.
- MISSING FIREPROOFING MATERIAL MUST BE REPLACED BEFORE CONSTRUCTION FINAL.
- PENETRATIONS INTO, OR THROUGH, FIRE RESISTIVE CONSTRUCTION MUST ABE FIRESTOPPED IN ACCORDANCE WITH CBS, CHAPTER 7.
- PREMISE IDENTIFICATION NUMBERS SHALL BE MOUNTED ON THE FRONT AND REAR DOORS.
- DEMOLITION AND CONSTRUCTION SAFETY MUST COMPLY WITH CFC, ARTICLE 87 AND CBC CHAPTER 33.
- PLACEMENT OF PORTABLE FIRE EXTINGUISHERS SHALL BE DETERMINED BY THE FIRE INSPECTOR. EQUIPMENT MUST BE MOUNTED BEFORE CONSTRUCTION FINAL. MINIMUM RATING IS 2A10BC.
- ALL FIRE DEPARTMENT FEES SHALL BE REVIEWED, APPROVED AND PAID AT FIRE ADMINISTRATION (IF THERE IS A BALANCE) BEFORE CONSTRUCTION FINAL OR ISSUANCE OF TEMPORARY OCCUPANCY.
A. PLAN REVIEW
B. EXPEDITE PLAN REVIEW OR INSPECTIONS
C. FIRE PROTECTION INSPECTIONS IN EXCESS OF 2 INSPECTIONS
D. ALL CONSTRUCTION INSPECTIONS
E. NON-COMPLIANCE FEES
F. ADDITIONAL ACCUMULATED FEES RELATED TO THE ABOVE ITEMS
- A LOCK BOX MUST BE INSTALLED AT A LOCATION DETERMINED BY THE FIRE INSPECTOR. APPLICATIONS ARE AVAILABLE FROM FIRE ADMINISTRATION. INSTALLATION SHALL BE COMPLETED BEFORE CONSTRUCTION FINAL.
- DECORATIVE MATERIALS AND FINISHES SHALL COMPLY WITH C.C.R. TITLE 19, SECTION 3.08 AND CBC, CHAPTER 9 REQUIREMENTS.

PROJECT DATA

ZONING CODE: C
OCCUPANCY GROUP: I-4
CONSTRUCTION TYPE: V-B
AUTOMATIC FIRE SPRINKLERS: YES

APN: 1046-101-08

PROPOSED CHILD DAYCARE CENTER:
INDOOR AREA: 5,040 SQ.FT.
OUTDOOR PLAYGROUND: 3,526 SQ.FT.

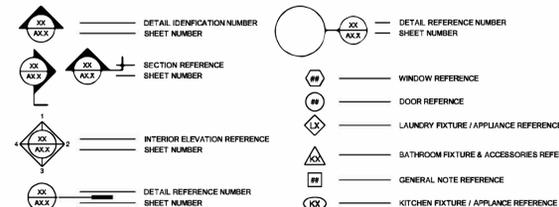
PROPOSED 6 FT HT. WROUGHT IRON FENCE AROUND OUTDOOR AREA. 268 L.T.

FIRE SPRINKLERS & FIRE ALARM SYSTEM UNDER SEPARATE PERMIT

ABBREVIATIONS

AC. T. -ACOUSTIC TILE	DWG -DRAWING	LAV -LAVATORY	RALG -ROOF DRAIN
AFF -ABOVE FINISH FLOOR	EFPS -EXT. INSULATION & FINISH SYSTEM	LG. -LONG	R.D. -REINFORCED/REINFORCED
ALT -ALTERNATE	EL -ELEVATION (SEA LEVEL)	LLH -LONG LEG HORIZONTAL	REQD. -REQUIRED
ALLUM -ALUMINUM	ELEC. -ELECTRICAL	LLV -LONG LEG VERTICAL	RM -ROOM
ANCH -ANCHOR	ELEV. -ELEVATION	L.P. -LOW POINT/LIGHT PANEL	R.O. -ROUGH OPENING
APPROX -APPROXIMATELY	EXP -EXPANSION	LT -LIGHT	S -SINK
ARCH -ARCHITECT/ARCHITECTURAL	E.J. -EXPANSION JOINT	MAR -MARBLE	SHT. -SHEET
BR. CS. -BRICK COURSE	EXT -EXTERIOR	MAS -MASONRY	S.M. -SHEET METAL
BLDG -BUILDING	F.D. -FLOOR DRAIN	MAX -MAXIMUM	SQL -SQUARE
BLK -BLOCK	F.E. -FIRE EXTINGUISHER	MECH. -MECHANICAL	SPM -SINGLE PLY MEMBRANE
B.M. -BENCH MARK	FIN -FINISH	MTL -METAL	S.S. -SLOP/SERVICE SINK
BM -BEAM	FLR -FLOOR	MFR -MANUFACTURER	S.S. STL -STAINLESS STEEL
B.N. -BULL NOSE	FND -FOUNDATION	MH -MANHOLE	STD -STANDARD
BNT -BENT	FOM -FACE OF MASONRY	MIN. -MINIMUM	STRUCT. -STRUCTURAL
B.T. -BOTTOM	FPHB -FROST PROOF HOSE BIBB	MISC. -MISCELLANEOUS	SUSP. -SUSPENDED
C.B. -CATCH BASIN	F.S. -FULL SIZE OR FLOOR SINK	M.O. -MASONRY OPENING	T. -TOP OF
CEM -CEMENT	FTG -FOOTING	MET THRES. -METAL THRESHOLD	T.D. -TRENCH DRAIN
CER. T. -CERAMIC TILE	FURR -FURRING	NIC -NOT IN CONTRACT	TERR -TERRAZZO
C.J. -CONTROL JOINT	GA. -FIRE VALVE CABINET	NO -NUMBER	TYP -TYPICAL
CL.R. -CLEAR	GALV. -GALVANIZED	O/A -OVERALL	VCT -VINYL COMPOSITION TILE
CL.G. -CEILING	GEN -GENERAL	O/C -ON CENTER	W.C. -WATER CLOSET
CMU -CONCRETE MASONRY UNIT	GRFC -GLASS FIBER REINFORCED CONCRETE	O.D. -OUTSIDE DIAMETER	WD -WOOD
COL -COLUMN	GRFG -GLASS FIBER REINFORCED GYPSUM	OH -OVERHEAD	WT -WEIGHT
COMP. -COMPOSITION	GL -GLASS GLAZING	O/O -OUT TO OUT	WWF -WELDED WIRE FABRIC
CONC. -CONCRETE	G.S. -GRAVEL STOP	OPNG -OPENING	
CONSTR. -CONSTRUCTION	GYP. BD. -GYPSUM BOARD	PC -PIECE	
CONT. -CONTINUOUS	HDWE -HARDWARE	PL -PLATE	
CONTR. -CONTRACTOR	HB -HOSE BIBB	PLAS -PLASTER	
CTR -CENTER	H.M. -HOLLOW METAL	PLMB -PLUMBING NUMBER	
DET. -DETAIL	HYD -HYDRANT	PLYWD -PLYWOOD	
D.F. -DRINKING FOUNTAIN	I.D. -INSIDE DIAMETER	POL -POLISHED	
DIA. -DIAMETER	INSUL -INSULATION	PROJ. -PROJECT	
DIM -DIMENSION	JT -JOINT	PTD -PAINTED	
D.O. -DOOR OPENING		R -RADIUS	
DS -DOWNSPOUT			

REFERENCE SYMBOLS



FAIRYTALE CHILD CARE CENTER

**710 E. FOOTHILL BLVD.
UPLAND, CA 91786**

SHEET INDEX

- A-0.1 TITLE SHEET PROJECT DATA
- A-1.1 PROPOSED SITE PLAN
- A-2.1 EXISTING FLOOR PLAN
- A-2.2 PROPOSED FLOOR PLAN
- AD-1 ARCHITECTURE DETAILS

APPLICABLE BUILDING CODES

- 2016 CBC, CALIFORNIA BUILDING CODE
- 2016 CFC, CALIFORNIA FIRE CODE
- 2016 CAG, CALIFORNIA RESIDENTIAL CODE
- 2016 CPC, CALIFORNIA PLUMBING CODE
- 2016 CMC, CALIFORNIA MECHANICAL CODE
- 2016 CEC, CALIFORNIA ELECTRICAL CODE
- 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE
- CALIFORNIA CODE OF REGULATION T24
- 2016 ENERGY COMPLIANCE CRITERIA

CONSULTANTS

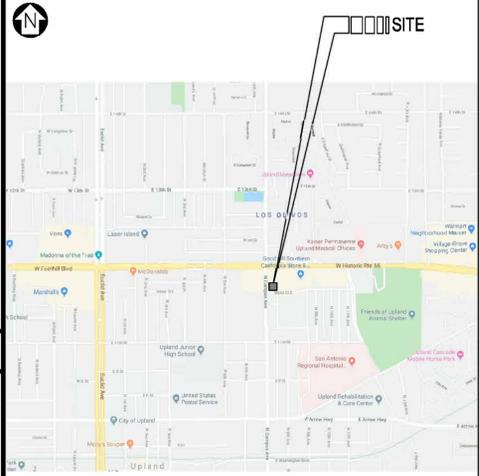
TENANT:
FAIRYTALE CHILD CARE CENTER
710 E. FOOTHILL BLVD.
UPLAND, CA 91786
CONTACT: FENG XUE
TEL: 626-877-5576

ENGINEER / DESIGNER:
JWL ASSOCIATES, INC.
1221 S. HACIENDA BLVD.
HACIENDA HEIGHTS, CA 91745
TEL: (626) 956-0168
FAX: (626) 369-8978
E-MAIL: HOWARDDU@JWLDESIGN.NET
CONTACT: HOWARD DU

SCOPE OF WORK

PROPOSED NEW CHILD DAYCARE CENTER.
TENANT IMPROVEMENT EXISTING COMMERCIAL BUILDING TO CHILD DAYCARE CENTER. (5,040 S.F.)
PROPOSED OUTDOOR PLAYGROUND AREA (3,526 S.F.)
PROPOSED 6 FT HT. WROUGHT IRON FENCE AROUND OUTDOOR AREA.

VICINITY MAP



ATTACHMENT A

ATTACHMENT A
BEST MANAGEMENT PRACTICES FOR CONSTRUCTION ACTIVITIES
Storm Water Pollution Control Requirements for Construction Activities
Minimum Water Quality Protection Requirements for All Development Construction Projects/Certification Statement

- The following is intended as minimum notes or as an attachment for building and grading plans and approved the minimum standards of good housekeeping that must be implemented on all construction sites regardless of size. (Applies to all permits)
- Eroded sediments and other pollutants must be retained on site and may not be transported from the site via street, swales, area drains, natural drainage courses or roads.
 - Sediment traps and other construction related materials must be protected from being transported from the site by the force of wind or water.
 - Fuels, oils, solvents and other toxic materials must be stored in accordance with their listing and are not to be discharged to the soil and surface waters. All approved storage containers are to be protected from the weather. Spills must be cleaned up immediately and disposed in a proper manner. Spills may not be washed into the drainage system.
 - Non-hazardous runoff from equipment and vehicle washing and any other activity shall be contained at the project site.
 - Excav or waste concrete may not be washed into the public way or any other drainage system. Precautions shall be made to retain concrete washes on site until they can be disposed of as solid waste.
 - Trash and construction related solid wastes must be deposited into a covered receptacle to prevent contamination of rainwater and dispersal by wind.
 - Sediment and other materials may not be tracked from the site by vehicle traffic. The construction entrance roadway must be stabilized to act as a sediment barrier from being tracked into the public way. Accidental depositions must be swept up immediately and may not be washed down by rain or other means.
 - Any slopes with disturbed soils or erosion of vegetation must be stabilized so as to inhibit erosion by wind and water.
 - Other:

As the project owner or authorized agent of the owner, I have read and understand the requirements listed above, necessary to control storm water pollution from sediments, erosion, and construction materials, and I certify that I will comply with these requirements.

Print Name: _____
(Owner or authorized agent of the owner)

Signature: _____ Date: _____
(Owner or authorized agent of the owner)

Project No: 2019-0046
Design: J.S.
Drawn By: J.S.
Checked By: J.S.
Sheet Number: _____



JWL ASSOCIATES INC

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ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF THE DESIGNER AND THE SAME MAY NOT BE REPRODUCED, COPIED, USED OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF THE DESIGNER.

ALL DIMENSIONS AND EXISTING CONDITIONS SHALL BE VERIFIED BY THE CONTRACTOR AND NOTIFY THE DESIGNER OF ANY DISCREPANCIES BEFORE PROCEEDING WITH AND/OR BEGINNING ANY WORK.

