



REGULAR MEETING OF THE UPLAND PLANNING COMMISSION AGENDA

**February 26, 2020 at 6:30 PM
Council Chambers**

**ROBIN ASPINALL, CHAIR
GARY SCHWARY, VICE CHAIR
CAROLYN ANDERSON, COMMISSIONER
LINDEN BROUSE, COMMISSIONER
ALEXANDER NOVIKOV, COMMISSIONER
YVETTE WALKER, COMMISSIONER
VACANT, COMMISSIONER**

CALL TO ORDER OF THE PLANNING COMMISSION REGULAR MEETING

PLEDGE OF ALLEGIANCE

ROLL CALL OF THE PLANNING COMMISSION Chair Aspinall, Vice Chair Schwary, Commissioners Anderson, Brouse, Novikov and Walker

APPROVAL OF MINUTES January 22, 2020 and February 12, 2020

COUNCIL ACTIONS Robert D. Dalquest, Development Services Director
February 10, 2020 and February 24, 2020

FUTURE AGENDA ITEMS Mike Poland, Contract Planning Manager

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. 19-0002 TO ESTABLISH A NEW RESTAURANT AND BANQUET HALL WITH ANCILLARY LIVE ENTERTAINMENT, OUTDOOR PATIO SEATING FOR DINING AND HOOKAH, AND TO ALLOW THE SALE OF BEER AND WINE (TYPE 41 LICENSE).

Project Location: 345 W. Foothill Boulevard. APN: 1045-571-37.

STAFF:	Jacqueline Hong, Assistant Planner
APPLICANT:	Alaaldin Almuzian 1651 Via Galicia Street Corona, CA
RECOMMENDATION:	That the Planning Commission: 1. Receive staff's presentation; and 2. Hold a public hearing and receive testimony from the public; and 3. Move to adopt a Resolution of the Planning Commission of the City of Upland approving Conditional Use Permit No.19-0002.
COUNCIL HEARING REQUIRED:	No
APPEAL PERIOD:	10 days, ending March 9, 2020.

BUSINESS ITEMS

1. Adoption of a resolution with findings in support of the Planning Commission's recommendation to the City Council regarding Site Plan No. 19-09 and Design Review No. 19-17 for the Bridge Point Upland Project.
2. Resolution recommending that the City Council deny Specific Plan No. 18-02, General Plan Amendment No. 18-04, Zone Change No. 18-04, Tentative Tract No. 20245 (TT 18-03), Site Plan No. 18-10, Design Review No. 18-14, and Environmental Assessment Review No. 0070 regarding the Villa Serena Specific Plan Project located on the north side of 15th Street, approximately 0.25 miles east of Campus Avenue.

COMMISSION COMMUNICATIONS

ADJOURNMENT

Adjourn to the next regular scheduled Planning Commission meeting on March 25, 2020.

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 prior to the meeting at 460 North Euclid Avenue during normal business hours.

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 February 20, 2020, at least 72 hours prior to the meeting, a true and correct copy of this agenda was posted on the bulletin boards 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 REGULAR MEETING OF THE
UPLAND PLANNING COMMISSION HELD
WEDNESDAY, JANUARY 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 6:30 P.M.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by *Vice Chair Schwary*.

ROLL CALL

MEMBERS PRESENT: Commissioners Brouse, Novikov, Walker, Vice Chair Schwary, and Chair Aspinall

MEMBERS ABSENT: Commissioner Anderson

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

APPROVAL OF MINUTES

Moved by *Vice Chair Schwary*, to approve of the minutes of the Planning Commission meeting of December 11, 2019.

The motion was seconded by *Commissioner Walker*.

The motion carried by the following vote:

AYES: *Commissioners Brouse, Novikov, Walker, Vice Chair Schwary, and Chair Aspinall*

NAYS: None ABSTAINED: None

ABSENT: *Commissioner Anderson*

COUNCIL ACTIONS

Development Services Director Dalquest provided a brief follow up on the January 13th Council Meeting, noting the Council approved the 2019 Edition of the California Building Code into the Upland Municipal Code.

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.

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

PRESENTATION REGARDING AFFORDABLE HOUSING

Development Services Director Dalquest briefly introduced the item and referred the presentation to *Development Services Manager Chavez*.

Development Services Manager Chavez presented the details of the item, including the history of affordable housing in the City of Upland during the Redevelopment period; housing programs that came about during the Redevelopment period; City Council’s role as the housing Successor Agency as of 2012; requirements for the distribution of housing funds; number of affordable housing units in the City; Regional Housing Needs Allocation; barriers of developing new affordable housing in the City; rent schedule; new Bills in 2018 and 2019 to assist in the production of affordable housing; loss of local control; and the rising cost of land and building materials.

Chair Aspinall requested the power point presentation be made available for the public.

Development Services Manager Chavez indicated that the power point presentation will be placed on the City’s website.

Vice Chair Schwary thanked *Development Services Manager Chavez* for her presentation.

Chair Aspinall inquired as to the tie between the affordable housing discussion and Accessory Dwelling Units (ADU’s).

In response to *Chair Aspinall’s* inquiry, *Development Services Director Dalquest* indicated that new legislation was being reviewed and incorporated into the draft ADU Ordinance, which he anticipates will come before the Planning Commission for review at the February meeting.

PUBLIC HEARINGS

1. PUBLIC HEARING FOR SPECIFIC PLAN REVIEW NO. 18-02, GENERAL PLAN AMENDMENT NO. 18-04, ZONE CHANGE NO. 18-04, TENTATIVE TRACT NO. 20245 (TT-18-03), SITE PLAN NO. 18-10, DESIGN REVIEW NO. 18-14, AND ENVIRONMENTAL ASSESSMENT REVIEW NO. 0070. (Continued from December 11, 2019).

A proposed Specific Plan Review and related Planning Entitlements for the development of 65 single-family detached homes, private open space land uses and infrastructure improvements to serve the development.

Project Location: North side of E. 15TH Street, south of the Upland Hills Country Club, and approximately 0.25 miles east of North Campus Avenue. APN: 1045-121-04.

STAFF:	Joshua Winter, Associate Planner
APPLICANT:	FH II, LLC (Frontier Homes) 2151 E. Convention Center Way #100 Ontario, CA 91764
RECOMMENDATION:	That the Planning Commission: 1. Receive staff’s presentation; and 2. Hold a public hearing and receive testimony from the public; and 3. Move to adopt a Resolution of the Planning Commission of the City of Upland, recommending that the City Council approve the Mitigated Negative Declaration, Specific Plan Review No. 18-02, General Plan Amendment No. 18-04, Zone Change No. 18-04, Tentative Tract No. 20245 (TT-18-03), Site Plan No. 18-10, and Design Review No. 18-14.
COUNCIL HEARING REQUIRED:	Yes
APPEAL PERIOD:	N/A

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Associate Planner Winter presented the details of the report, including background; location; and scope of the project. He also addressed public comments received at the previous hearing, including concerns related to the public notice and indicated that the project was re-noticed. He spoke about the operation and stability of the basin, noting redesign of the basin and additional geotechnical analysis was conducted. He addressed concerns related to the traffic generated by the project via new residents and construction, and reported the findings of the traffic analysis and trip generations; he added that there is a Condition of Approval related to phasing construction traffic. He also addressed concerns related to traffic mitigation measures, noting a Condition of Approval related to the possibility of opening up 15th Street to a private drive aisle. He spoke about biological concerns brought up by residents at the previous hearing, noting that a response from the biologist was included as part of the Response to Comments for the Mitigated Negative Declaration. He spoke about concerns related to the integration into the existing neighborhood; density and alignment with the General Plan; and staff recommendations.

Chair Aspinall requested the Developer discuss the change in the spillway.

Commissioner Brouse indicated he reviewed the audio, draft minutes and meeting materials of the December 11, 2019 meeting and is familiar with the presentation and public comments made at said meeting; and as such, is prepared to hear and vote on the item this evening.

Chair Aspinall requested clarification on the requirements of the Developer should there be any damage to the City streets as a result of construction traffic.

In response to *Chair Aspinall's* inquiry, *Associate Planner Winter* indicated that there is a standard Condition of Approval assessed by Public Works that asserts that any damage to the public right-of-way will have to be repaired prior to the issuance of the Certificate of Occupancy.

Chair Aspinall opened the public hearing.

Tim Nguyen, applicant, provided a presentation and spoke about the housing crisis in Southern California; provided a brief overview of his previous presentation; previous projects in the City of Upland; spoke about concerns regarding the development blocking mountain views and provided prospective views of the project; illustrated the buffer between existing homes and the proposed development; spoke about community outreach and concerns; provided project renderings; spoke about the improvement of 15th Street with pedestrian sidewalks and parkways; provided renderings of the new entrance to the basin; revenue generation for the City; indicated that the development is categorized as moderate housing; and spoke about his Company's experience in development in the Inland Empire.

Vice Chair Schwary inquired as to the accuracy in the rendering displayed regarding the mountain views.

In response to *Vice Chair Schwary's* inquiry, *Tim Nguyen* reviewed the renderings and spoke about measures taken to address concerns brought up at the previous public hearing.

Chair Aspinall inquired as to the current and proposed location of the spillway within the development.

Scott Gilbert, Proactive Engineering, project engineer, indicated the existing spillway is an outlet structure at the west end of the basin near 15th Street; and the proposed revised spillway is further to the east near Grove Avenue. He indicated the change in placement had to do with the change in the operation of the basin to the east; and spoke about a previous City-commissioned report which proposed the spillway to come out of the intersection which is the proposed entrance to the project. He indicated that this proposal would not work with the project, and the spillway was effectively relocated to Grove. He reiterated the spillway was only for events in excess of 200-500 year storms.