THE CONTRACTOR SHALL COORDINATE ALL STRUCTURAL WORK WITH THE ARCHITECTURAL, MECHANICAL AND ANY OTHER RELATED DRAWINGS, AND NOTIFY THE DESIGNER OF ANY DISCREPANCIES BEFORE PROCEEDING WITH AND/OR BEGINNING ANY WORK.

PROPOSED FOR:
FAIRYTALE CHILD CARE CENTER
710 E. FOOTHILL BLVD.
UPLAND, CA 91786

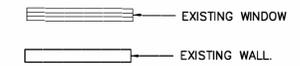


SHEET TITLE:
TITLE SHEET PROJECT DATA

Issue Date: XX-XX-XX		
No.	Date	Description
1		
2		
3		

A-0.1

LEGEND



NOTE:

1. FIRE SPRINKLER & FIRE ALARM SYSTEM IS REQUIRED AND IS UNDER SEPARATE PERMIT
2. CORRIDOR, HALLWAY AND LOBBY SHALL BE 1 HR FIRE-RESISTANCE RATING
3. PENETRATIONS FOR HVAC SHALL BE PROTECTED WITH LISTED DAMPERS
4. ALL DOORS OPENING INTO CORRIDOR, HALLWAY AND LOBBY SHALL BE 20-MINUTE FIRE-RESISTANCE RATING

NO COOKING ON SITE
FOOD CATERING ONLY



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PROPOSED FOR:
FAIRYTALE CHILDCARE CENTER
710 E. FOOTHILL BLVD.
UPLAND, CA 91786



SHEET TITLE:
**BUILDING "B", "C"
EXISTING FLOOR PLAN**

Issue Date: XX-XX-XX		
Revisions		
No	Date	Description
1		
2		
3		

Project No: 2019_0046
Designer: J.S.
Drawn By: J.S.
Checked By: J.S.

Sheet Number:

A-2.2

PROPOSED FLOOR PLAN
SCALE 1/4" = 1'-0"

Exhibit E – Fairytale Castle Parent Handbook



Fairytale Castle Parent Handbook

Mission Statement:

Welcome to Fairytale Castle Preschool. We are a preschool learning center located in North Upland, California. We value the partnership with parents and families. We ensure quality provision through our school, facility, and staff. Our teachers believe in play, as learning is fun and creative. We have a passion for treating children with love, kindness, and respect. Fairytale Castle Preschool provides a play-based, child-centered educational preschool program for ages 2-5 years old. Our team believes play is an essential avenue for learning. It is our goal to honor where each child is in their developmental stage and to make goals to foster the individual child's independence and development. It is our belief that ALL children want to be successful; we are committed to providing guidance that supports each child. At Fairytale Castle Preschool, we believe the foundation for how children perceive themselves as engaged learners, as confident and competent individuals, and as caring members of the community and the world lays in the quality of their early experiences. We believe that by building a strong foundation, we will increase the likelihood of our children becoming productive citizens.

Age of enrollment:

2 to 6 years-old

Days and hours of operation:

Mon-Fri 6:30 AM - 6:00 PM

Sat-Sun Closed

Meal and Snack:

Breakfast: 7:30 am to 8:30 am

Lunch: 12:00 to 1:00 pm

Snack: 2:30 pm to 3:30 pm

We provide daily snacks. We also occasionally, as a classroom activity, make a snack. If your child has food allergies, please let the teachers know. We will try to work with you to provide an alternate snack. If a child does not wish to eat a snack because he/she is not hungry or does not like the snack, he/she will not be forced to eat. Please use containers that can be easily opened by your child and cut food into small pieces. Label all containers, thermoses, lunch boxes, etc. If snacks and meals are provided by a parent and shared by the entire class, you must meet the needs of all children who require a special diet.

Naptime:

Full-day classes have approximately 75 minutes daily set aside for rest or nap time. This time is immediately following lunch. We will provide each child with a mat or a cot. We ask parent to provide a sheet and a blanket for your child. The items you send in will be kept at school through the week and sent home weekly for cleaning. Children are not required to sleep but will be encouraged to rest quietly on their nap mat. We will provide a quiet space for children who chose not to stay on a mat.

Times of Specific Activities:

Birthdays celebrations:

Most birthday celebrations occur during snack time in the child's classroom, with parents generally providing a healthy special snack requested by the child having a birthday. Note that you can consider your child's school celebration, an official birthday party – the friends are available, and the classroom is set up to accommodate more young children than your home! You are welcome to make arrangements with your child's teacher to bring party napkins and plates and read a story to the class. Candy and junk food may not be brought to school. ALL snacks brought from home must be nut-free.

Special Holidays/Events:

Celebrations will be scheduled throughout the school year. Please look for sign-up sheets in your child's classroom when refreshments or volunteers are needed. For your convenience, please refer to the list of special events that will occur this year.

Parents' Day:

This is an exciting event for the children as they are proud of their accomplishments and appreciate sharing their school life with their parents and families.

Preschool Family Night:

At the end of the day, bring your family to school for a pizza dinner and fun.

Halloween Parade:

Children arrive in costume for the parade. Parents are welcome to join us for coffee before the parade and watch the students walk across campus.

Plays and Concerts:

It's a time for parents and families to enjoy the creative efforts of children and share in their enthusiasm for drama and singing.

Valentine's Day/Friendship Day:

Valentine's Day is celebrated with the children exchanging valentines with classmates and having parties in their classrooms. This is the day for children to share their friendships and kindness.

Winter Holidays:

All children learn about the major winter holidays in classroom lessons. They share the traditions of their own families and learn about the holidays of their classmates in age appropriate ways. Gifts are not exchanged among children at school. If a child wishes to give a gift to a teacher, a personal card, a simple hand-made gift is suggested.

Field Trip:

Filed Trips are an important extension of the program and a valuable and enjoyable experience.

Many parents drive on each outing and accompany the class. Parents always have advance notice of field trips. Our enrollment forms include permission to travel with the class. School buses will not be used to transport children on field trips. It is the parent's responsibility to provide a car seat for their child. Children will not be allowed to travel without a car seat.

Parent-Teacher Conferences:

Communication with parents is vital to the success of each child. To request a conference, other than on a regularly scheduled conference, call or email your child's teacher. Research shows that students learn more, have higher grades, and have better school attendance when parents are involved in their child's education. Parent-Teacher conferences are a good way to meet your child's teacher and learn about your child's developmental stage. If you know what is expected in early developments, you can more easily support your child to success.

Transportation Arrangements:

We will not release children if parents don't have a car seat.

Per-admission visit:

The purpose per-admission visit is to give our staff a good measure of your child's developmental milestones. Can she/he answer questions? Can she/he identify shapes, numbers and colors? Can she/he follow simple instructions and solve simple problems? The staff evaluates your child based on these parameters and recognizes if there are any cases of special needs education. The process also acts as an assessment for the parents. We invite you to tour our campus so that you will have a personal connection to our teachers, curriculum and learning environment. We often find that your experience on a tour will help tell our story better than any other form of communication. This informal discussion allows us to understand more about your family, your own educational philosophies and your child's needs, unique abilities, and personality.

During the visit you will be given complete information about the children's program, the activities provided, and center policies and procedures. Referrals are available for resources such as food, housing, medical care, dental care, mental health, education, employment, clothing, transportation, legal aid, etc. A plan will be developed for the admission based on the individual needs of your child. The goal will be to make your child's adjustment to the program and separation from you as smooth as possible.

The relationships established during the initial enrollment will continue, as parents are asked to share in later decisions affecting their child's progress and participation in the program.

If your child is unable to visit during your visit, it is required that a classroom visit of at least 15 minutes be done before your child's first day of attendance.

Arrival/Departure:

Parents are responsible for escorting their child/ren to and from the preschool room each day.

The teacher or assistant teacher must be aware that your child is present. Likewise, never leave with your child without informing the adult in charge.

Please pick up your child on time. He or she will worry if you are late. If you are more than 15 minutes late, your child will be taken to the School Office. If you cannot be reached, we will contact the emergency numbers provided on an Emergency Contact/Parental Consent form.

Authorized Persons to Pick Up/Identification & Emergency Information:

The center maintains an Emergency Contact/Parental Consent form for every enrolled child. Persons (in addition to the parents) you authorize to pick up your child must be listed on this form. A child will not be permitted to leave the center with anyone who has not been previously given authorization by the parent.

If it becomes necessary for someone else to pick up your child and they are not on the Emergency Contact/Parental Consent Form, then written advance authorization must be provided by the parent. In the event you are unable to provide written notification, the parent must call the center and speak directly.

It is essential that each child's Emergency Contact/Parental Consent be kept up to date, including phone numbers, addresses, and a list of authorized adults who may be contacted in case of an emergency. If there is a change in your contact information, please notify the center promptly.

Clothing:

Clothes should allow active participation in class activities. Play clothes are fine. Shoes should allow safety while running, jumping, and walking. Gym shoes are recommended. Shoes should stay on and tied for your child's safety. No high heels, sandals, cowboy boots, and/or fad shoes are permitted. Please make sure your child has a jacket or sweater to wear on chilly days. We will be going outside for outdoor play as weather permits.

Label all jackets, coats, and belongings with your child's name. Inappropriate attire will be addressed on an individual basis.

Children and Parent Rights:

According to California Community Care Licensing Department "Licensing form 613 A, Personal Rights, (a)Child Care Centers. Each child receiving services from a Child Care Center shall have rights which include, but are not limited to, the following:

- (1) To be accorded dignity in his/her personal relationships with staff and other persons.
- (2) To be accorded safe, healthful and comfortable accommodations, furnishings and equipment to meet his/her needs.
- (3) To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature, including but not limited to: interference with daily living functions, including eating, sleeping, or toileting; or withholding of shelter, clothing, medication or aids to physical functioning.
- (4) To be informed, and to have his/her authorized representative, if any, informed by the licensee of the provisions of law regarding complaints including, but not limited to, the address and telephone number of the complaint receiving unit of the licensing agency and of information regarding confidentiality.
- (5) To be free to attend religious services or activities of his/her choice and to have visits from the spiritual advisor of his/her choice. Attendance at religious services, either in or outside the facility, shall be on a completely voluntary basis. In Child Care Centers, decisions concerning attendance at religious services or visits from spiritual advisors shall be made by the parent(s), or guardian(s) of the child.
- (6) Not to be locked in any room, building, or facility premises by day or night.
- (7) Not to be placed in any restraining device, except a supportive restraint approved in advance by the licensing agency.

Fairytale Castle welcomes parent participation in many aspects. The safety and security of the children as a whole however, have to be preserved by the following guidelines: adults must first report to the front desk upon entering the building. All visitors and parents must check in at the front desk. Visitors and parents may not go directly to any classroom. There is time for parents to get to know each other and communicate with their child's teacher at traditional events, such as the fall Orientation and Coffees.

Parent Engagements:

Parents are also encouraged to attend any school events and parent-teacher conferences. Parents are always welcome to arrange to read a book to their child's class. Field trips and school events often involve parents, and some teachers may ask for parent help with cooking and other special activities. We appreciate and depend on the support and volunteer time of our parents.

Immunization:

Each child must have a statement of good health and an updated record of immunizations from a physician or health professional on file in the office before school begins. By order of the Department of Human Services of the State of California, any child unable to produce an immunization card by the first day of school will not be allowed to enter school until such card arrives.

All children who attend childcare programs in California required by law to be fully vaccinated. Fairytale Castle requires all children enrolled in the program to be immunized.

*Important: It is your responsibility as parent or guardian, to maintain up-to-date immunizations and physical reports.

Children Ages 2 Months through 3 Months

- 1 dose of diphtheria, tetanus, pertussis (DPT)
- 1 dose of polio vaccine
- 1 dose Haemophilus influenzae type b vaccine
- 1 dose of hepatitis B vaccine

1 dose pneumococcal conjugate (PCV)

Children Ages 4 Months through 5 Months

- 2 doses DPT
- 2 doses polio vaccine
- 2 doses Haemophilus influenzae type b vaccine
- 2 doses hepatitis B vaccine
- 2 doses pneumococcal conjugate (PCV)

Children Ages 6 Months through 18 Months

- 3 doses DPT
- 2 doses polio vaccine
- 2 doses Haemophilus influenzae type b vaccine
- 2 doses hepatitis B vaccine

3 doses pneumococcal conjugate (PCV)

Children Ages 19 Months through 4 Years

- 4 doses diphtheria, tetanus, pertussis (DPT)
- 3 doses polio vaccine
- 4 doses pneumococcal conjugate (PCV)
- 3 doses hepatitis B

Complete series, or 1 dose Haemophilus influenza type b (Hib)

1 dose measles, mumps, rubella vaccine

1 dose Varicella

T.B Requirements:

All children must be evaluated for risk factors for tuberculosis (TB) as part of the medical assessment required for admission. (Form 701). A Mantoux TB skin test is only required when the physician determines the child has risk factors for TB.

Medical assessment:

Community Care Licensing requires all children have a Physician's Report, completed by a physician, on file within 30 days of enrollment. Children who do not have a completed Physician's Report on file after the first 30 days of enrollment will be denied admittance to the center until a completed Physician's Report is received.

Communicable Diseases and Health Wellness Policies:

Children with contagious or infectious diseases will be excluded from school for the period of time that they are liable to transmit the disease to others. The administration may require an examination by a physician to determine the diseased condition and the liability of transmitting the disease. Children will allow to return to the class with a doctor note only.

You are the best judge of your child's health and we trust you will not bring a sick child to the center. However, if while in our care your child becomes ill, displays an unknown rash, or acts out-of-character your child's teacher will consult the director and you may be called to come take your child home. When called, you (or an alternate emergency person) are expected to come immediately. This is to protect the health of your child and his/her classmates. Your cooperation is greatly appreciated. The following criteria will be considered in determining if your child must go home:

- Unknown rash.
- Fever of 100° or higher.
- Highly contagious condition such as head lice, chicken pox, strep throat, pin worms, mumps, impetigo, conjunctivitis (pink eye), etc.
- Diarrhea or vomiting (more than two loose, watery stools).
- Persistent cough for an extended period of time.

Your child may return to the center after:

- Obtaining written verification from a doctor.
- Fever-free for 24 hours without the aid of Tylenol, or other fever reducing medications.
- In the case of chicken pox, when all the lesions are scabbed over.
- In the case of head lice, following treatment with appropriate shampoo (such as Kwell or RID) so that all nits (eggs) are gone.
- In the case of a contagious illness, your child should take an antibiotic for 24 hours before returning.
- In the case of persistent cough, 24 hours without the aid of cough suppressants, or allergy medication.

Emergency Preparedness:

We practice both fire and earthquake drills on a regular schedule so children become accustomed to the sound of the alarm and the procedures for exiting the classroom to a safe location. First Aid kits are located in all classrooms, offices and outdoor playgrounds. All staff is CPR and First Aid certified every 2 years to remain current on all lifesaving procedures.

The doctor's and parent's authorization must be on the forms supplied by the center.

Medication Policy/Services Provided During a Medical and Dental Emergency/ Incidental Medical Services (IMS) Plan:

Fairytale Castle staff attempt to provide an environment in which the child will be safe from accidents and injuries. If a minor injury occurs, first aid will be administered. If the injury is serious, the school will notify the parent, or someone designated by the parent.

Fairytale Castle provides incidental medical services, which include administering prescription medications, inhaled medications, and Epi-pens. Should your child need medication have administered at the center, we need written authorization from you and the doctor on the required forms, which are available from the director. If you have not completed the required and necessary forms our staff will not be able to administer the medication. Medication must be brought in the original container.

Nebulizer & Inhaled Medication:

- LIC 9166 form is to be filled out by the parent or guardian
- Written instructions from the child's physician
- Written instructions and consent from the parent or guardian to administer inhaled medication

Epi-Pens

- LIC 9221 form is to be filled out by the parent or guardian
- Written instructions from the child's physician
- Written instructions and consent from the parent or guardian to administer inhaled medication

Medication Precautions & Communication

-Nebulizers/Inhaled Medications will be delivered each day by the parent/guardian and stored in our front office in a medical supply container. EpiPens will be kept in the medical box in each room.

-LIC 9166 form will be completed by the parent/guardian, written instruction from the child's doctor, and written consent from the child's parent/guardian prior to medication being approved or administered.

-Each time the medication is used it will be logged on a Medication Treatment Log for Nebulizer/Inhaled medications, which will include times, dates, reactions (if any) & staff who administered medications. A parent will access to and receive a copy of this form upon request. Should there be any emergencies, 911 will be called and the parent/guardian will be notified immediately.

-The employees trained to administer medication will wear gloves at the time of any procedure as well as follow the Universal Precaution Instructions.

-Serious incidents and any change in this plan will be reported to the Department of Social Service licensing office and an Unusual Incident Report (LIC624) will be filed.

The Center reserves the right to decline or terminate enrollment of a child with any of the above conditions if we believe the condition/treatment needs are beyond the scope of our staff's training or ability to perform in the context of a group setting. In addition, enrollment may be suspended or terminated if communication with the parent does not support full understanding of treatment needs, or if parents fail to provide medication/supplies, instructions, and any required documentation.

Policy Statement

Praise and positive reinforcement are effective methods of behavior management of children. When children receive positive, nonviolent, and understanding interactions from adults and others, they develop good self-concepts, problem solving abilities, and self-discipline. Based on this belief, Fairytale Castle Preschool uses a positive approach to discipline and practices the following discipline and behavior management techniques.

WE DO

- Communicate to children using positive statements.
- Communicate with children on their level.
- Talk with children in a calm quiet manner.
- Explain unacceptable behavior to children.
- Give attention to children for positive behavior.
- Praise and encourage the children.
- Reason with and set limits for the children.
- Apply rules consistently.
- Model appropriate behavior.
- Set up the classroom environment to prevent problems.
- Provide alternatives and redirect children to acceptable activity.
- Give children opportunities to make choices and solve problems.
- Help children talk out problems and think of solutions.
- Listen to children and respect the children's needs, desires and feelings.
- Provide appropriate words to help solve conflicts.
- Use storybooks and discussion to work through common conflicts.

WE DO NOT

- Inflict corporal punishment in any manner upon a child. (Corporal punishment is defined as the use of physical force to the body as a discipline measure. Physical force to the body includes, but is not limited to, spanking, hitting, shaking, biting, pinching, pushing, pulling, or slapping.)
- Use any strategy that hurts, shames, or belittles a child.
- Use any strategy that threatens, intimidates, or forces a child.
- Use food as a form of reward or punishment.
- Use or withhold physical activity as a punishment.
- Shame or punish a child if a bathroom accident occurs.
- Embarrass any child in front of others.
- Compare children.
- Place children in a locked and/or dark room.
- Leave any child alone, unattended or without supervision.
- Allow discipline of a child by other children.
- Criticize, make fun of, or otherwise belittle a child's parents, families, or ethnic groups.

Conferences will be scheduled with parents if particular disciplinary problems occur. If a child's behavior consistently endangers the safety of the children around him/her, then the Director has the right, after meeting with the parents and documenting behavior problems and interventions, to terminate child care services for that particular child.

Note: If, at any point, there is an indication/suspicion that a child may have special needs, we will inform the child's family and make contact with Baby Net for assessment and assistance.

Exhibit F – Traffic Impact Analysis



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DEC 23 2019

DEVELOPMENT SERV DEPT



transportation • noise • air quality | GANDDINI GROUP

December 11, 2019

Mr. Eddie Peng
JWL ASSOCIATES
1221 South Hacienda Boulevard
Hacienda Heights, CA 91745

Dear Mr. Peng:

INTRODUCTION

Ganddini Group, Inc. is pleased to provide this focused traffic analysis for the proposed 710 East Foothill Boulevard Daycare Facility project located on the northeast corner of North Campus Avenue and Mesa Court in the City of Upland. Figure 1 shows the project location map.

This focused traffic analysis consists of project trip generation and Level of Service analysis. The following two existing and future scenarios are analyzed during the weekday AM and PM peak hours:

- Existing Conditions
- Existing Plus Project Conditions

This focused traffic analysis summarizes our methodology, calculations, and findings. Although this is a technical report, effort has been made to write the report clearly and concisely. To assist the reader with terms unique to transportation engineering, a glossary is provided within Appendix A.

PROJECT DESCRIPTION

The project is proposing to occupy an existing 5,040 square foot commercial building which is currently vacant. The project site is proposed to utilize the existing access driveway on Campus Avenue. The site plan is illustrated on Figure 2.

PROJECT TRIP GENERATION AND ASSIGNMENT

Trip generation rates were determined for weekday AM and PM peak hour inbound/outbound trips for the proposed land uses. The project trips are determined by multiplying the trip generation rates by the land use quantities. Table 1 shows the project trip generation based upon rates obtained from the Institute of Transportation Engineers, Trip Generation Manual, 10th Edition, 2017.

As shown in Table 1, the proposed project is forecast to generate approximately 240 daily vehicle trips, including 55 vehicle trips during the AM peak hour and 56 vehicle trips during the PM peak hour.

Figure 3 shows the project trip distribution patterns. The project trip distribution patterns are based on review of existing volume data, surrounding land uses and the local and regional roadway facilities in the project vicinity.

INTERSECTION ANALYSIS METHODOLOGY

The technique used to assess the performance of an intersection in the City of Upland is known as the intersection delay methodology based on the procedures contained in the Highway Capacity Manual (6th Edition, Transportation Research Board). The methodology compares the traffic volumes using the intersection to the capacity of the intersection to calculate the delay associated with the traffic control at the intersection. The intersection control delay is then correlated to a performance measure known as Level of Service based on the following thresholds:

Level of Service	Intersection Control Delay (Seconds / Vehicle)	
	Signalized Intersection	Unsignalized Intersection
A	≤ 10.0	≤ 10.0
B	> 10.0 to ≤ 20.0	> 10.0 to ≤ 15.0
C	> 20.0 to ≤ 35.0	> 15.0 to ≤ 25.0
D	> 35.0 to ≤ 55.0	> 25.0 to ≤ 35.0
E	> 55.0 to ≤ 80.0	> 35.0 to ≤ 50.0
F	> 80.0	> 50.0

Source: Highway Capacity Manual (6th Edition, Transportation Research Board).

Level of Service is used to qualitatively describe the performance of a roadway facility, ranging from Level of Service A (free-flow conditions) to Level of Service F (extreme congestion and system failure). Per the Highway Capacity Manual, Level of Service is based on the weighted average delay of the overall intersection for intersections with traffic signal or all way stop control. For intersections with cross street stop control, Level of Service is based on average delay of the worst individual movement (or movements sharing a lane).

EXISTING CONDITIONS

Figure 4 identifies the existing number of through lanes, intersection traffic controls, and intersection lane configuration based on a field survey of the study area.

Figure 5 shows Existing AM and PM peak hour intersection turning movement volumes. Existing peak hour volumes are based upon AM and PM peak period intersection turning movement volume counts conducted in December 2019. The AM peak period was counted between 7:00 AM and 9:00 AM and the PM peak period was counted between 4:00 PM and 6:00 PM. The actual peak hour within the peak period is the four consecutive 15-minute periods with the highest total volume when all movements are added together. Thus, the PM peak hour at one intersection may be 4:45 PM to 5:45 PM if those four consecutive 15-minute periods have the highest combined volume. The peak hour traffic volumes were adjusted to peak 15 minute volumes for analysis purposes using the existing measured peak hour factors for Existing and Existing Plus Project conditions. Intersection turning movement volume count worksheets are provided in Appendix B.

The AM and PM peak hour Levels of Service for Existing conditions have been calculated and are shown in Table 2. As shown in Table 2, the study intersection currently operates within acceptable Levels of Service during the AM and PM peak hours. Existing Level of Service worksheets are provided in Appendix C.

Mr. Eddie Peng
JWL ASSOCIATES
December 11, 2019

EXISTING PLUS PROJECT CONDITIONS

Existing Plus Project traffic volumes were derived by adding the project generated trips to existing traffic volumes. Existing Plus Project AM and PM peak hour intersection turning movement volumes are shown on Figure 6.

The AM and PM peak hour Levels of Service for Existing Plus Project conditions have been calculated and are shown in Table 3. As shown in Table 3, the study intersection is forecast to operate at acceptable Levels of Service during the AM and PM peak hours for Existing Plus Project conditions. Existing Plus Project Level of Service worksheets are provided in Appendix C.

Volume count data for the study intersection made note of existing vehicular queues on Campus Avenue in the northbound direction at the intersection of Campus Avenue and Foothill Boulevard spilling back to the project driveway, which impedes westbound left turn movements out of the project driveway. Although the northbound vehicular queuing on Campus Avenue is an existing traffic issue that is not caused by the additional project traffic and the project driveway will continue to operate at an acceptable LOS, it is recommended that the westbound left turn movement out of the project driveway be restricted during peak hours. The project should install signage at the Project Driveway restricting westbound left turns out during peak hours. Vehicles intending to travel southbound from the project may utilize the shopping center driveway on Foothill Boulevard to make a left towards Campus Avenue or a right towards Hospital Parkway and head south.