Chair Aspinall inquired as to normal conditions and water runoff.

In response to *Chair Aspinall's* inquiry, *Scott Gilbert* indicated that residents should not see any additional runoff under normal conditions.

Commissioner Walker inquired as to the impact of property values to surrounding homes.

In response to *Commissioner Walker's* inquiry, *Tim Nguyen* spoke about other projects in the City of Upland and comparison of property values before, during, and after construction. He indicated with other projects in the area,

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property values were positively increased at a rate of 40% after the construction of new developments.
Chair Schwary inquired as to price points for the new homes.

In response to *Vice Chair Schwary's* inquiry, *Tim Nguyen* indicated that it is still too early in the process to explore price points for the homes.

Kathy Carter, resident, provided a PowerPoint for the record, and spoke about trees planted and fencing along 15th Street between 13th Avenue and Fernando Street, and subsequent death of the trees due to lack of watering as a result of the responsibility not being designated. She also expressed concern for poor planning; lack of privacy; impacted views; safety; and home-building on a man-made hill. She also suggested the Planning Commission wait to review the project to see what weather conditions are present in non-drought years; building homes on a solid foundation; planting trees which wouldn't destroy sidewalks or block mountain views; and review entrances to the gated community.

David Hardesty, resident, displayed maps for the record and expressed concerns with the relocation of the spillway; spoke about alternate methods to eliminate water coming down from 19th Street; suggested the flood control be left on the west side; spoke about the history of the storm drain in the area; and suggested the project be moved to the east side of the flood control basin.

Alex Hwang, resident, expressed concerns for the Developer's demeanor towards houses along 15th Street; lack of affordability of houses in the development; building of houses in the roadway; proximity of development to his home; lack of privacy; housing values; loss of wildlife; obstruction of views to his home; and requested the Planning Commission evaluate impacts to the existing neighborhood.

Roger Flores, resident, spoke about the Regional Housing Needs Allocation (RHNA) requirements and noted the development is not in alignment with said requirements such as available land, noting that the flood control channel is not suitable land; and proximity to public transportation and jobs. He spoke about his opposition to the General Plan Amendment and Zoning Change; indicating that the change in the flow of water will not help the City's water table. Additionally, he expressed concerns with purchasing water in drought conditions, and impacts to the ecosystem of the area. He also thanked the Planning Commission for their service to the community.

Shari Wasson, resident, spoke about walking along 15th Street to observe wildlife; the response to concerns related to impacts to the wildlife as a result of the proposed development; history of species in the area impacted by the development of surrounding natural habitats; the active support of native plants and animals by the land which is being proposed for the development; natural heritage of the City; suggested the land for the development be substituted for another area in the City which will not impact the wildlife; and urged the preservation of the area.

Joe Hudson, resident, spoke about the history of the property; expressed concerns for traffic in the area in proximity to his driveway; questioned the accuracy of the traffic report; suggested the Commissioners visit the site to understand the resident's concerns; and requested the project be modified to take into account the concerns of the existing residents in the area.

Michael and Kaylene Barker, residents, expressed concerns with existing traffic in the area and additional traffic impacts with the new development. They also spoke about the proposed code changes and the inability for current residents to build two-story dwellings; expressed concerns with elevation projections as displayed; and the poor condition of the streets.

Denise Greenberg, resident, spoke about impacts to the Golf Course and expressed concerns with sewer connections; redirection of water to the drainage ditch; requested the fence be at least an 8-foot block wall; and noted impacts of the development on Golf Course revenue. She also expressed concerns with green space in the development; flood control drainage; road replacement; and requested the Planning Commission deny the project.

Sandra Sidders, resident, requested the Planning Commission deny the project; spoke against building high density housing on top of an existing basin; General Plan provisions; increase in traffic in the area; impact of the development on the street-level view of the existing community; FEMA flood zone maps and the potential for existing homeowners to be required to purchase flood insurance; history of flooding in the area; quality of life for the current residents; and responsibility of the City should the area be impacted by future flooding. She also spoke about the validity of the traffic study conducted and poor road conditions in the area.

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Tina Flores, resident, expressed concerns for impacts of the development to the existing neighborhood, including impacts to the wildlife in the area, and requested the Planning Commission deny the project. She also expressed concern for the potential impact of traffic in the area as a result of the proposed development.

Michael Hayward, resident, expressed concerns with the creation of the two-way alley along 15th Street; trash in the area; and indicated that the project is not conducive to the existing neighborhood. He also requested the Planning Commission deny the proposal.

Marci Callejo, resident, expressed concerns with the traffic analysis in the area; requested traffic be further studied; and suggested that impacts on air quality in the area be explored.

Joel Bradley, resident, indicated he spoke with staff and was assured that nothing on the Golf Course would be changing. He also expressed concerns with the height level of the actual development once construction is completed; spoke about the development on Campus across from the Fire Station; and expressed concerns with guest parking.

Joshell Coffey Koliva, resident, spoke about the impacts to her home due to the proposed development; spoke about the work of the community to keep the area of 15th Street clean; road conditions; previous flooding zones; and spoke in opposition to the project.

Mustafa Koliva, resident, spoke about historical floods in the area; the potential for flooding; expressed concerns with privacy in his yard due to the development; noted impacts to views of the community; and spoke in opposition to the project. He also expressed concerns with parking in the area as a result of the development.

Logan Zappia, resident, spoke in opposition to the project and expressed concerns for the wildlife in the area.

Dante Zappia, resident, spoke in opposition to the project; and expressed concerns for the biodiversity in the flood control zone should the project be developed. He spoke about his previous correspondence, and expressed concerns for bicycle safety in the area; and traffic and safety on 13th Street adjacent to Foothill Knolls School.

Vice Chair Schwary commended *Logan and Dante Zappia* for speaking.

Paul Sammis, resident, spoke in opposition to the project; and expressed concerns with changing storm drain patterns to run water out of the new development through the existing neighborhood. He also expressed concerns with speed through Grove Avenue and the potential for increased traffic near Foothill Knolls. He inquired as to Fire Department review of the project, and expressed concerns for maintaining the retention basin and water supply. He also spoke about historical flooding in the area and expressed concerns for the potential of future flooding; and inquired as to truck paths for the development.

Philip Ferree, resident, thanked the Commission for hearing the public's concerns and spoke about the City's position with regards to the land transaction and history with the Colonies project. He also spoke about the lack of communication and public outreach from the developer during the process and expressed concerns with the elevations of the proposed development; impacts on the view; and impacts of potential waterflow down Grove Avenue.

Jaime Romero, resident, expressed concerns with the potential for flooding of the existing neighborhood based on the reduction of catch basins due to the construction of the proposed development.

Caryn Zappia, resident, expressed concerns with the inconsistencies in the development proposal; including blending in with the existing community; two-story homes; and zoning lot sizes. She also expressed concerns with the traffic impacts throughout the existing neighborhood, particularly Fernando Avenue; requested the traffic be further studied; and indicated that the property maintenance is the responsibility of the owner and builder.

David Hammer, resident, expressed concerns with the architectural design of the proposal and spoke about the need for one-story homes. He also expressed concerns with the site plan as it relates to room for sidewalks and urged the Commission to make a decision related to cleaning up 15th Street prior to the approval of the project. He also expressed concerns with construction trucks going through the neighborhood; the elimination of the basin and habitat; and proposed that the City develop the site into a conservation area.

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Chris Jackson, resident, played a short video for the Commission taken in January 2019 which depicted the reservoir full, and expressed concern with the Developer's photographs depicting the basin dry. He also reported reviewing the 2018 geotechnical study, and expressed concern with the time of year the tests were conducted and the findings with regards to reaching the proper depths on the site. He also expressed concerns with water coming over the spillway on Grove Street.

Colin Kesterson, resident, spoke about the families in his neighborhood and expressed concerns with the increased traffic and speed in his neighborhood through Alta Avenue. He requested the Commission explore opening 15th Street to alleviate traffic hazards on Alta Avenue.

Mark Walters, resident, spoke about the lack of public notice and expressed concerns with property values; traffic studies; funding for increased public safety services in the area; and construction truck traffic. He also indicated he feels that an EIR was necessary for the project.

Steve Sturgis, resident, spoke about the poor road conditions on Grove Avenue and the potential impact to the road that construction trucks will have as a result of this development. He also expressed concerns with the property values as a result of the development and potential conflicts of interest should the project be approved.

Rudy Carl, resident, spoke about the berm at the proposed entrance of the project and concerns regarding whether the proposed 2-story homes blend in with the existing neighborhood. He suggested the project be developed in the adjacent ravine, out of sight of the current neighborhood. He also suggested the developer remove the berm.

Commissioner Walker inquired as to the building materials that will be used in the development and asked the applicant whether they would be open to utilizing permeable concrete or similar materials. She also inquired about the potential for moving the greenspace in the area behind the seven (7) homes in question to maintain the quality of life for those homes impacted. She also inquired if the developer has plans to mitigate the existing pothole issue, and whether the traffic study took into account impacts of construction traffic in the area.

In response to *Commissioner Walker's* inquiry, *Tim Nguyen* indicated they would explore the option of incorporating permeable concrete. He also indicated that concerns for the privacy for the seven (7) homes in question were addressed, and indicated that a 120-foot buffer between the existing homes and the proposed development was incorporated. Additionally, *Nguyen* added there is a Condition of Approval which address construction traffic.