CONCLUSIONS

The study intersection currently operates within acceptable Levels of Service during the AM and PM peak hours for both Existing and Existing Plus Project conditions.

There are existing vehicular queues on Campus Avenue in the northbound direction at the intersection of Campus Avenue and Foothill Boulevard spilling back to the project driveway, which impedes westbound left turn movements out of the project driveway. Although the northbound vehicular queuing on Campus Avenue is an existing traffic issue that is not caused by the additional project traffic and the project driveway will continue to operate at an acceptable LOS, it is recommended that the westbound left turn movement out of the project driveway be restricted during peak hours. The project should install signage at the Project Driveway restricting westbound left turns out during peak hours.

It has been a pleasure to service your needs on the proposed 710 East Foothill Boulevard Daycare Facility project. Should you have any questions or if we can be of further assistance, please do not hesitate to call at (714) 795-3100 x 106.

Respectfully submitted,



Brandon Alvarado, EIT
Transportation Analyst



Tom Huang, TE
Senior Traffic Engineer

**Table 1
Project Trip Generation**

Trip Generation Rates									
Land Use	Source ¹	Unit ²	AM Peak Hour			PM Peak Hour			Daily
			% In	% Out	Rate	% In	% Out	Rate	
Day Care Center	ITE 565	TSF	53%	47%	11.00	47%	53%	11.12	47.62

Trips Generated									
Land Use	Quantity	Unit ²	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Daycare Facility	5,040	TSF	29	26	55	26	30	56	240

Notes:

(1) ITE = Institute of Transportation Engineers, Trip Generation Manual, 10th Edition, 2017; ### = Land Use Code

(2) TSF = Thousand Square Feet

Table 2
Existing Intersection Level of Service

ID	Study Intersection	Traffic Control ¹	AM Peak Hour		PM Peak Hour	
			Delay ²	LOS ³	Delay ²	LOS ³
1.	North Campus Avenue at Project Driveway/CVS Driveway	CSS	18.1	C	18.5	C

Notes:

(1) TS = Traffic Signal; CSS = Cross Street Stop

(2) Delay is shown in seconds/vehicle. For intersections with traffic signal or all way stop control, overall average intersection delay and Level of Service are shown. For intersections with cross street stop control, Level of Service is based on average delay of the worst individual lane (or movements sharing a lane).

(3) LOS = Level of Service

Table 3
Existing Plus Project Intersection Level of Service

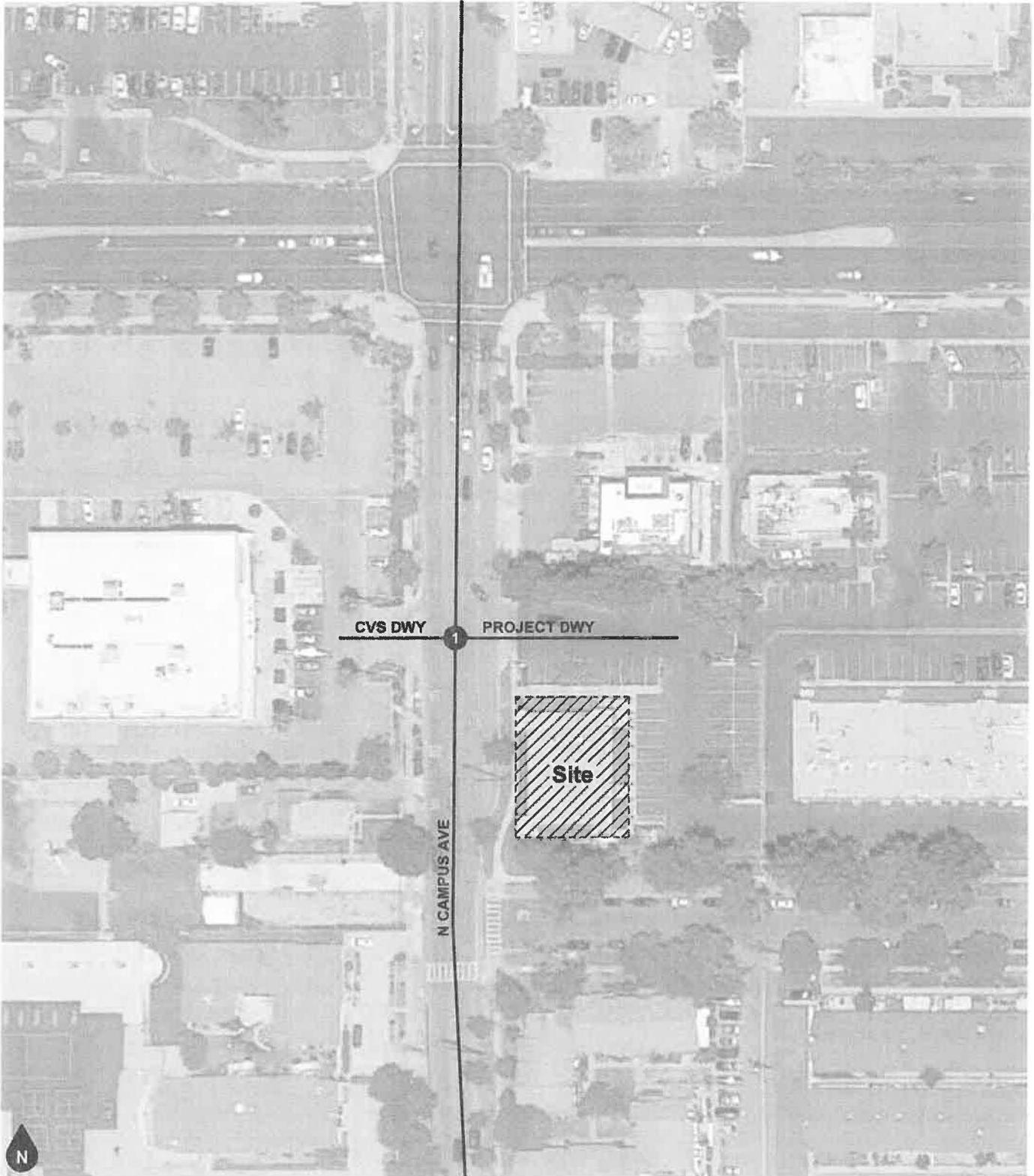
ID	Study Intersection	Traffic Control ¹	AM Peak Hour		PM Peak Hour	
			Delay ²	LOS ³	Delay ²	LOS ³
1.	North Campus Avenue at Project Driveway/CVS Driveway	CSS	19.8	C	19.8	C

Notes:

(1) TS = Traffic Signal; CSS = Cross Street Stop

(2) Delay is shown in seconds/vehicle. For intersections with traffic signal or all way stop control, overall average intersection delay and Level of Service are shown. For intersections with cross street stop control, Level of Service is based on average delay of the worst individual lane (or movements sharing a lane).

(3) LOS = Level of Service



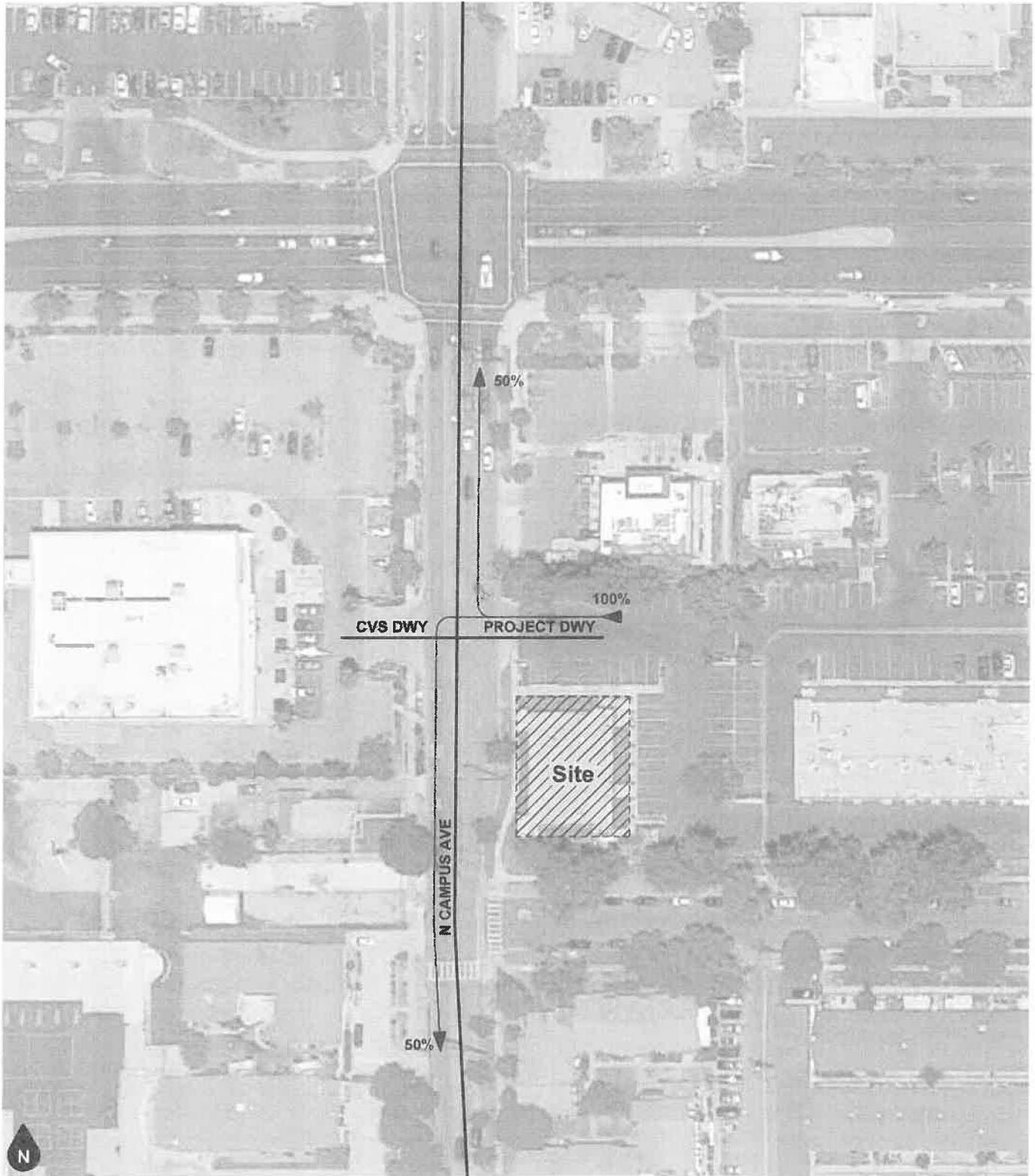
Legend

Study Project Intersection/Dwy

Figure 1
Project Location Map

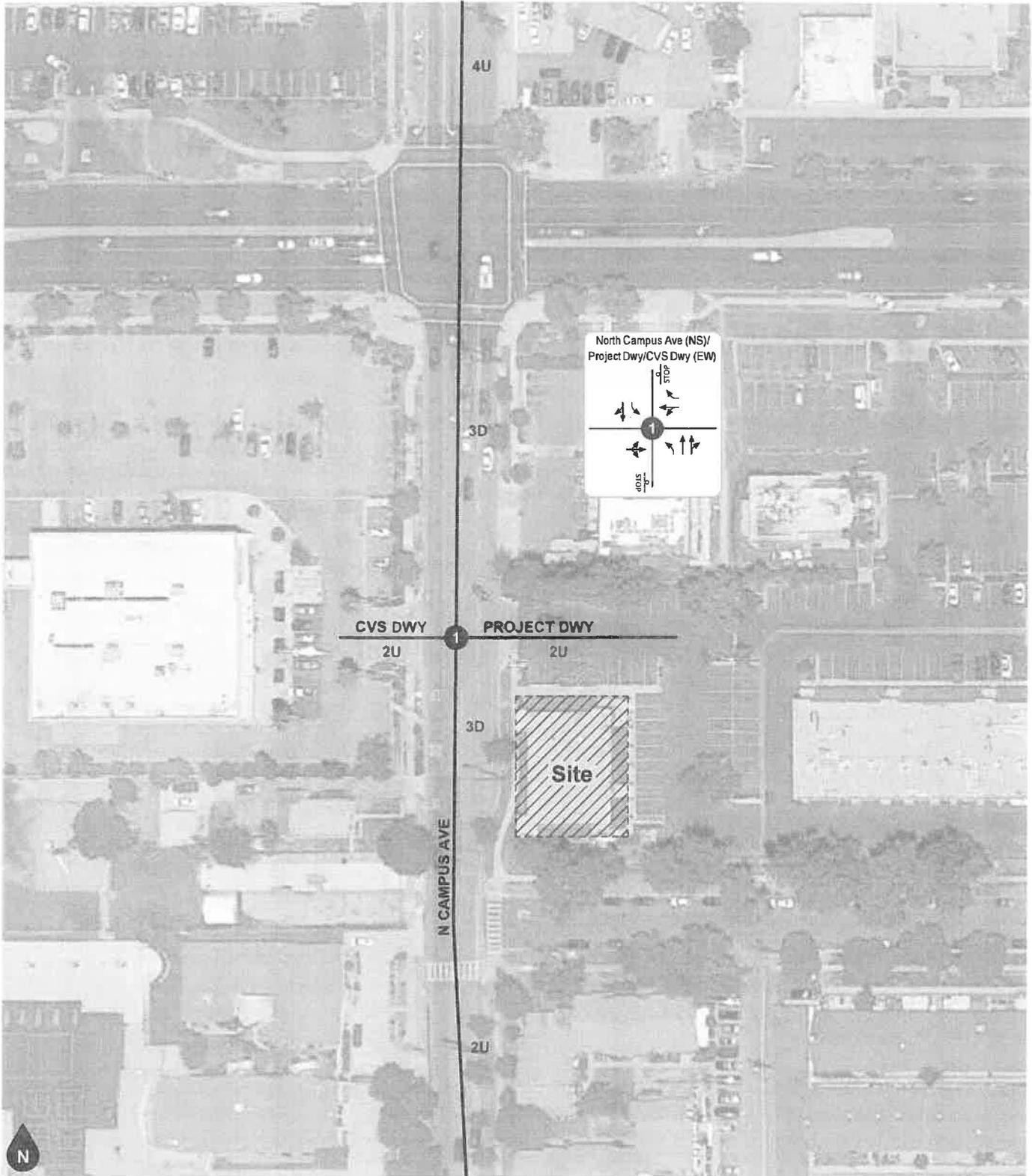


**Figure 2
Site Plan**



Legend
 ← 10% Percent From/To Project

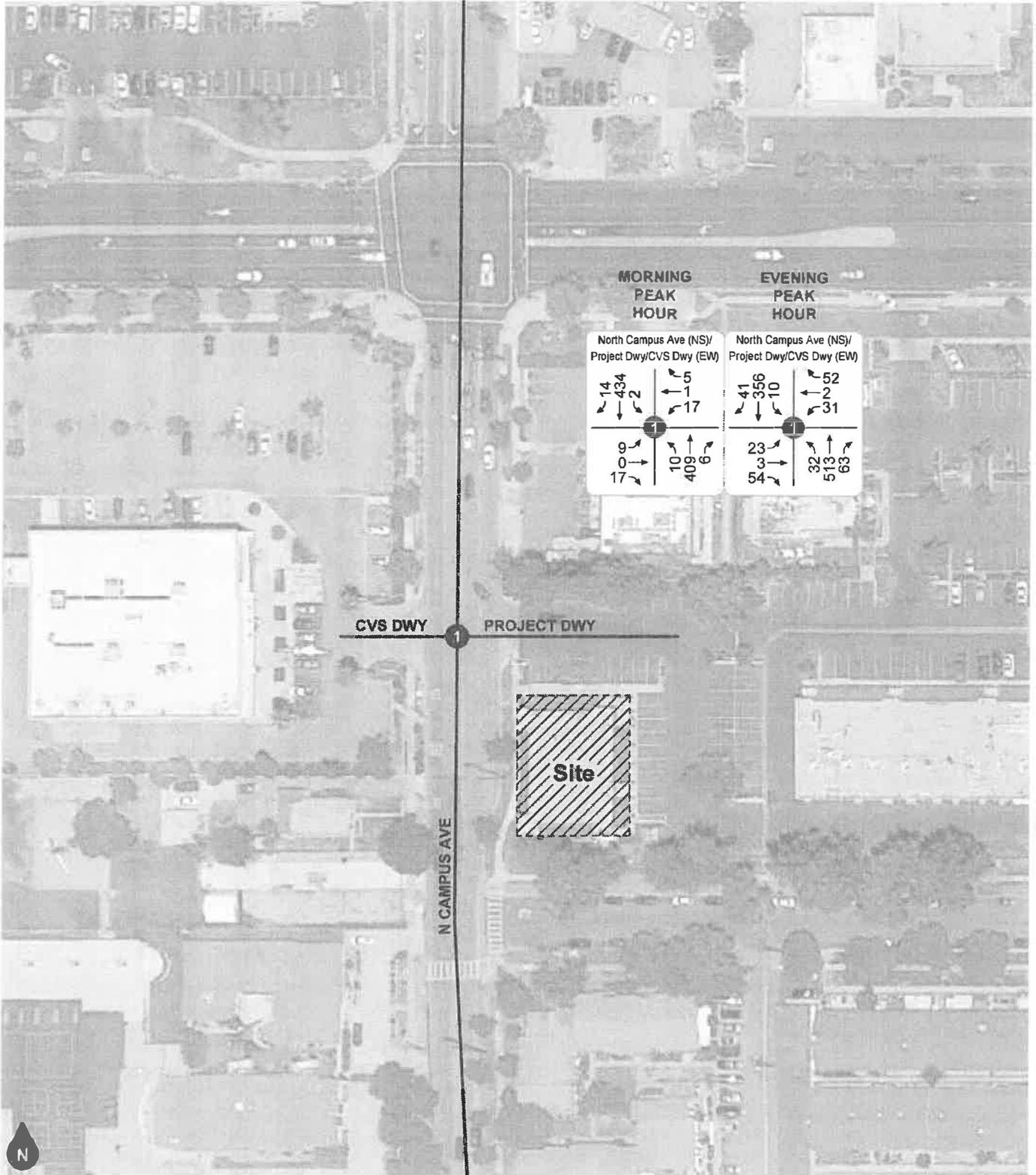
Figure 3
Project Trip Distribution



Legend

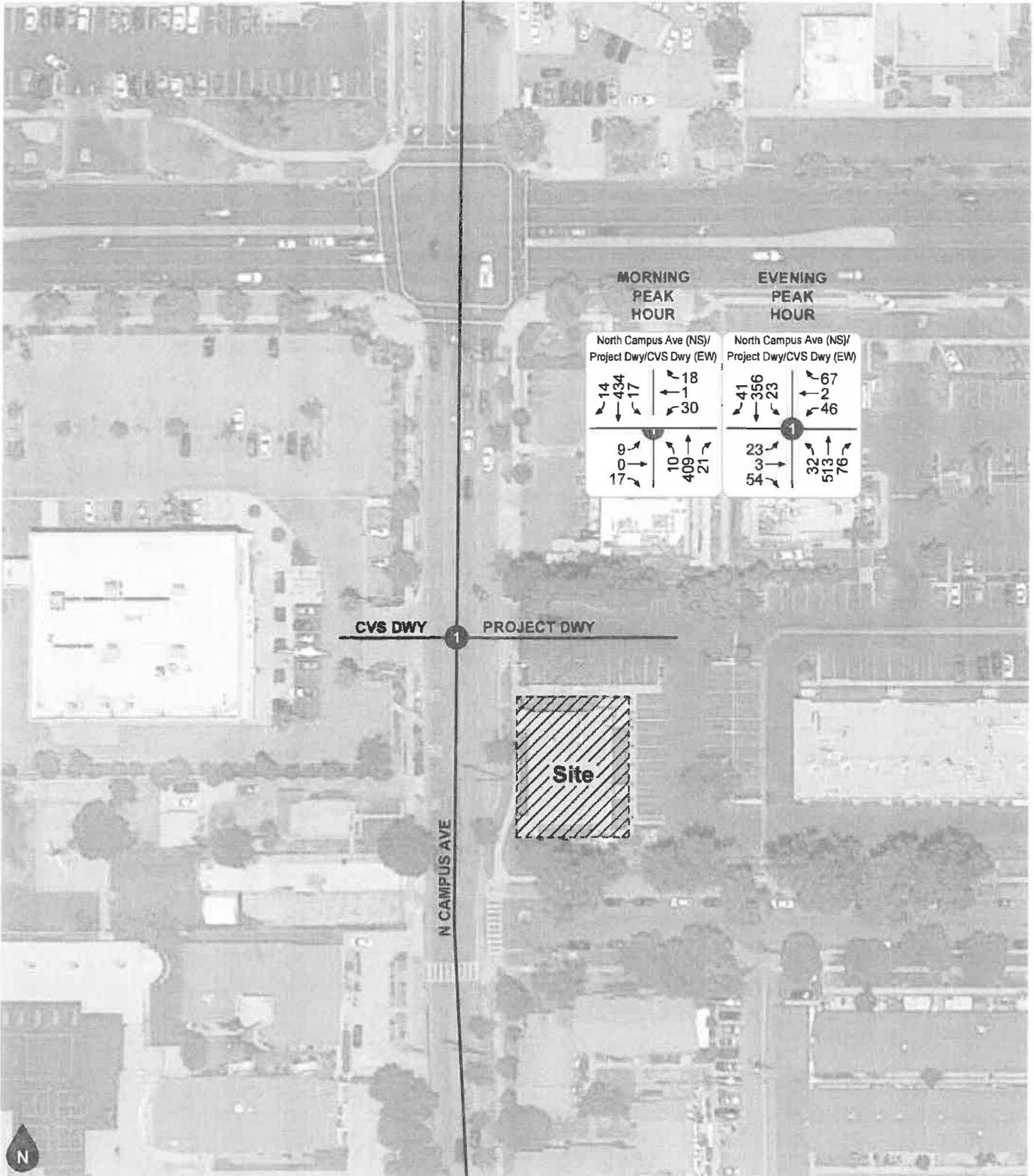
- STOP Stop Sign
- #D #-Lane Divided Roadway
- #U #-Lane Undivided Roadway
- ↔ Existing Lane

Figure 4
Existing Lane Geometry and Intersection Traffic Controls



Legend
 # Study Project Intersection/Dwy

Figure 5
Existing Peak Hour Intersection Turning Movement Volumes



Legend
 # Study Project Intersection/Dwy

Figure 6
Existing Plus Project
Peak Hour Intersection Turning Movement Volumes

APPENDICES

Appendix A: Glossary

Appendix B: Existing Volume Count Worksheets

Appendix C: Level of Service Worksheets

APPENDIX A
GLOSSARY

GLOSSARY OF TERMS

ACRONYMS

AC	Acres
ADT	Average Daily Traffic
Caltrans	California Department of Transportation
DU	Dwelling Unit
ICU	Intersection Capacity Utilization
LOS	Level of Service
TSF	Thousand Square Feet
V/C	Volume/Capacity
VMT	Vehicle Miles Traveled

TERMS

AVERAGE DAILY TRAFFIC: The average 24-hour volume for a stated period divided by the number of days in that period. For example, Annual Average Daily Traffic is the total volume during a year divided by 365 days.

BANDWIDTH: The number of seconds of green time available for through traffic in a signal progression.

BOTTLENECK: A point of constriction along a roadway that limits the amount of traffic that can proceed downstream from its location.

CAPACITY: The maximum number of vehicles that can be reasonably expected to pass over a given section of a lane or a roadway in a given time period.

CHANNELIZATION: The separation or regulation of conflicting traffic movements into definite paths of travel by the use of pavement markings, raised islands, or other suitable means to facilitate the safe and orderly movements of both vehicles and pedestrians.

CLEARANCE INTERVAL: Nearly same as yellow time. If there is an all red interval after the end of a yellow, then that is also added into the clearance interval.

CONTROL DELAY: The component of delay, typically expressed in seconds per vehicle, resulting from the type of traffic control at an intersection. Control delay is measured by comparison with the uncontrolled condition; it includes delay incurred by slowing down, stopping/waiting, and speeding up.

CORDON: An imaginary line around an area across which vehicles, persons, or other items are counted (in and out).

CORNER SIGHT DISTANCE: The minimum sight distance required by the driver of a vehicle to cross or enter the lanes of the major roadway without requiring approaching traffic travelling at a given speed to radically alter their speed or trajectory. Corner sight distance is measured from the driver's eye at 42 inches above the pavement to an object height of 36 inches above the pavement in the center of the nearest approach lane.

CYCLE LENGTH: The time period in seconds required for a traffic signal to complete one full cycle of indications.

CUL-DE-SAC: A local street open at one end only and with special provisions for turning around.

DAILY CAPACITY: A theoretical value representing the daily traffic volume that will typically result in a peak hour volume equal to the capacity of the roadway.