In response to *Commissioner Walker's* inquiry, *Associate Planner Winter* indicated that there is a standard Condition of Approval with indicates that damages caused by the developer would be required to be repaired, and existing potholes would be the responsibility of Public Works to repair. He also indicated staff can explore the option with Public Works to repair potholes in the area prior to construction to be able to determine the damage caused directly by construction traffic.

Commissioner Walker requested staff make resident concerns with regards to conditions of the roadway a priority should the project move forward.

In response to *Commissioner Walker's* inquiry, *Development Services Director Dalquest* indicated should the project move forward, staff would address the issue with the Developer prior to construction.

Commissioner Walker inquired whether there is an opportunity for an enhanced traffic signal that would allow a turning signal at 14th and Campus to better mitigate traffic in the area.

In response to *Commissioner Walker's* inquiry, *Development Services Director Dalquest* indicated that the Public Works Department would have to investigate phasing or alternate methods for the intersection.

Commissioner Novikov inquired whether the Developer would consider changing the model of the development to single-story homes as well as lowering the total number of homes to be developed as part of the proposal.

In response to *Commissioner Novikov's* inquiry, *Tim Nguyen* indicated that single-story homes were considered, however for this development, it was identified that there is demand in the area for two-story homes.

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Vice Chair Schwary requested the Developer consider holding a Town Hall meeting to work with the residents through their concerns. He also further inquired as to the storm wells and dry wells in the proposed development and related impacts to the existing neighborhood.

Terry Renner, Consultant, City Engineer, indicated that the project meets all County requirements for flood control basin, and indicated that the County requires the basin be designed to withstand a 100-year storm event with no overflow based on rain levels in the area. He also indicated runoff designs have not been completed, however, there is a Condition of Approval which indicates all County and City requirements be met related to flood control release. Additionally, he clarified the floodwater for a 100-year even will be maintained within the basin, and explained the definition of a 100-year event in contrast to a normal storm event.

Chair Aspinall requested the Developer explore the use of native flora and fauna within the development. She also concurred with *Commissioner Walker's* comment with regards to adding an enhanced traffic signal at the intersection of 14th and Campus. She also encouraged the Developer to keep the existing neighborhood informed in all phases of the project, should the project be approved.

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

Commissioner Novikov inquired as to the demand for two-story homes in the City and requested confirmation that the City once promised residents that the basin would not be developed.

In response to *Commissioner Novikov's* inquiry, *Development Services Director Dalquest* indicated the market study was conducted by the Developer. He also indicated that he is unable to confirm the information, as this information predates staff's involvement.

Commissioner Walker reiterated concerns for roads and traffic in the area. She requested staff prioritize fixing the roads as to not have construction further exacerbate the issue.

Chair Aspinall strongly encouraged staff to evaluate the possibility of continuing 15th Street. She also inquired as to the frequency of the evaluation of the storm drains throughout the City.

In response to *Chair Aspinall's* inquiry, *Interim City Manager Hoerning* indicated that prior to the consideration of the project, a hydrology study was conducted on the existing basin to determine if the project would be viable. She indicated the study was part of the entitlement process, and should the project be approved, as a prerequisite, the Developer would be responsible for preparing plans and specs and completing storm drain system which would address storm water from their property and the remainder of the basin. She also indicated the City monitors catch basins after the summer season annually; however there have been minimal new projects. She also noted that with 100-year events, all water should be maintained within the basin and development, and not onto City streets. Additionally, she indicated it is normal design criteria to utilize public right-of-way for stormwater runoff.

In response to *Commissioner Walker's* inquiry, *Interim City Manager Hoerning* indicated the City does address pothole repair; however, the City recognizes Grove is in a state of disrepair and the current CIP program is set to address improvements on Grove. She also indicated temporary repairs can be made to the roadway, and noted opportunity to work with the Developer to ensure that Grove remains in a state of better repair through the construction process.

Vice Chair Schwary spoke about his experience on the Planning Commission and assured the community that the Commission takes a well-rounded approach, including taking into account public testimony, prior to decision-making.

Deputy City Attorney Shah spoke about the Political Reform Act with regards to conflicts of interest in approving General Plan Amendments.

Chair Aspinall moved to adopt a Resolution of the Planning Commission of the City of Upland, recommending that the City Council approve the Mitigated Negative Declaration, Specific Plan Review No. 18-02, General Plan Amendment No. 18-04, Zone Change No. 18-04, Tentative Tract No. 20245 (TT-18-03), Site Plan No. 18-10, and Design Review No. 18-14.

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The motion was seconded by *Commissioner Walker*.

The motion carried by the following vote:

AYES: *Commissioner Walker and Chair Aspinall*

NAYS: *Commissioners Brouse, Novikov and Vice Chair Schwary* ABSTAINED: None

ABSENT: *Commissioner Anderson*

The Planning Commission recessed at 9:44 p.m.

The Planning Commission reconvened at 9:50 p.m.

Deputy City Attorney Shah directed the Planning Commission that an alternate motion may be made as the previous motion failed. She outlined appropriate next steps for the Planning Commissioners to take based on the failure previous motion and indicated that the Commission must give clear direction to Staff on how to draft a subsequent resolution.

Vice Chair Schwary moved to adopt a Resolution of the Planning Commission of the City of Upland, recommending that the City Council deny the Mitigated Negative Declaration, Specific Plan Review No. 18-02, General Plan Amendment No. 18-04, Zone Change No. 18-04, Tentative Tract No. 20245 (TT-18-03), Site Plan No. 18-10, and Design Review No. 18-14, based on findings on public input and the Planning Commission’s comments at their meeting of January 22, 2020.

The motion was seconded by *Commissioner Brouse*.

The motion carried by the following vote:

AYES: *Commissioners Brouse, Novikov and Vice Chair Schwary*

NAYS: *Commissioner Walker and Chair Aspinall* ABSTAINED: None

ABSENT: *Commissioner Anderson*

2. PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. 19-05, SITE PLAN NO. 19-02, DESIGN REVIEW NO. 19-02, TENTATIVE PARCEL MAP NO. 19-01, AND ENVIRONMENTAL ASSESSMENT REVIEW NO. 0079. (Continued from December 11, 2019).

The proposed project is for the demolition of an existing building and development of 60 townhouse apartments within eleven buildings.

Project Location: 760 Mesa Court, APN: 1046-102-130.

STAFF:	Joshua Winter, Associate Planner
APPLICANT:	Soroush Rahbari 4790 Irvine Boulevard #105-276 Irvine, CA 92620

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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 the project is Categorically Exempt from environmental proceedings pursuant to Article 19, Section 15332, In-Fill Development Projects, Class 32 (a-e), of the California Environmental Quality Act; and 4. Move to adopt a Resolution approving Conditional Use Permit No. 19-05, Site Plan No. 19-02, Design Review No. 19-02, and Tentative Parcel Map No. 19-01, subject to conditions of approval as set forth in the Draft Resolution dated January 22, 2020.
COUNCIL HEARING REQUIRED:	No
APPEAL PERIOD:	10 days, ending February 3, 2020.

Associate Planner Winter presented the details of the staff report, including background on the previous hearing; Public Works recommendations, including parking restrictions on Campus Avenue and striping measures; the applicant’s on-site parking plan; updates on the paint palette; CEQA findings; and staff recommendation.

Vice Chair Schwary thanked the applicant for taking the Commission’s concerns into consideration with the revised proposal.

Chair Aspinall opened the public hearing.

Greg Powers, applicant, spoke about the color scheme of the proposal and surrounding property.

Commissioner Walker commented positively on the applicant’s on-site parking plan and inquired as to enforcement measures.

In response to *Commissioner Walker’s* inquiry, *Greg Powers* indicated when a lease is signed, the on-site property manager will check for valid insurance and registration.

Commissioner Brouse indicated he reviewed the audio, draft minutes and meeting materials of the December 11, 2019 meeting and is familiar with the presentation and public comments made at said meeting; and as such, is prepared to hear and vote on the item this evening.

Dorothy Strahm, adjacent owner, expressed concerns with the site plan in the alleyway as it relates to space for her building’s trash bins. She also inquired whether the applicant would be willing to grant an easement so a gated enclosure for the trash bins could be built.

Development Services Director Dalquest indicated that the City would be more than happy to meet with *Dorothy Strahm* in order to mitigate the issue of the placement of trash bins for her building.

Yvonne Zuchowski, resident, spoke about the traffic and stray animals in her neighborhood; she also expressed concerns with street parking as a result of the development; and requested the applicants conduct additional environmental studies for the project.

John Zeegers, resident, expressed concerns with the additional traffic from the proposed developments on Campus; existing traffic in the area due to St. Josephs School and San Antonio Hospital; people cutting through and speeding through Mesa Court; and disagreed with the findings from the traffic study. He also expressed concerns with parking and access in the proposed development, and overcrowding of local schools with the additional homes.

Natasha Walton, resident, indicated she does not feel this project is categorically exempt under the exemption provided. She also expressed concerns with the site plan as it relates to recreational space in the development; lack of shade trees proposed; condensed nature of the proposal; public transportation; and suggested an initial study be

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conducted. She also expressed concerns with public outreach for this project and requested the lighting be required to be dark sky compliant.

Deneen Riley, resident, expressed concerns with traffic and the elimination of parking on parts of Campus. She also expressed concerns with the re-routing of traffic through Mesa Court; increase in traffic due to construction trucks and additional housing units; and inquired as to the responsibility to construct the project based on the renderings displayed at public meetings.

Terri D, resident, expressed concerns with parking in the new development and requested the Developer consider tiered parking. She also expressed concerns with safety at the crosswalk at Campus and Mesa Court; requested the crosswalk be made more visible; and suggested the use of audible equipment to assist the visually impaired at the crosswalk. She also displayed a video of the crosswalk at Campus and Mesa Court.

Janice Baskin, resident, expressed concerns with parking along Mesa Court; visitor parking within the development; and density of the proposal.

Greg Powers, applicant, indicated the proximity of the proposal to major employers and shopping in the City will allow residents to walk to work and shops. He also noted proximity to public transportation, noting opportunities for less cars due to location. He spoke about zoning and density, noting that the proposal is 15 units under the maximum density; open space meets code requirements; and spoke about the desire to keep parking close to the tenants.

Vice Chair Schwary inquired as to the utilization of dark sky compliant lighting.

In response to *Vice Chair Schwary's* inquiry, *Associate Planner Winter* indicated that there is a Code requirement which requires dark sky compliant or shielded lighting.

Soroush Rahbari, project architect, noted they have worked with the City to present an attractive project which the neighbors and City will be proud of. He spoke about strict adherence to zoning requirements and indicated the project exceeds most requirements, and indicated all concerns from the previous hearing have been addressed.

Chair Aspinall inquired as to the possibility of adding shade trees to the project. She also encouraged the applicant to communicate the impact of construction traffic to surrounding residents and inquired as to the possibility of the utilization of permeable concrete.

In response to *Chair Aspinall's* inquiry, *Soroush Rahbari*, indicated shade trees are already incorporated into the proposal. He also indicated they are open to utilizing permeable concrete.

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

Commissioner Novikov inquired whether the zoning code could be amended to allow for the units to be considered senior assisted living housing units.

In response to *Commissioner Novikov's* inquiry, *Development Services Director Dalquest* indicated that the current zoning would require a Conditional Use Permit for senior assisted living facilities.

Commissioner Walker inquired as to the Commission's ability to request the applicant to explore the option of developing the project into senior assisted living units.

In response to *Commissioner Walker's* inquiry, *Development Services Director Dalquest* indicated that the Planning Commission cannot require the property owner to develop the project into a specific use, as the proposal meets all existing zoning requirements as submitted.

Greg Powers, applicant, spoke about preliminary discussion on expansions of other existing property into other healthcare facilities and other pending projects on the property separate from the proposal currently before the Commission.

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Chair Aspinall requested clarification on the traffic study and traffic calming measures. She also inquired as to what could be done to mitigate speeding around Mesa Court.

In response to *Chair Aspinall's* inquiry, *Associate Planner Winter* clarified the findings of the traffic study with regards to trip generation and indicated the traffic calming measures were evaluated by the Public Works Director as it was determined to be an existing problematic condition.

In response to *Chair Aspinall's* inquiry, *Development Services Director Dalquest* indicated the speeding matter would be forwarded to the Police Chief for enforcement.

Vice Chair Schwary moved to find the project is Categorically Exempt from environmental proceedings pursuant to Article 19, Section 15332, In-Fill Development Projects, Class 32 (a-e), of the California Environmental Quality Act; and moved to adopt a Resolution approving Conditional Use Permit No. 19-05, Site Plan No. 19-02, Design Review No. 19-02, and Tentative Parcel Map No. 19-01, subject to conditions of approval as set forth in the Draft Resolution dated January 22, 2020.

The motion was seconded by *Commissioner Walker*.

The motion carried by the following vote:

AYES: *Commissioners Brouse, Walker, Vice Chair Schwary, and Chair Aspinall*

NAYS: *Commissioner Novikov* ABSTAINED: None

ABSENT: *Commissioner Anderson*

BUSINESS ITEMS

1. UPDATE ON LANDSCAPE MAINTENANCE ISSUES AT UPLAND HILLS COUNTRY CLUB

Contract Planning Manager Poland provided an update to the Commission, indicating that staff met with the City Arborist and maintenance and management from the Golf Course, noting the property has been adequately maintained and there have been no complaints with regards to the landscaping in the past four (4) months.

FUTURE AGENDA ITEMS

Contract Planning Manager Poland indicated that the February agenda is still being formulated, and indicated that the Class 41 Liquor License approvals as well as the draft Ordinance on Accessory Dwelling Units are tentatively planned. He also indicated the Commission will be meeting on February 12th to discuss the Bridge Development Project.

COMMISSION COMMUNICATION

Vice Chair Schwary wished *Development Services Director Dalquest* a happy birthday.

ADJOURNMENT

There being no further business to come before the Planning Commission, *Chair Aspinall* adjourned the meeting at 10:46 P.M., to the regular meeting of the Planning Commission on February 26, 2020, at 6:30 P.M.

Respectfully submitted,

Robert D. Dalquest, Secretary
Upland Planning Commission



**MINUTES OF A SPECIAL MEETING OF THE
UPLAND PLANNING COMMISSION AND JOINT SPECIAL MEETING
WITH THE AIRPORT LAND USE COMMITTEE
HELD WEDNESDAY, FEBRUARY 12, 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 6:35 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

MEMBERS PRESENT: Commissioners Anderson, Brouse, Walker, Vice Chair Schwary, and Chair Aspinall

MEMBERS ABSENT: Commissioner Novikov

ALSO PRESENT: Development Services Director and Planning Commission Secretary Dalquest, Contract Planning Manager Poland, Senior Administrative Assistant Davidson, Deputy City Attorney Shah

APPROVAL OF MINUTES - None

COUNCIL ACTIONS – None

FUTURE AGENDA ITEMS - None

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 three (3) 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.

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

RECESS SPECIAL PLANNING COMMISSION MEETING

Chair Aspinall called for a recess of the Special Planning Commission meeting at 6:40 P.M.

CALL TO ORDER OF THE JOINT SPECIAL MEETING OF THE PLANNING COMMISSION AND AIRPORT LAND USE COMMITTEE (ALUC)

Chair Aspinall called to order the Joint Special meeting of the Planning Commission and Airport Land Use Committee at 6:40 P.M.

ROLL CALL OF THE ALUC

MEMBERS PRESENT: Committee Members Anderson, Brouse, Bunte, Campbell, Walker, Vice Chair Schwary, Chair Aspinall

MEMBERS ABSENT: Committee Member Novikov

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 three (3) 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.

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

PUBLIC HEARINGS

1. PUBLIC HEARING FOR SITE PLAN NO. 19-09, DESIGN REVIEW NO. 19-17, AIRPORT LAND USE COMPATIBILITY NO. 18-12, LOT LINE ADJUSTMENT NO. 19-17, AND DEVELOPMENT AGREEMENT NO. 20-0001, FOR THE PROPOSED DEVELOPMENT OF A 201,096 SQUARE FOOT WAREHOUSE/PARCEL DELIVERY SERVICE BUILDING WITH AN ANCILLARY OFFICE/RETAIL SPACE.

A request to allow a 201,096 square foot warehouse/parcel delivery service building with an ancillary office/retail space and associated site improvements on 50.25 acres.

Project location: Northeast corner of Foothill Boulevard and Central Avenue. Further described as Assessor’s Parcel Numbers 1006-351-09, 1006-351-10, 1006-572-11, 1006-551-12, 1006-551-22, and 1006-574-10.

STAFF:	Mike Poland, Contract Planning Manager
APPLICANT:	Bridge Development Partners, LLC 1600 E Franklin Ave Suite D El Segundo, CA 90245
RECOMMENDATION:	That the Airport Land Use Committee/Planning Commission: <ol style="list-style-type: none"> 1. Receive staff’s presentation; 2. Hold a public hearing and receive testimony from the public; 3. Planning Commission move to approve a Resolution recommending City Council adoption of a Mitigated Negative Declaration for the proposed project; and 4. Airport land Use Committee move to approve a Resolution setting forth findings and making a determination of land use compatibility with the Cable Airport Land Use Compatibility Plan; and 5. Planning Commission move to approve a Resolution recommending City Council approval of Site Plan No. 19-09 and Design Review No. 19-17; and 6. Planning Commission move to approve a Resolution recommending City Council approval of Lot Line Adjustment No. 19-17. 7. Planning Commission recommend that the City Council adopt an Ordinance approving Development Agreement No. 20-0001.
COUNCIL HEARING REQUIRED:	Yes
APPEAL PERIOD:	N/A

Chair Aspinall opened the Public Hearing.

Contract Planning Manager Mike Poland presented details of the staff report addressing entitlements requested by the applicant, existing conditions, location and surrounding land uses, previous activities observed on the site, site plans and changes made from the original application submittal, allowed uses per the City's General Plan and consistency with the General Plan, zoning, building architecture and proposed materials, landscaping, access to the site, compatibility with the Airport Compatibility Plan, lot line adjustments, CEQA requirements and guidelines, noticing and comment periods. He discussed written responses to comments, environmental topics within the CEQA review, technical studies performed and findings.

Development Services Director Dalquest presented details of the development agreement noting the terms, community benefits/public improvements, sales tax in-lieu fees and enforcement of truck traffic. Relative to the latter, he requested the following addition: Section 11.D, "With respect to delivery vans that leave the site to traverse through Upland for destination points beyond the City's boundaries, the routes utilized shall be the major/minor arterial street network and freeways as shown on Figure CRR1 of the General Plan. Delivery vans shall not utilize designated local street networks unless for direct, local deliveries from the facility".