DELAY: The time consumed while traffic is impeded in its movement by some element over which it has no control, usually expressed in seconds per vehicle.

DEMAND RESPONSIVE SIGNAL: Same as traffic-actuated signal.

DENSITY: The number of vehicles occupying in a unit length of the through traffic lanes of a roadway at any given instant. Usually expressed in vehicles per mile.

DETECTOR: A device that responds to a physical stimulus and transmits a resulting impulse to the signal controller.

DESIGN SPEED: A speed selected for purposes of design. Features of a highway, such as curvature, superelevation, and sight distance (upon which the safe operation of vehicles is dependent) are correlated to design speed.

DIRECTIONAL SPLIT: The percent of traffic in the peak direction at any point in time.

DIVERSION: The rerouting of peak hour traffic to avoid congestion.

FORCED FLOW: Opposite of free flow.

FREE FLOW: Volumes are well below capacity. Vehicles can maneuver freely and travel is unimpeded by other traffic.

GAP: Time or distance between successive vehicles in a traffic stream, rear bumper to front bumper.

HEADWAY: Time or distance spacing between successive vehicles in a traffic stream, front bumper to front bumper.

INTERCONNECTED SIGNAL SYSTEM: A number of intersections that are connected to achieve signal progression.

LEVEL OF SERVICE: A qualitative measure of a number of factors, which include speed and travel time, traffic interruptions, freedom to maneuver, safety, driving comfort and convenience, and operating costs.

LOOP DETECTOR: A vehicle detector consisting of a loop of wire embedded in the roadway, energized by alternating current and producing an output circuit closure when passed over by a vehicle.

MINIMUM ACCEPTABLE GAP: Smallest time headway between successive vehicles in a traffic stream into which another vehicle is willing and able to cross or merge.

MULTI-MODAL: More than one mode; such as automobile, bus transit, rail rapid transit, and bicycle transportation modes.

OFFSET: The time interval in seconds between the beginning of green at one intersection and the beginning of green at an adjacent intersection.

PLATOON: A closely grouped component of traffic that is composed of several vehicles moving, or standing ready to move, with clear spaces ahead and behind.

PASSENGER CAR EQUIVALENT (PCE): A metric used to assess the impact of larger vehicles, such as trucks, recreational vehicles, and buses, by converting the traffic volume of larger vehicles to an equivalent number of passenger cars.

PEAK HOUR: The 60 consecutive minutes with the highest number of vehicles.

PRETIMED SIGNAL: A type of traffic signal that directs traffic to stop and go on a predetermined time schedule without regard to traffic conditions. Also, fixed time signal.

PROGRESSION: A term used to describe the progressive movement of traffic through several signalized intersections.

QUEUE: The number of vehicles waiting at a service area such as a traffic signal, stop sign, or access gate.

QUEUE LENGTH: The length of vehicle queue, typically expressed in feet, waiting at a service area such as a traffic signal, stop sign, or access gate.

SCREEN-LINE: An imaginary line or physical feature across which all trips are counted, normally to verify the validity of mathematical traffic models.

SHARED/RECIPROCAL PARKING AGREEMENT: A written binding document executed between property owners to provide a designated number of off-street parking stalls within a designated area to be available for specified businesses or land uses.

SIGHT DISTANCE: The continuous length of roadway visible to a driver or roadway user.

SIGNAL CYCLE: The time period in seconds required for one complete sequence of signal indications.

SIGNAL PHASE: The part of the signal cycle allocated to one or more traffic movements.

STACKING DISTANCE: The length of area available behind a service area, such as a traffic signal or gate, for vehicle queueing to occur.

STARTING DELAY: The delay experienced in initiating the movement of queued traffic from a stop to an average running speed through an intersection.

STOPPING SIGHT DISTANCE: The minimum distance required by the driver of a vehicle on the major roadway travelling at a given speed to bring the vehicle to a stop after an object on the road becomes visible. Stopping sight distance is measured from the driver's eye at 42 inches above the pavement to an object height of 6 inches above the pavement.

TRAFFIC-ACTUATED SIGNAL: A type of traffic signal that directs traffic to stop and go in accordance with the demands of traffic, as registered by the actuation of detectors.

TRIP: The movement of a person or vehicle from one location (origin) to another (destination). For example, from home to store to home is two trips, not one.

TRIP-END: One end of a trip at either the origin or destination (i.e., each trip has two trip-ends). A trip-end occurs when a person, object, or message is transferred to or from a vehicle.

TRIP GENERATION RATE: The quantity of trips produced and/or attracted by a specific land use stated in terms of units such as per dwelling, per acre, and per 1,000 square feet of floor space.

TRUCK: A vehicle having dual tires on one or more axles, or having more than two axles.

TURNING RADIUS: The circular arc formed by the smallest turning path radius of the front outside tire of a vehicle, such as that performed by a U-turn maneuver. This is based on the length and width of the wheel base as well as the steering mechanism of the vehicle.

UNBALANCED FLOW: Heavier traffic flow in one direction than the other. On a daily basis, most facilities have balanced flow. During the peak hours, flow is seldom balanced in an urban area.

VEHICLE MILES OF TRAVEL: A measure of the amount of usage of a section of highway, obtained by multiplying the average daily traffic by length of facility in miles.

APPENDIX B
EXISTING VOLUME COUNT WORKSHEETS

APPENDIX C
LEVEL OF SERVICE WORKSHEETS

EXISTING

710 E Foothill Blvd Daycare Facility

Vistro File: G:\...AM.vistro
 Report File: G:\...E AM.pdf

Scenario 1 Existing
 12/10/2019

Intersection Analysis Summary

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	North Campus Avenue (NS) at Project Driveway/CVS Driveway (EW)	Two-way stop	HCM 6th Edition	WB Left	0.074	18.1	C

V/C, Delay, LOS: For two-way stop, these values are taken from the movement with the worst (highest) delay value. For all other control types, they are taken for the whole intersection.

Intersection Level Of Service Report
Intersection 1: North Campus Avenue (NS) at Project Driveway/CVS Driveway (EW)

Control Type:	Two-way stop	Delay (sec / veh):	18.1
Analysis Method:	HCM 6th Edition	Level Of Service:	C
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.074

Intersection Setup

Name	Northbound			Southbound			Eastbound			Westbound		
Approach												
Lane Configuration	↵↵↵			↵↵			+			↵↵		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Speed [mph]	35.00			35.00			30.00			30.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	No			No			Yes			Yes		

Volumes

Name	Northbound			Southbound			Eastbound			Westbound		
Base Volume Input [veh/h]	10	409	6	2	434	14	9	0	17	17	1	5
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Growth Rate	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	10	409	6	2	434	14	9	0	17	17	1	5
Peak Hour Factor	0.7730	0.7730	0.7730	0.7730	0.7730	0.7730	0.7730	0.7730	0.7730	0.7730	0.7730	0.7730
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	3	132	2	1	140	5	3	0	5	5	0	2
Total Analysis Volume [veh/h]	13	529	8	3	561	18	12	0	22	22	1	6
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Priority Scheme	Free	Free	Stop	Stop
Flared Lane			No	
Storage Area [veh]	0	0	0	0
Two-Stage Gap Acceptance			Yes	Yes
Number of Storage Spaces in Median	0	0	1	1

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.01	0.01	0.01	0.00	0.01	0.01	0.04	0.00	0.04	0.07	0.00	0.01
d_M, Delay for Movement [s/veh]	8.63	8.63	8.63	8.47	8.63	8.63	17.35	16.97	12.61	18.06	17.35	11.61
Movement LOS	A	A	A	A	A	A	C	C	B	C	C	B
95th-Percentile Queue Length [veh/ln]	0.04	0.00	0.00	0.01	0.00	0.00	0.26	0.26	0.26	0.25	0.25	0.03
95th-Percentile Queue Length [ft/ln]	0.98	0.00	0.00	0.22	0.00	0.00	6.54	6.54	6.54	6.20	6.20	0.83
d_A, Approach Delay [s/veh]	0.20			0.04			14.28			16.70		
Approach LOS	A			A			B			C		
d_I, Intersection Delay [s/veh]	0.93											
Intersection LOS	C											

710 E Foothill Blvd Daycare Facility

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Scenario 1 Existing
12/10/2019

Intersection Analysis Summary

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	North Campus Avenue (NS) at Project Driveway/CVS Driveway (EW)	Two-way stop	HCM 6th Edition	EB Left	0.080	18.5	C

V/C, Delay, LOS: For two-way stop, these values are taken from the movement with the worst (highest) delay value. For all other control types, they are taken for the whole intersection.

Intersection Level Of Service Report
Intersection 1: North Campus Avenue (NS) at Project Driveway/CVS Driveway (EW)

Control Type:	Two-way stop	Delay (sec / veh):	18.5
Analysis Method:	HCM 6th Edition	Level Of Service:	C
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.080

Intersection Setup

Name	Northbound			Southbound			Eastbound			Westbound		
Approach												
Lane Configuration	T T T			T T			+			T T		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Speed [mph]	35.00			35.00			30.00			30.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	No			No			Yes			Yes		

Volumes

Name	Northbound			Southbound			Eastbound			Westbound		
Base Volume Input [veh/h]	32	513	63	10	356	41	23	3	54	31	2	52
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Growth Rate	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	32	513	63	10	356	41	23	3	54	31	2	52
Peak Hour Factor	0.9700	0.9700	0.9700	0.9700	0.9700	0.9700	0.9700	0.9700	0.9700	0.9700	0.9700	0.9700
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	8	132	16	3	92	11	6	1	14	8	1	13
Total Analysis Volume [veh/h]	33	529	65	10	367	42	24	3	56	32	2	54
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Priority Scheme	Free	Free	Stop	Stop
Flared Lane			No	
Storage Area [veh]	0	0	0	0
Two-Stage Gap Acceptance			Yes	Yes
Number of Storage Spaces in Median	0	0	1	1

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.03	0.01	0.00	0.01	0.00	0.00	0.08	0.01	0.08	0.11	0.01	0.10
d_M, Delay for Movement [s/veh]	8.19	6.00	6.00	8.67	6.00	6.00	18.52	17.64	11.98	18.41	17.45	12.55
Movement LOS	A	A	A	A	A	A	C	C	B	C	C	B
95th-Percentile Queue Length [veh/ln]	0.09	0.00	0.00	0.03	0.00	0.00	0.62	0.62	0.62	0.37	0.37	0.34
95th-Percentile Queue Length [ft/ln]	2.19	0.00	0.00	0.76	0.00	0.00	15.51	15.51	15.51	9.36	9.36	8.45
d_A, Approach Delay [s/veh]	0.43			0.21			14.08			14.79		
Approach LOS	A			A			B			B		
d_I, Intersection Delay [s/veh]	2.32											
Intersection LOS	C											

EXISTING PLUS PROJECT

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Scenario 2 Existing Plus Project
 12/10/2019

Intersection Analysis Summary

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	North Campus Avenue (NS) at Project Driveway/CVS Driveway (EW)	Two-way stop	HCM 6th Edition	WB Left	0.138	19.8	C

V/C, Delay, LOS: For two-way stop, these values are taken from the movement with the worst (highest) delay value. For all other control types, they are taken for the whole intersection.

Intersection Level Of Service Report

Intersection 1: North Campus Avenue (NS) at Project Driveway/CVS Driveway (EW)

Control Type:	Two-way stop	Delay (sec / veh):	19.8
Analysis Method:	HCM 6th Edition	Level Of Service:	C
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.138

Intersection Setup

Name	Northbound			Southbound			Eastbound			Westbound		
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration	T T T			T T			+			T T		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Pocket Length [ft]												
Speed [mph]	35.00			35.00			30.00			30.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	No			No			Yes			Yes		

Volumes

Name	Northbound			Southbound			Eastbound			Westbound		
Base Volume Input [veh/h]	10	409	6	2	434	14	9	0	17	17	1	5
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Growth Rate	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	15	15	0	0	0	0	0	13	0	13
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	10	409	21	17	434	14	9	0	17	30	1	18
Peak Hour Factor	0.7730	0.7730	0.7730	0.7730	0.7730	0.7730	0.7730	0.7730	0.7730	0.7730	0.7730	0.7730
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	3	132	7	5	140	5	3	0	5	10	0	6
Total Analysis Volume [veh/h]	13	529	27	22	561	18	12	0	22	39	1	23
Pedestrian Volume [ped/h]								0			0	

Intersection Settings

Priority Scheme	Free	Free	Stop	Stop
Flared Lane			No	
Storage Area [veh]	0	0	0	0
Two-Stage Gap Acceptance			Yes	Yes
Number of Storage Spaces in Median		0	1	1

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.01	0.00	0.00	0.02	0.00	0.00	0.04	0.00	0.04	0.14	0.00	0.04
d_M, Delay for Movement [s/veh]	8.63	0.00	0.00	8.59	0.00	0.00	18.48	17.84	12.68	19.79	19.00	11.91
Movement LOS	A	A	A	A	A	A	C	C	B	C	C	B
95th-Percentile Queue Length [veh/ln]	0.04	0.00	0.00	0.07	0.00	0.00	0.27	0.27	0.27	0.49	0.49	0.13
95th-Percentile Queue Length [ft/ln]	0.98	0.00	0.00	1.64	0.00	0.00	6.85	6.85	6.85	12.13	12.13	3.30
d_A, Approach Delay [s/veh]	0.20			0.31			14.73			16.90		
Approach LOS	A			A			B			C		
d_I, Intersection Delay [s/veh]	1.47											
Intersection LOS	C											

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Scenario 2 Existing Plus Project
 12/10/2019

Intersection Analysis Summary

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	North Campus Avenue (NS) at Project Driveway/CVS Driveway (EW)	Two-way stop	HCM 6th Edition	WB Left	0.161	19.8	C

V/C, Delay, LOS: For two-way stop, these values are taken from the movement with the worst (highest) delay value. For all other control types, they are taken for the whole intersection.

Intersection Level Of Service Report

Intersection 1: North Campus Avenue (NS) at Project Driveway/CVS Driveway (EW)

Control Type:	Two-way stop	Delay (sec / veh):	19.8
Analysis Method:	HCM 6th Edition	Level Of Service:	C
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.161

Intersection Setup

Name	Northbound			Southbound			Eastbound			Westbound		
Approach												
Lane Configuration	T T T			T T			+			T T		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Speed [mph]	35.00			35.00			30.00			30.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	No			No			Yes			Yes		

Volumes

Name	Northbound			Southbound			Eastbound			Westbound		
Base Volume Input [veh/h]	32	513	63	10	356	41	23	3	54	31	2	52
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Growth Rate	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	13	13	0	0	0	0	0	15	0	15
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	32	513	76	23	356	41	23	3	54	46	2	67
Peak Hour Factor	0.9700	0.9700	0.9700	0.9700	0.9700	0.9700	0.9700	0.9700	0.9700	0.9700	0.9700	0.9700
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	8	132	20	6	92	11	6	1	14	12	1	17
Total Analysis Volume [veh/h]	33	529	78	24	367	42	24	3	56	47	2	69
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Priority Scheme	Free	Free	Stop	Stop
Flared Lane			No	
Storage Area [veh]	0	0	0	0
Two-Stage Gap Acceptance			Yes	Yes
Number of Storage Spaces in Median	0	0	1	1

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.03	0.03	0.03	0.02	0.02	0.02	0.09	0.01	0.08	0.16	0.01	0.13
d_M, Delay for Movement [s/veh]	8.19	8.19	8.19	8.76	8.76	8.76	19.63	18.38	12.13	19.84	18.81	12.87
Movement LOS	A	A	A	A	A	A	C	C	B	C	C	B
95th-Percentile Queue Length [veh/ln]	0.09	0.00	0.00	0.08	0.00	0.00	0.65	0.65	0.65	0.59	0.59	0.45
95th-Percentile Queue Length [ft/ln]	2.19	0.00	0.00	1.88	0.00	0.00	16.25	16.25	16.25	14.83	14.83	11.23
d_A, Approach Delay [s/veh]	0.42			0.49			14.52			15.75		
Approach LOS	A			A			B			C		
d_I, Intersection Delay [s/veh]	2.78											
Intersection LOS	C											



STAFF REPORT

ITEM NO. 2

DATE: AUGUST 12, 2020

TO: PLANNING COMMISSION

FROM: ROBERT D. DALQUEST, DEVELOPMENT SERVICES DIRECTOR

SUBJECT: CONSIDERATION OF AN ORDINANCE REVISING THE CITY'S REGULATIONS PERTAINING TO ACCESSORY DWELLING UNITS (ADU) AND JUNIOR ACCESSORY DWELLING UNITS (JADU) TO CONFORM TO THE REVISIONS TO STATE GOVERNMENT CODE SECTIONS 65852.2 AND 65852.22 THAT WENT INTO EFFECT ON JANUARY 1, 2020.

RECOMMENDATION:

Staff recommends that the Planning Commission continue the Public Hearing on Zoning Code Amendment No. 20-0001 to the Planning Commission meeting of September 23, 2020.

DISCUSSION:

On August 28, 2019 and September 25, 2019, the Planning Commission held a study session and received a presentation by staff on recent changes in State law regarding Accessory Dwelling Units (ADUs) that became effective in 2019. The Commission also reviewed a Draft ADU Ordinance prepared by staff which amended Chapter 17.37 of the Upland Municipal Code in accordance with the revisions to Section 65852.2 and 65852.22 of the State Government Code (ADU Law).

More recently, on January 1, 2020 Assembly Bill 68 and 881, and Senate Bill 13 became effective which further changed ADU Law with more revisions to 65852.2 and 65852.22. The revisions are intended to increase statewide availability of ADUs

by addressing local barriers to the development of ADUs. At the September 25, 2019 study session, staff discussed the above impending legislation and that it would affect the Draft ADU Ordinance prepared if the bills were signed by the Governor.

The legislative changes are substantial and affect the format of the Draft ADU Ordinance that was prepared by Staff. Therefore, Staff needs additional time to incorporate these changes into a revised ADU Ordinance, and is requesting the Public Hearing be continued to the September 23, 2020 Planning Commission meeting.



PLANNING COMMISSION REPORT

STUDY SESSION

DATE: August 12, 2020

TO: PLANNING COMMISSION

FROM: ROBERT D. DALQUEST, DEVELOPMENT SERVICES DIRECTOR

PREPARED BY: MIKE POLAND, CONTRACT PLANNING MANAGER

SUBJECT: PLANNING COMMISSION TRAINING SESSION

RECOMMENDED ACTION

The Development Services Director and Deputy City Attorney recommends the Planning Commission receive and file this report/presentation.

DESCRIPTION

The Planning Commission has asked the Deputy City Attorney to provide a training session regarding an overview of land use laws as well as CEQA, meeting procedures, Brown Act, and Conflicts of Interest.

The Deputy City Attorney will be providing a power point presentation at the August 12th meeting. It is anticipated that this be an open discussion with the Commission as part of its regular training opportunities.



PLANNING COMMISSION REPORT

BUSINESS ITEM NO. 1

DATE: August 12, 2020

TO: PLANNING COMMISSION

FROM: ROBERT D. DALQUEST, DEVELOPMENT SERVICES DIRECTOR

PREPARED BY: JAMIE DAVIDSON, SENIOR ADMINISTRATIVE ASSISTANT

SUBJECT: RESOLUTION AMENDING THE RULES AND PROCEDURES FOR THE UPLAND PLANNING COMMISSION

RECOMMENDED ACTION

It is recommended that the Planning Commission approve the Draft Resolution dated August 12, 2020 amending the Rules and Procedures for the Upland Planning Commission (Exhibit A).

BACKGROUND

Annually the Planning Commission reviews the Rules and Procedures of the Upland Planning Commission. At a regular meeting on August 28, 2019, the Planning Commission adopted Resolution No. 4904 "Amending the Rules and Procedures of the Upland Planning Commission" (Exhibit B). The adoption of this Resolution was in accordance with City Council Resolution No. 6504 and included revisions consisting of: updating the Resolution numbers and dates of approval, clarified the election process and term of the Chair and Vice Chair, added Commission Communications to the agenda, and added the certification language consistent to what is found in the Planning Commission Resolutions.

ISSUES/ANALYSIS

Staff is proposing a minor revision to General Rules for Public Hearing, Section F.1., to include that speakers are requested, but not required, to provide their name and address, either at the podium or on the speaker card. The proposed change is

indicated in red in the Draft Resolution Amending the Rules and Procedures for the Upland Planning Commission (Exhibit A).

There are no additional changes proposed by staff. Should the Commission feel any section of the Rules and Procedures need further consideration, it should be brought up for discussion at this time.

ALTERNATIVES

Provide alternative direction to staff.

ATTACHMENTS

Exhibit A: Draft Resolution

Exhibit B: Planning Commission Resolution No. 4904

Exhibit A – Draft Resolution



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UPLAND AMENDING RULES AND PROCEDURES FOR THE CITY OF UPLAND PLANNING COMMISSION AS SET FORTH IN RESOLUTION NO. 4904.

WHEREAS, the City of Upland Planning Commission ("Planning Commission") previously adopted Rules and Procedures for the Planning Commission pursuant to Planning Commission Resolution No. 4904; and

WHEREAS, on August 12, 2019, the City Council of the City of Upland ("City") adopted City Council Resolution No. 6504, entitled "Resolution of the City Council Amending the Policies and Procedures Relative to the Establishment and Operation of Commissions, Committees, Boards, and Authorities Appointed to Advise the City Council", regarding Rules and Procedures, including procedures applicable to the Planning Commission; and

WHEREAS, as a result of the adoption of City Council Resolution No. 6504, certain changes must be made to the adopted Rules and Procedures as approved by Planning Commission Resolution, and

WHEREAS, uniformity of action concerning order of business, elections, conduct of public hearings, and other general rules is also desirable; and

WHEREAS, this Planning Commission, after careful consideration, hereby finds that its adopted Rules and Procedures should be amended.

NOW, THEREFORE, BE IT RESOLVED that the adopted Rules and Procedures be amended to read as follows:

**RULES AND PROCEDURES
FOR
CITY OF UPLAND PLANNING COMMISSION**

A. PLANNING COMMISSION MEETINGS

1. REGULAR MEETINGS:

- a. Regular meetings of the Planning Commission shall be held on the fourth Wednesday of each month, at 6:30 p.m. in the Council Chambers of the City Hall, unless otherwise determined by the Commission.
- b. Whenever a regular meeting falls on a public holiday, no regular meeting shall be held on that day. Such regular meeting may be rescheduled to another business day, or canceled by motion adopted by the Planning Commission.

2. SPECIAL MEETINGS:

Special meetings may be ordered by the Chair or by a majority vote of the members. Written notice shall be delivered at least 24 hours prior to the special

meeting, in accordance with the Brown Act. Notification by telephone shall also be given by the Secretary at least 72 hours prior to the meeting time, if ordered by the Chair.

3. STUDY SESSIONS/WORKSHOPS:

- a. The Commission may be convened as a whole or as a committee of the whole in the same manner as prescribed for the calling of a regular meeting or special meeting for the purpose of holding a study session provided that no official action shall be taken.
- b. Such meetings shall be open to the public in accordance with the Ralph M. Brown Act (Calif. Gov. Code Section 54950, et seq.); but, unless the Commission invites evidence or comments to be given, participation by interested members of the public shall not take place at such study sessions except as part of any oral communications portion of the agenda for a public workshop.

4. ORDER OF BUSINESS:

The order of business at regular Planning Commission meetings shall be:

- a. Chair calls meeting to order.
- b. Pledge of Allegiance.
- c. Roll call.
- d. Approval of minutes of previous meeting.
- e. Council Action(s) of special interest.
- f. Future Agenda Items
- g. Oral Communications.
- h. Consent Calendar.
- i. Instruction to the public.
- j. Public Hearings:
 - i. Continued items;
 - ii. New items.
- k. Business Items:
 - i. Continued items;
 - ii. New items.
- l. Commission Communications.
- m. Adjournment.

5. PROCEDURE:

Except as otherwise provided in these Rules and Procedures, *Robert's Rules of Order, Newly Revised*, shall be used as a guide to the conduct of the meetings of the Planning Commission provided, however, that the failure of the Commission to conform to said *Rules of Order* shall not, in any instance, be deemed to invalidate the action taken. If there is any inconsistency between *Robert's Rules of Order* and the Brown Act, then the Brown Act will prevail.

6. QUORUM:

A quorum for conducting the business of the Commission shall be a majority of the voting members.

B. ELECTIONS, APPOINTMENTS AND TERMS OF OFFICE

1. The Planning Commission shall, at the start of the regular meeting every other August, elect from among the appointed members a Chair and Vice Chair to begin serving immediately. In accordance with City Council Resolution No. 6504, the term of the Chair and Vice Chair shall be for 2 years, and no Chair shall serve for more than two (2) consecutive terms without the approval of the City Council by an affirmative 4/5ths vote.
2. Election shall be by a roll call vote with votes being cast separately for each office. Voting for Vice Chair shall follow election of the Chair. In each case, the Commission member with the highest number of votes shall be declared elected.
3. The Chair or Vice Chair may be removed from office at any time by two-thirds vote of the Commission.
4. In case of the absence, or the inability to act, of the Chair and the Vice Chair, the members present at any meeting shall, by an order entered into the Minutes, select one of the members as Chair pro tem for that meeting.
5. The Development Services Director or a designee shall serve as Secretary and shall fix the dates of public hearings and prepare the Planning Commission Agenda.