Contract Planning Manager Poland continued with the presentation noting the project is consistent with the Commercial/Industrial Mixed Use General Plan Land Use designation and its policies; that the proposed project is compliant with the Commercial/Industrial Mixed Use Zoning District and applicable development standards, and the project is consistent with the Cable Airport Land Use Compatibility Plan and listed recommendations.

Vice Chair Schwary referenced the truck routes and asked about enforcement to ensure they stay on the correct routes and *Development Services Director Dalquest* discussed provisions within the development agreement for enforcement including an initial warning for the first violation and fees for subsequent violations. It was noted the Police Department was involved with the developer and they created a list relative to enforcement of truck traffic.

Development Services Director Dalquest added under State law, development agreements must go through an annual review which will provide an opportunity to ensure the developer is in compliance with the development agreement. After multiple violations, ultimately the matter could lead to court action.

Vice Chair Schwary inquired as to the neighboring vacant land and lot line adjustments.

In response to *Vice Chair Schwary's* inquiry regarding lot-line adjustments, *Contract Planning Manager Poland* noted one lot line will be eliminated and two others will be adjusted.

Deputy City Attorney Shah reported the Cable Airport Plan includes a provision that prior to consideration of the substance of the project, itself, there needs to be a Committee determination that the project is compatible with the requirements of the Cable Airport Land Use Compatibility Plan.

Commissioner/Committee Member Walker asked about the calculation for the tax in-lieu fee and the related 20-year term and *Development Services Director Dalquest* reported when they negotiated the development agreement the developer wanted only a 10-year time frame but staff renegotiated to a 20-year term, which is typical for development agreements.

Discussion followed regarding the proposed frequency of truck traffic monitoring.

Development Services Director Dalquest addressed calculation of the in-lieu fee and noted the negotiation of the development agreement has been between staff and the developer.

Vice Chair Schwary noted the need to include language that future Councils cannot allocate the money to anything else other than what it was intended to do.

Deputy City Attorney Shah noted the development agreement is a binding contract so that the money paid is for a specific purpose. If the development agreement is adopted by Council, it goes in as an ordinance and a future Council could do an amendment to the development agreement.

Chair Aspinall invited the applicant to the podium for a presentation.

**MINUTES OF A SPECIAL MEETING OF THE UPLAND
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Heather Crossner, Bridge Development Partners, LLC, presented details of the project and addressed additional studies, community meetings, mitigation of negative impacts, trip generation studies, health risk assessments, communication with the cities of Claremont and Montclair, details of the MND, habitat assessments, traffic studies, efforts to make the project more sustainable, existing site conditions and noted the project will give the City \$16 million for street maintenance and other public improvements. *Ms. Crossner* noted they have acted in good faith, want to be good partners with the community, referenced a list of 900 signatures in support of the project and asked the Planning Commission to approve the project.

Chair Aspinall inquired as to the change in orientation of the buildings.

In response to *Chair Aspinall's* question, *Ms. Crossner* discussed the reasons for changing the direction of the building from east/west to north/south including improving the visibility of the building.

Vice Chair Schwary inquired whether the 900 signatures were from Upland residents and *Ms. Crossner* responded, affirmatively.

Discussion followed regarding the number of trucks allowed and the need for the project to be consistent with the environmental analysis contained in the Mitigated Negative Declaration. It was noted the agreement must be fair to the City and reasonable to be applied.

Commissioner/Committee Member Walker reiterated her question regarding calculation of the in-lieu fees and *Ms. Crossner* reported the improvements made will last well beyond 20 years. The purpose of the in-lieu fee was at the City's request on the basis there might have been a potential retail use for the site and that the City not lose out on that opportunity. Any changes, in the future, will have to go through the public vetting and review process and the developer is not seeking any credit from standard development fees and no credits from any sales tax that would be generated in addition to having this development.

In terms of the number of vans allowed, it was noted the developer will not exceed what has been studied.

Discussion followed regarding the possibility of jobs being offered to Upland residents, first.

In response to *Commissioner/Committee Member Anderson's* questions regarding changes to the project, *Ms. Crossner* reported each and every change will need to return to the City for approval.

Discussion followed regarding the possibility of changing the zoning in the perimeter of the project to block expansion in the future and quail some of the voiced concerns.

Committee Member Campbell noted in terms of permitted uses, the project is bound by the Airport Land Use/Caltrans, as to what can go there.

Development Services Director Dalquest indicated restrictions within C1, C2 and C3 will restrict future use.

Chair Aspinall invited the public to address the Planning Commission on this item.

Ralph Cavallo, resident, discussed a homeless encampment on the property; noted it must be cleaned up and spoke in support of the project, proposed improvements, and the creation of jobs.

Yuri Hurtado, resident, spoke in support of the project especially the benefit to the Upland Public Library as it creates a unique opportunity for much-needed improvements.

Paul Trawnik, resident, spoke about the substantial community benefits of the project and in support of the proposed development.

Roger Stevenson, Laverne, addressed the building footprint; asked that the truck traffic be clearly limited; felt the zoning is not compatible with the intended use as this will be a limited warehouse use; noted inconsistencies in the report; expressed concerns with the truck traffic calculations and noted vehicle definitions are lacking.

Bill Smith, resident, opposed the project; noted he pays sales tax with no 20-year plan and urged the Commission to

deny the project.

Mike Nuñez, resident, spoke in opposition to the project and urged Commission to deny it.

Dede Ramella, resident, discussed the City as a bedroom community; noted increased traffic, noise and congestion; addressed the declining value of labor and spoke in opposition to the project, noting Upland is not for sale.

Jerry Fenning, resident, expressed concerns regarding delivery of products; reported none of the 100s of vans are part of the MND report; noted the need for an EIR; asserted the report is inadequate; suggested the Planning Commission vote on the project after the 2020 elections or the initiative should go to a vote of the people and requested the company use all electric vehicles.

Barbara McJoynt, resident, expressed concerns with negative impacts of the project including congestion and traffic; opined an EIR is required; hoped that Upland cannot be bought and reported the project has no sustainable sales-tax revenue for its proposed 50-100 year life.

Cindy Phillips, resident, spoke in opposition to the proposed project; reported speaking with Montclair and Claremont representatives who expressed concerns about potential negative impacts to traffic and spoke in opposition to the project.

April Chertkow, Pomona, alleged the project will create more traffic, pollution and noise and will destroy sensitive habitat areas including for the burrowing owl; opined an extensive EIR should be conducted and urged Council to deny the project.

David Wade, resident, spoke in opposition to the project; opined the applicant has had unlimited time to comment on the project, yet residents have only three minutes; believed there should be no vote until there is a full Planning Commission; took exception with the proposed zoning; felt there has been no decision on new evidence that has been presented and urged the Commission to take its time.

David Hull, Claremont, spoke in opposition to the project; opined the project is incompatible and inappropriate for the surrounding neighborhood and expressed concerns with negative impacts to the quality of life.

Terris Wolff, Claremont, spoke about increased traffic in the area and the negative impacts resulting from the proposed project and urged the Commission to deny the proposal.

Dori Ferranto, Upland Chamber of Commerce, read a letter from the Chamber in support of the proposed project and listed benefits to the City.

Jay Cohen, Montclair, spoke in support of the project noting the various benefits to the City and urged the City to take the money, while there is still an opportunity.

Carl Bunch, resident, referenced Section 11.D of the development agreement relative to enforcement, noting it is lacking as there is no set limit for the amount of cars or vans allowed; opined penalties should escalate with every violation and urged the Commission to deny the agreement unless changes are made to address enforcement.

Steven Reyes, resident, spoke in support of the project noting it will bring in many jobs and provide benefits to the community.

Ferdinand Estrada, Santa Ana, spoke in support of the project noting it offers opportunities for much-needed improvements and benefits to the area including to local schools and public safety.

Chair Aspinall called for a recess at 8:50 P.M. The meeting was reconvened at 8:55 P.M. with all Commissioners and Committee Members, present except *Commissioner/Committee Member Novikov*.

Craig Stover, Los Angeles, spoke in support of the project, noting benefits to local schools.

Marilyn LaSalle, Fontana, spoke in support of the project.

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Kelly Foreman, resident, opined the project will provide a great opportunity for the City and urged the Commission to approve it.

Dianne Middleton, San Dimas, believed the project will uplift the City and urged the Commission to approve the project.

Yohance Salmon spoke in support of the project noting it is a great opportunity to improve and grow the City.

Pamela Owens, resident, reported the City has declined over the years; discussed the existing condition of the property and urged the Commission to approve it.

Nina Ewing, Laverne, spoke in support of the project and the opportunities it will bring to the City.

Tameka Campbell, Fontana, spoke in support of the project and the benefits to the youth of the City.

Kim Anthony, resident, spoke in support of the project noting the many jobs it will bring will improve the quality of life of many and provide an economic boost for the City and asked the Commission to approve the project.

Tommy Morrow, resident, spoke in support of the project and encouraged the Commission to vote to approve the proposed project and take advantage of the opportunities it offers.

Natalie Garrett, resident, expressed concerns with negative impacts to adjacent and neighboring cities and indicated she trusts the Commission to make the right decision.

Erron Garrett, resident, expressed concerns regarding negative impacts to surrounding communities and the environment and urged the Commission to carefully consider encouraging local employment.

Debra Johnson, Fontana, reported never having problems with warehouses in the area; discussed benefits to the community and urged the Commission to approve the project.

Eric Gavin, resident, spoke in support of the project, of due process and private property rights. He noted the project is permitted, by right and urged the Commission to approve it.

Brigitte James, resident, spoke about e-commerce being the wave of the future; discussed the need for funds to improve local schools and urged the Commission to consider the future and approve the project.

Bill Behjat, resident, indicated he submitted two (2) comments and inquired why they were not included; discussed health risk assessments and opined the project is hazardous to the community, especially to residential areas surrounding it, and urged the Commission to deny the project.

Bob Cable, resident, spoke in support of the project noting it is smaller than the business park next to it; discussed change being inevitable and urged the Commission to approve the project.

Dylan White, resident, discussed the funding for the Tiny Tots building at Memorial Park; expressed concerns about negative economic impacts and urged the Commission to do its job.

Lois Sicking Dieter, asked the Commission to consider the site plan and development agreement; opined the design and layout will interfere with the use and enjoyment of neighboring properties; reported the City of Claremont was clear in their disapproval of the staff report and urged the Commission not to settle for the first thing that comes along. Additionally, she commented on the inadequacy of the health risk assessments and urged the Commission to deny the project.

Cathy Osman, resident, spoke about her commute to Chino for work; noted increased traffic and felt the project will add to existing traffic problems and pollution. She believed Amazon will have trouble keeping their side of the bargain, that fees will not deter them and urged the Commission to deny the project.

Kris Gooding, resident, spoke in opposition to the project; reported asking for a traffic analysis of the area, which has not been done and urged the Commission to deny the project.

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Marjorie Mikels, resident, discussed the development agreement indicating 50 trucks will be permitted, daily, where it should indicate 25 trucks; referenced the various actions to be taken per violation and opined the enforcement section of the development agreement needs re-vetting.

Shannan Maust, resident, felt that just because a building will be erected does not mean the homeless encampments will go away; questioned why the developer did not start the process with community engagement; opined the process has not been transparent; felt the tenant should be available to respond to community concerns and urged the Commission to do the right thing.

Greg Bradley, resident, opined the proposed development is not a warehouse, but rather, a truck terminal and does not fit the zoning. He expressed concerns regarding increased traffic; noted a lack of definitions pertaining to trucks and vans; felt the reports are misleading and poorly written; stated the in-lieu payments only last 20 years and indicated it is the wrong project for the area.

Eric Nilsson, Claremont, discussed assumptions made and considerations missing from the report; noted problems in calculations relative to the distance travelled by a delivery vehicle and urged the Commission to deny the project.

Natasha Walton, resident, spoke in opposition to the project; opined it is missing an EIR and more studies should be conducted and expressed concerns with negative impacts on natural habitats.

Beatriz Cardenas, Alhambra, spoke about the lack of transparency of the developer towards residents; opined this case is corporate America versus middle-class America and voiced opposition for the project.

Laura Smith, resident, spoke in opposition to the project; reported Amazon does not treat their employees well and alleged corruption and bribery.

Samson Tam, resident, spoke about the proposed benefits to the community and the future value of those benefits and spoke in opposition to the project.

Amira Brewart, resident, spoke about changes to Upland during the years; noted change is inevitable and voiced support for the project.

Jill Shirley, resident, expressed concerns regarding data versus emotion; discussed the homeless encampment and spoke in support of the project.

Steve Bierbaum, resident, urged that the Commission deny adopting the MND noting it is flawed along with the AQMD report and the health risk assessment. He indicated he has no faith in the Planning Department; noted he encourages development but spoke in opposition to the project and opined the development agreement should be up to the City Council to address.

April McCormick, resident, questioned how non-Upland residents heard about this project; noted 1/3 of the people in the audience are not Upland residents; addressed the City's general plan in terms of industrial uses; expressed concerns regarding increased traffic and opined Amazon should find a more-appropriate parcel for their operations.

Janet Thompson, resident, spoke about her passion for the City; reported Fontana is currently a sea of warehouses; stated change is not always good, and spoke in opposition to the project.

Brinda Sarathy, resident, discussed finding common ground; urged the Commission to consider the impacts of change; expressed concerns with money in politics and noted the need to think about the personal grievances of residents when considering this project.

Robert E. Scudder, resident, urged the Commission to ensure the project is environmentally sustainable with electric vehicles, solar panels and water-saving measures.

Ernesto Chavez, resident, expressed concerns regarding negative impacts of the proposed project; noted homelessness is occurring all over the City; wondered about the quality and kinds of jobs the project will produce; reported there are no guarantees in terms of specific dollar amounts to be allocated to local schools and urged the Commission to deny the project.

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Carol Bekendam, resident, reported she commutes between Upland and Claremont; discussed the small-town character of the City and spoke in opposition to the proposed project.

Heather Crossner, Bridge Development Partners, LLC, addressed their efforts in following the rules throughout the process; noted the proposed use is consistent with the General Plan zoning; urged the Commission to trust City staff and the six experts that have reviewed the MND and concurred with the findings and addressed their efforts at community outreach.

Discussion followed regarding collection and filtration of water on the property, the need to confer with neighbors to the east, setting a timetable for incorporating electric vehicles, providing definitions of trucks and vans to avoid ambiguity and the need to clearly identify the 25 trucks in daily trip generation.

Vice Chair Schwary felt the percentage in the development agreement in terms of enforcement of truck trips should be at 10% and there should be a fine with the first offense instead of a warning. He thanked the public for attending and participating in the discussions but expressed his disappointment at people who think this is a "done deal".

It was noted this project is based on following the law and following agreements and conditions applied to the project; not on faith and trust.

Chair Aspinall closed the Public Hearing.

Committee Member Campbell reported Cable Airport is a general aviation airport and cannot handle cargo airplanes.

Commissioner/Committee Member Walker thanked the public for attending and participating in the meeting and listed points for the basis of her decision on the item.

Vice Chair Schwary believed there is still a lot of work to do before the item is heard by City Council and noted the need to address residents' concerns.

Chair Aspinall commented positively on the process and expressed appreciation for the community's engagement.

Commissioner/Committee Member Anderson expressed disappointment at the divisiveness in the City; thanked City staff for their work and the developer for their interest in the concerns of residents and voiced support for the project.

Discussion followed regarding the project being a good fit for the location.

PLANNING COMMISSION:

Chair Aspinall moved to approve a Resolution recommending City Council adoption of a Mitigated Negative Declaration for the proposed project, as supplemented by additional mitigation measures.

The motion was seconded by *Commissioner Anderson*.

The motion carried by the following vote:

AYES: *Commissioners Anderson and Brouse, Vice Chair Schwary and Chair Aspinall*

NAYS: *Commissioner Walker*

ABSTAINED: None

ABSENT: *Commissioner Novikov*

AIRPORT LAND USE COMMITTEE/PLANNING COMMISSION:

Chair Aspinall moved to approve a Resolution setting forth findings and making a determination of land use compatibility with the Cable Airport Land Use Compatibility Plan.

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The motion was seconded by *Vice Chair Schwary*.

The motion carried by the following vote:

AYES: *Committee Members Anderson, Brouse, Bunte, Campbell, Walker, Vice Chair Schwary and Chair Aspinall*

NAYS: *None*

ABSTAINED: *None*

ABSENT: *Committee Member Novikov*

Vice Chair Schwary proposed a motion for denial of the site plan and design review, noting there are issues from nearby residents that need to be considered.

PLANNING COMMISSION:

Vice Chair Schwary indicated there are neighbors in neighborhoods that need to be taken care of and needs an accurate definition of a truck before the Commission could approve the Site Plan and therefore moved to deny a Resolution recommending City Council approval of Site Plan No. 19-09 and Design Review No. 19-17.

The motion was seconded by *Commissioner Walker*.

The motion carried by the following vote:

AYES: *Commissioners Brouse and Walker, Vice Chair Schwary*

NAYS: *Commissioner Anderson, Chair Aspinall*

ABSTAINED: *None*

ABSENT: *Commissioner Novikov*

Chair Aspinall moved to approve a Resolution recommending City Council approval of Lot Line Adjustment No. 19-17.

The motion was seconded by *Commissioner Anderson*.

The motion carried by the following vote:

AYES: *Commissioners Anderson and Brouse, Vice Chair Schwary and Chair Aspinall*

NAYS: *Commissioner Walker*

ABSTAINED: *None*

ABSENT: *Commissioner Novikov*

Chair Aspinall moved to recommend that the City Council adopt an Ordinance approving Development Agreement No. 20-0001.

The motion was seconded by *Commissioner Anderson*.

The motion carried by the following vote:

AYES: *Commissioners Anderson and Brouse, Chair Aspinall*

NAYS: *Commissioner Walker, Vice Chair Schwary*

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ABSTAINED: None

ABSENT: Commissioner Novikov

**ADJOURN JOINT SPECIAL MEETING OF THE PLANNING COMMISSION AND AIRPORT LAND USE
COMMITTEE AND RECONVENE THE SPECIAL PLANNING COMMISSION MEETING**

Chair Aspinall adjourned the Joint Special meeting of the Planning Commission and Airport Land Use Committee and reconvened the Special Planning Commission meeting at 11:05 P.M.

BUSINESS ITEMS – None

COMMISSION COMMUNICATIONS - None

ADJOURNMENT

There being no further business to come before the Planning Commission, *Chair Aspinall* adjourned the meeting at 11:06 P.M., to the regular meeting of the Planning Commission on February 26, 2020, at 6:30 P.M.