C. DUTIES OF OFFICERS AND MEMBERS

1. The presiding officer shall preserve order and decorum and shall decide questions of order.
2. The Chair, or in the Chair's absence, the Vice Chair, or in the Vice Chair's absence, the Chair pro tem, shall be the presiding officer at all Planning Commission meetings.
3. All Planning Commission members wishing to make a statement or to ask a question shall first gain recognition by the Chair.
4. The Chair shall facilitate the business of the Commission. Any member of the public addressing the Commission shall limit their address to five (5) minutes unless further time is granted by the Chair or majority of the Commission. However, the Chair may limit the amount of time which a person may use in addressing the Planning Commission based on the number of items on the agenda or the number of speakers on an item, or other factors necessary to facilitate the business of the Commission.
5. The Chair shall appoint and discharge all committees.
6. With the approval of the Commission, the Chair may suspend or vary the regular order of business.
7. Any member who believes that he or she has a conflict of interest on the matter to be decided should state the general nature of the conflict and voluntarily leave the room until after the disposition of the matter is concluded. If any

member of the Commission believes that another member has such a conflict, the alleged conflict should be brought to the attention of the Commission as a whole, with the request that the member who allegedly has the conflict should consider the same before entering into the discussion on the issue.

8. One month prior to the election of the Planning Commission Chair and Vice Chair, the Planning Commission Members shall complete and return the Planning Commission Election Biography Form to the Secretary of the Commission. Completed forms will be included in the Agenda Packet to aid the Commissioners in the Election process.
9. The Chair shall sign resolutions and such other documents as may be required and shall perform all other duties necessary or incidental to the office.
10. The Secretary shall maintain minutes of the Commission meetings and shall record the official actions of the Planning Commission as required by law. The Secretary shall certify all official documents and resolutions of the Commission. The Secretary shall examine all incoming mail for proper referral and answer correspondence for the Commission. The Secretary shall maintain records of operations and perform such other duties as may be assigned by the Planning Commission.
11. The Development Services Director shall be the administrative head of the Development Services Department. The Development Services Director shall furnish professional and technical advice to the Commission and shall assist the Commission in the discharge of its responsibilities.
12. All questions of law shall be referred to the City Attorney for opinion.

D. GENERAL RULES OF PROCEDURE

1. All meetings shall be held in full compliance with the provision of State law, ordinances of the City, and these Rules and Procedures.
2. Requests for appearance before the Commission shall be made at the Development Services Department office prior to the filing deadline set forth in the *Development Services Department Application Schedule*. Such requests shall be made on forms provided and shall state the nature of the business to be considered.
3. Any urgency matters may be considered by the Planning Commission upon request of any member of the Commission or upon request of the Development Services Director. In the interest of facilitating the Planning Commission meeting, a member of the Planning Commission requesting consideration of an urgency matter should notify the Secretary at the earliest time practical.
4. Scheduled Agenda items shall take precedence over urgency matters; however, the Chair may allow consideration of an urgency matter at such time as the Chair deems appropriate.
5. Any of the Rules and Procedures not required by law may be suspended, changed, or modified by a two-thirds vote of the quorum present.

E. PROCEDURE FOR CONDUCT OF PUBLIC HEARINGS

1. Chair announces the subject of the hearing, as advertised; the staff shall be asked to present the substance of the application, the staff report, and the recommendations, and to answer any technical questions of the Commission.
2. Chair declares the public hearing open and offers the applicant an opportunity to give testimony.
3. Chair calls for testimony from those in the audience.
4. Chair offers the applicant an opportunity to deliver a closing statement.
5. Chair may call for the Development Services Director and/or other staff member to present a summary, alterations, and/or recommendations.
6. Chair declares the public hearing closed.
7. Chair calls for discussion by members of the Commission in rotation. Chair requests a motion from the Commission.
8. Chair asks if there is further discussion on the motion.
9. Question is called.
10. Vote is taken.
11. Chair announces decision of Commission and proceeds to the next item on the Agenda.

F. GENERAL RULES FOR PUBLIC HEARINGS

1. Persons presenting testimony to the Commission are requested (**but not required**) to give their name and address for the record and to present the Commission Secretary with a speaker's card stating their name and address. In the event the speaker does not complete a card before presenting testimony, the speaker may fill out this card subsequent to giving the testimony.
2. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in and of itself to support a finding of fact, and no decision may be supported solely by hearsay evidence.
3. Findings of fact must be relied upon in making a motion.
4. All questions and comments should be directed through the Chair.
5. All questions shall be directed to the floor by the Planning Commission while the hearing is in its "open" phase. The hearing, once closed, may only be reopened for questions to the floor by a motion, second and voted by the Planning Commission; however, the Chair may, as a practical matter, ask the Commission as a whole if anyone objects to reopening the public hearing to allow the questions. If an objection is raised, the formality of a motion, second, and vote should follow. If no objection is raised, substantial compliance with

the rule has taken place, and the hearing may be declared reopened by the Chair.

6. Any member of the public addressing the Commission shall limit their address to five (5) minutes unless further time is granted by the Chair or majority of the Commission.

G. CERTIFICATION

The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this Resolution, and shall cause this Resolution and their certification to be entered in the Book of Resolutions of the Planning Commission of the City.

PASSED, APPROVED and ADOPTED this 12th day of August 2020.

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 12th day of August 2020, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Robert D. Dalquest, SECRETARY

**Exhibit B – Planning Commission
Resolution No. 4904**



RESOLUTION NO. 4904

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF UPLAND AMENDING RULES AND PROCEDURES
FOR THE CITY OF UPLAND PLANNING COMMISSION
AS SET FORTH IN RESOLUTION NO. 4862.**

WHEREAS, the City of Upland Planning Commission ("Planning Commission") previously adopted Rules and Procedures for the Planning Commission pursuant to Planning Commission Resolution No. 4862; and

WHEREAS, on August 12, 2019, the City Council of the City of Upland ("City") adopted City Council Resolution No. 6504, entitled "Resolution of the City Council Amending the Policies and Procedures Relative to the Establishment and Operation of Commissions, Committees, Boards, and Authorities Appointed to Advise the City Council", regarding Rules and Procedures, including procedures applicable to the Planning Commission; and

WHEREAS, as a result of the adoption of City Council Resolution No. 6504, certain changes must be made to the Rules and Procedures as adopted by Planning Commission Resolution No. 4862, and

WHEREAS, uniformity of action concerning order of business, elections, conduct of public hearings, and other general rules is also desirable; and

WHEREAS, this Planning Commission, after careful consideration, hereby finds that its Rules and Procedures should be amended and adopted.

NOW, THEREFORE, BE IT RESOLVED that the adopted Rules and Procedures be amended to read as follows:

**RULES AND PROCEDURES
FOR
CITY OF UPLAND PLANNING COMMISSION**

A. PLANNING COMMISSION MEETINGS

1. REGULAR MEETINGS:

- a. Regular meetings of the Planning Commission shall be held on the fourth Wednesday of each month, at 6:30 p.m. in the Council Chambers of the City Hall, unless otherwise determined by the Commission.
- b. Whenever a regular meeting falls on a public holiday, no regular meeting shall be held on that day. Such regular meeting may be rescheduled to another business day, or canceled by motion adopted by the Planning Commission.

2. SPECIAL MEETINGS:

Special meetings may be ordered by the Chair or by a majority vote of the members. Written notice shall be delivered at least 24 hours prior to the special meeting, in accordance with the Brown Act. Notification by telephone shall also be given by the Secretary at least 72 hours prior to the meeting time, if ordered by the Chair.

3. STUDY SESSIONS/WORKSHOPS:

- a. The Commission may be convened as a whole or as a committee of the whole in the same manner as prescribed for the calling of a regular meeting or special meeting for the purpose of holding a study session provided that no official action shall be taken.
- b. Such meetings shall be open to the public in accordance with the Ralph M. Brown Act (Calif. Gov. Code Section 54950, et seq.); but, unless the Commission invites evidence or comments to be given, participation by interested members of the public shall not take place at such study sessions except as part of any oral communications portion of the agenda for a public workshop.

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- g. Oral Communications.
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 - i. Continued items;
 - ii. New items.
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- m. Adjournment.

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4. Scheduled Agenda items shall take precedence over urgency matters; however, the Chair may allow consideration of an urgency matter at such time as the Chair deems appropriate.
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2. Chair declares the public hearing open and offers the applicant an opportunity to give testimony.
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5. Chair may call for the Development Services Director and/or other staff member to present a summary, alterations, and/or recommendations.
6. Chair declares the public hearing closed.
7. Chair calls for discussion by members of the Commission in rotation. Chair requests a motion from the Commission.
8. Chair asks if there is further discussion on the motion.
9. Question is called.
10. Vote is taken.
11. Chair announces decision of Commission and proceeds to the next item on the Agenda.

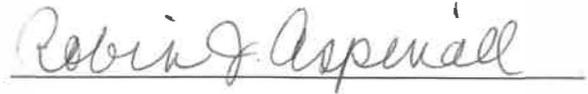
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3. Findings of fact must be relied upon in making a motion.
4. All questions and comments should be directed through the Chair.
5. All questions shall be directed to the floor by the Planning Commission while the hearing is in its "open" phase. The hearing, once closed, may only be reopened for questions to the floor by a motion, second and voted by the Planning Commission; however, the Chair may, as a practical matter, ask the Commission as a whole if anyone objects to reopening the public hearing to allow the questions. If an objection is raised, the formality of a motion, second, and vote should follow. If no objection is raised, substantial compliance with the rule has taken place, and the hearing may be declared reopened by the Chair.

6. Any member of the public addressing the Commission shall limit their address to five (5) minutes unless further time is granted by the Chair or majority of the Commission.

G. CERTIFICATION

The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this Resolution, and shall cause this Resolution and their certification to be entered in the Book of Resolutions of the Planning Commission of the City.

A handwritten signature in cursive script that reads "Robin J. Aspinall". The signature is written in black ink and is positioned above a horizontal line.

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 August 2019, by the following vote:

- AYES: Chair Aspinall, Vice Chair Schwary, Commissioners Anderson, Brouse, Novikov, Walker.
- NAYS: none
- ABSENT: none
- ABSTAIN: none



Robert D. Dalquest, SECRETARY



PLANNING COMMISSION REPORT

BUSINESS ITEM NO. 2

DATE: August 12, 2020

TO: PLANNING COMMISSION

FROM: ROBERT D. DALQUEST, DEVELOPMENT SERVICES DIRECTOR

PREPARED BY: JAMIE DAVIDSON, SENIOR ADMINISTRATIVE ASSISTANT

SUBJECT: HOLIDAY MEETING SCHEDULE FOR 2020

RECOMMENDED ACTION

Staff recommends that the Planning Commission reschedule the regularly scheduled November and December Planning Commission meetings to November 18, 2020 and December 9, 2020.

BACKGROUND

The upcoming Thanksgiving and Christmas holidays may create conflicts with the scheduled Planning Commission meeting dates in November and December. Staff would like to discuss alternate meeting dates for these two months.

ISSUES/ANALYSIS

The regularly scheduled November meeting is scheduled for November 25, 2020. In order to prevent conflicts with Veteran's Day and Thanksgiving, staff recommends that the Planning Commission reschedule the November meeting to Wednesday, November 18, 2020.

The regularly scheduled December meeting is scheduled for December 23, 2020. In order to prevent conflicts with the Christmas holiday, staff recommends that the Planning Commission reschedule the December meeting to Wednesday, December 9, 2020.

ATTACHEMENTS

Exhibit A: 2020 Planning Commission Schedule with proposed changes

**Exhibit A – 2020 Planning Commission
Schedule with proposed changes**





PLANNING COMMISSION MEETING SCHEDULE

PLANNING COMMISSION <i>4th Wednesday of each month at 6:30 p.m.*</i>
2020
JANUARY 22
FEBRUARY 26
MARCH 25
APRIL 22
MAY 27
JUNE 24
JULY 22
AUGUST 26
SEPTEMBER 23
OCTOBER 28
NOVEMBER 25 NOVEMBER 18 (proposed)
DECEMBER 23 DECEMBER 9 (proposed)
2021
JANUARY 27, 2021

THIS SCHEDULE MAY BE REVISED WITHOUT PRIOR NOTICE

*Dates may be adjusted for holidays, etc.