Respectfully submitted,

Robert D. Dalquest, Secretary
Upland Planning Commission



PLANNING COMMISSION REPORT

ITEM NO. 1

DATE: FEBRUARY 26, 2020

TO: PLANNING COMMISSION

FROM: ROBERT D. DALQUEST, DEVELOPMENT SERVICES DIRECTOR

PREPARED BY: JACQUELINE HONG, ASSISTANT PLANNER

SUBJECT: **CONDITIONAL USE PERMIT NO. 19-0002 TO ESTABLISH A NEW RESTAURANT AND BANQUET HALL WITH ANCILLARY LIVE ENTERTAINMENT, OUTDOOR PATIO SEATING FOR DINING AND HOOKAH, AND TO ALLOW THE SALE OF BEER AND WINE (TYPE 41 LICENSE). THE PROPERTY IS WITHIN THE GENERAL PLAN AND ZONING DESIGNATION OF COMMERCIAL/RESIDENTIAL MIXED-USE (C/R-MU) ZONE AND IS LOCATED AT 345 W. FOOTHILL BLVD (APN: 1045-571-37).**

REQUEST

The applicant, Alaaldin Almuzian, is seeking approval of Conditional Use Permit No. 19-0002 (CUP-19-0002) to establish a new restaurant and banquet hall with ancillary services, live entertainment, outdoor patio seating for dining, and hookah, and to allow the On Sale of Beer and Wine – Eating Place (Type 41 License). (See Exhibit A).

SYNOPSIS

<i>Applicant:</i>	Alaaldin Almuzian
<i>Representative:</i>	Same as Applicant
<i>Property Owner:</i>	BPI LLC
<i>Property Location:</i>	345 W. Foothill Boulevard (Exhibit B)

<i>Existing General Plan Land Use Designation:</i>	Commercial/ Residential Mixed-Use (C/R-MU)																							
<i>Existing Zoning Classification:</i>	Commercial/Residential Mixed-Use (C/R-MU)																							
<i>Site Size:</i>	Project site location is 1.02 Acres																							
<i>Building/Suite Size:</i>	7,763 square feet																							
<i>Access:</i>	W. Foothill Boulevard																							
<i>Existing Conditions:</i>	The existing building is currently vacant and unused.																							
<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>Commercial Uses</td> <td>C/R-MU</td> <td>C/R-MU</td> </tr> <tr> <td>East</td> <td>Upland Bowlero</td> <td>C/R-MU</td> <td>C/R-MU</td> </tr> <tr> <td>South</td> <td>Commercial Uses</td> <td>C/R-MU</td> <td>C/R-MU</td> </tr> <tr> <td>West</td> <td>Commercial Uses</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	Commercial Uses	C/R-MU	C/R-MU	East	Upland Bowlero	C/R-MU	C/R-MU	South	Commercial Uses	C/R-MU	C/R-MU	West	Commercial Uses	C/R-MU	C/R-MU
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West	Commercial Uses	C/R-MU	C/R-MU																					
<i>Previous Applications/Entitlement:</i>	TPM-8770, CUP-83-34, CUP-83-34 Modification No. 1																							

AUTHORIZATION/GUIDELINES

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

PUBLIC NOTICE

This project included multiple modes of notifying the public, in accordance with Upland Municipal Code (UMC) Section 17.46.020.

1. On February 13, 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 15 property owners being noticed
2. The Public Hearing Notice was also published in the Inland Valley Daily Bulletin on February 14, 2020 and posted in 2 physical locations (Upland City Hall and Upland Library) on February 20, 2020.

PROJECT BACKGROUND

The project site is located within an existing 1.02 acre parcel and the building was constructed in 1985.

On May 24, 1984, the Planning Commission granted approval of Conditional Use Permit No. 83-34 for the request to construct a free-standing, sit-down restaurant.

On August 23, 1984, Planning Commission approved Tentative Parcel Map No. TPM-8770, to create four lots for commercial purposes.

On September 1991, the Planning Commission denied Conditional Use Permit No. 83-34, Modification No. 1, to allow the modification of an existing two story vacant restaurant building and to allow a dance floor on the first floor and a 54- seat banquet room on the second floor.

Below is summary of the tenant history of the building:

Year	Business Name
1999-2007	Grand Buffet
2007-2008	Upland Restaurant, Inc.
2008-2009	Jade Buffet
2009-2010	Cute Panda Buffet, Inc.
2010-2012	Ocean Buffet
2012-2012	Ocean Buffet (Change of Ownership)
2012-2014	Garden Buffet
2016-2017	UP Hibachi Grill Buffet

Currently, the building has been vacant since 2017.

ANALYSIS

General Plan

The project site has a Commercial Residential Mixed-Use (C/R-MU) General Plan land use designation. According to the General Plan, this designation supports a combination of retail, service, commercial, and medium-density multi-family residential. The project is consistent with the General Plan, as the proposed business would not adversely affect the intent of the commercial/residential designation. The project shows consideration for the following General Plan Goals and Policies.

General Plan Goal/Policy	Consistency
Policy LU-3.1 Economic Development. Retain and attract land uses that generate revenue to the City, provide employment for residents while balancing other community needs such as housing, parks and open space, and public facilities.	The proposed use will provide a tax generating business and provide employment for residents.
Policy LU-3.2 Economic Revitalization. Promote the development of vacant and underutilized parcels with higher intensity commercial and industrial land uses.	The proposed project will result in the revitalization of a blighted building and will promote the activity within the existing vacant building.
Policy LU-3.5 Commercial Revitalization. Encourage the revitalization of aging	The proposed project is intended to provide a cultural restaurant experience and

commercial centers to improve the tax base and provide improved commercial services for the community.	enhance the revitalization of the vacant Hibachi Grill Buffet Building.
Policy FA-1.1 Economic Development. Focus economic development efforts on attracting and retaining desirable commercial uses along Foothill Boulevard.	The proposed project results in the revitalization of a desirable use along the Foothill Corridor.

The proposed primary use, a restaurant, is a permitted by right in the Commercial/Residential Mixed-Use Zone (C/R-MU). A Conditional Use Permit is required for the ancillary banquet hall services, live entertainment, outdoor patio dining, seating and hookah, and sale of alcohol (beer and wine for an eating establishment). The subject property is surrounded by a variety of eating establishments and commercial uses, including: a mix of commercial offices, Bowlero Upland, Wicked Cow Burgers and Brews, and Sammy’s Café.

Zoning

The intent and purpose of the Commercial/Residential Mixed-Use zoning district is to support the development of a combination of retail, local-serving commercial uses, as well as medium-density multiple-family residential development in a mixed-use setting. The proposed primary use as a restaurant is a permitted use within in the Commercial/Residential Mixed-Use Zone. The subject property is surrounded by a variety of eating establishments and commercial uses, including: a mix of commercial, offices, Bowlero Upland, Wicked Cow Burgers and Brews, and Sammy’s Café. The proposed use and alcohol license are not anticipated to result in any land use conflicts or nuisances to adjacent uses (such as noise, dust, odor, etc.).

Operational Characteristics

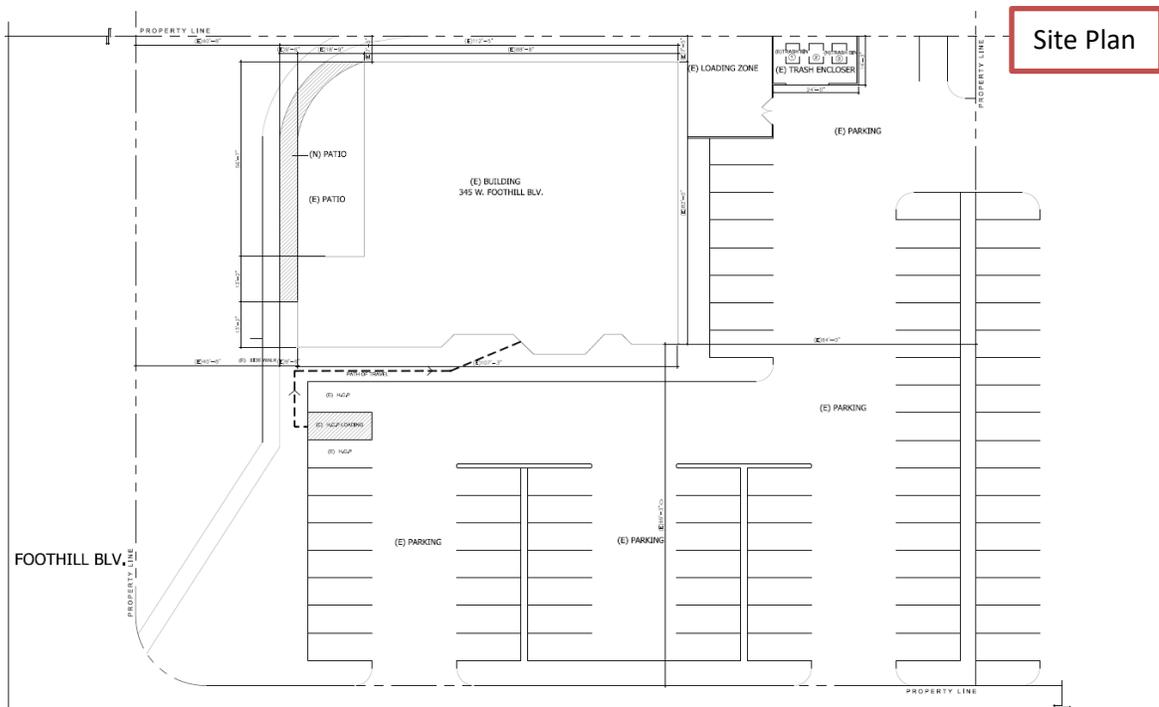
The applicant intends to own the existing property and is currently in escrow. The applicant proposes to operate a restaurant that will also provide ancillary banquet hall services, live entertainment, outdoor patio seating for dining and hookah with the addition of an On Sale of Beer and Wine – Eating Place (Type 41 License). The alcohol sales component of the permit is not the primary focus however, it has been added to the Conditional Use Permit request for a possibility of serving beer and wine in the future. The proposed restaurant will operate Sunday to Thursday 12:00 pm – 12:00 am and Friday to Saturday 12:00 pm to 2:00 am.

Development Plan/Standards

The proposed project meets the development standards within the Commercial/Residential Mixed-Use (C/R-MU) Zone including lot coverage, setbacks, and building height. The previous land use of the tenant space was a restaurant and the new business owner will continue the building’s previous use. A Conditional Use Permit is required for the request of ancillary live entertainment, outdoor seating for dining and hookah, and an On Sale of Beer and Wine – Eating Place Type 41 ABC License.

Site Plan

The project site is located on the north side of West Foothill Boulevard. The site design will remain largely as is, with the expansion of the existing patio area (see site plan illustration below). The proposed site plan is provided in Exhibit C of the staff report. The proposed site design is consistent with Upland Municipal Code Section 17.06.050 (B) Commercial Design Guidelines. The patio addition will extend 9 feet 6 inches from the existing patio structure. The existing building is oriented with the side of the building facing West Foothill Boulevard and the entrance of the restaurant located on the east elevation.



Parking & Circulation

The parking and circulation will remain unchanged. The property can be accessed by an existing driveway from West Foothill Boulevard. The project site provides 53 existing parking spaces. Direct application of the City's parking code to the project results in a total parking requirement of 1 space for every 200 square feet of floor area. Therefore, the proposed use requires 39 parking spaces, which results in a surplus of 14 parking spaces.

Landscaping

The existing landscaping for the restaurant will remain as is and will be unchanged. However, staff has provided a condition of approval for the applicant to replace any dead or dying landscaping within the project site.

Outdoor Patio Dining and Seating

Upland Municipal Code Section 17.32.030 (A) requires that outdoor dining areas require the approval of an Administrative Use Permit, unless the primary use requires a Conditional Use Permit for which the outdoor dining area shall also require a Conditional Use Permit. To approve an outdoor dining area, the approving body, in this case, the highest review authority is the Planning Commission, must find that the following findings can be made in addition to the findings:

- a. The proposed outdoor dining area will not unreasonably interfere with pedestrian traffic or access.
- b. The proposed outdoor dining area will not have an undue adverse effect upon nearby property, the character of the neighborhood, traffic conditions, parking, or other matters affecting the public health, safety, welfare, or convenience.

Section 1 of the Draft Resolution contains recommended findings for the Planning Commission’s consideration.

ALCOHOLIC BEVERAGE CONTROL (ABC)

The applicant is requesting a sale of beer and wine (Type 41 License) ABC License for the proposed restaurant. A Type 41 License (On Sale Beer and Wine – Eating Place) authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

For information purposes, staff identified the following ABC authorized facilities selling alcoholic beverages that are located within a 600-foot proximity to the proposed restaurant.

Establishment Name	License Type	Address
<i>Bowlero Upland</i>	<i>47</i>	<i>451 W Foothill Blvd</i>
<i>Upland Pizza Company</i>	<i>41</i>	<i>121 W Foothill Blvd#B</i>
<i>Le Gourmet</i>	<i>41</i>	<i>121 W Foothill Blvd#D</i>
<i>Arigato Sushi</i>	<i>41</i>	<i>121 W Foothill Blvd#F</i>
<i>Wicked Cow</i>	<i>47</i>	<i>131 W Foothill Blvd#A</i>

<i>Nail Theory Lounge</i>	42	141 W Foothill Blvd#A
<i>Kishi Japanese Restaurant</i>	47	320 W Foothill Blvd

License Type Description

License Type	Description
41	(Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
42	(Bar, Tavern) Authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
47	(Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on the licenses premises. Authorizes the sale of beer and wine for consumption off the licenses premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

Public Convenience and Necessity

Findings for Public Convenience and Necessity are not required by the Upland Municipal Code for a Type 41 License (On Sale Beer and Wine – Eating Place).

ENVIRONMENTAL ASSESSMENT

The California Environmental Quality Act (CEQA) Guidelines includes a list of project classes, known as Categorical Exemptions, which are not anticipated to have a significant effect on the environment and are, therefore, exempt from the provisions of CEQA. 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, since the proposed project consists of minor alterations and a negligible change in use within an existing structure.

REQUIRED FINDINGS

In order to approve the project, the Planning Commission is required to make findings related to the circumstances of the project. Section 1 of the Draft Resolution contains recommended findings for the Planning Commission’s consideration.

TECHNICAL REVIEW COMMITTEE

The Technical Review Committee reviewed the project, and recommended approval of the project subject to conditions of approval that have been incorporated into the draft resolution. The Conditions of Approval will ensure that the development meets all development standards within the Upland Municipal Code as required, and will ensure that the proposed use is compatible with the surrounding land uses.

The Upland Police Department does not oppose the applicant's request for a Type 41 license and has provided Conditions of Approval in the Draft Resolution (Exhibit A). Data from the Police Department indicates that the location of the subject property located at 345 E. Foothill Boulevard is located in Beat 1, which based on past data has less crime than Beats 2, 3, and 4. Therefore, the Police Department does not anticipate that this business operation will have a negative impact on public safety resources.

RECOMMENDED ACTION

The Planning Division recommends the Planning commission adopt a Resolution entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UPLAND, CALIFORNIA, APPROVING AN EXEMPTION PURSUANT TO SECTION 15301(E), EXISTING FACILITIES, OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES FOR CONDITIONAL USE PERMIT NO. 19-0002, AND APPROVING CONDITIONAL USE PERMIT NO. 19-0002 FOR THE ESTABLISHMENT OF A NEW RESTAURANT WITH ANCILLARY BANQUET HALL SERVICES, LIVE ENTERTAINMENT, OUTDOOR PATIO SEATING FOR DINING AND HOOKAH, AND TO ALLOW THE SALE OF BEER AND WINE (TYPE 41 LICENSE) WITHIN THE COMMERCIAL/ RESIDENTIAL MIXED-USE (C/R-MU) ZONE LOCATED AT 345 W. FOOTHILL BOULEVARD (ASSESSOR'S PARCEL NUMBER 1045-571-37). (EXHIBIT A)

MOTION

1. Find that the project is Categorically Exempt from further environmental proceedings pursuant to *Article 19, Section 15301, Existing Facilities, Class 1 (a), of the California Environmental Quality Act Guidelines.*
2. Move to adopt a Resolution approving Conditional Use Permit 19-0002, subject to conditions of approval as set forth in the Draft Resolution dated February 26, 2020.

EXHIBITS

Exhibit A: Resolution
Exhibit B: Vicinity Map
Exhibit C: Proposed Plans

Exhibit A – Draft Resolution



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UPLAND, CALIFORNIA, APPROVING AN EXEMPTION PURSUANT TO SECTION 15301(E), EXISTING FACILITIES, OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES FOR CONDITIONAL USE PERMIT NO. 19-0002, AND APPROVING CONDITIONAL USE PERMIT NO. 19-0002 FOR THE ESTABLISHMENT OF A NEW RESTAURANT WITH ANCILLARY BANQUET HALL SERVICES, LIVE ENTERTAINMENT, OUTDOOR PATIO SEATING FOR DINING, AND HOOKAH, AND TO ALLOW THE SALE OF BEER AND WINE (TYPE 41 LICENSE) WITHIN THE COMMERCIAL/ RESIDENTIAL MIXED-USE (C/R-MU) ZONE LOCATED AT 345 W. FOOTHILL BOULEVARD (ASSESSOR'S PARCEL NUMBER 1045-571-37).

Intent of the Parties and Findings:

WHEREAS, Alaaldin Almuzian (Applicant) has filed an application for Conditional Use Permit (CUP No. 19-0002) requesting approval for the establishment of a new restaurant with ancillary banquet hall services, live entertainment, outdoor patio seating for dining and hookah, and to allow the sale of beer and wine (Type 41 license) for the real property located at 345 W. Foothill Boulevard, in the Commercial Residential Mixed-Use Zone, Assessor's Parcel Number 1045-571-37; 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(e), Existing Facilities, of the CEQA Guidelines; and

WHEREAS, the City of Upland Planning Division on February 14, 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 February 13, 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 February 14, 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 February 26, 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:

The above Recitals are true and correct.

A. Pursuant to CEQA, within the meaning of Public Resources Code Sections 21080(e) and 21082.2 within the record and/or provided at the public hearing, the Planning Commission hereby finds and determines that the project was adequately analyzed according to the CEQA Guidelines and qualified for an Exemption under Section 15301(e), Existing Facilities, as supported by the following Findings and Evidence:

1. Finding: The proposed project is exempt from further environmental review requirements contained in CEQA pursuant to Section 15301(e), Existing Facilities.

Evidence: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15301 (Class 1 – Existing Facilities) because the project consists of the operation and licensing of a restaurant in an existing private structure that does not expand the existing structure or the existing floor area. There is no environmental public review required for a Categorical Exemption.

B. Per 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 in the vicinity of the subject property.

Evidence: The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property in that the restaurant is located within an existing commercial building surrounded by other commercial uses. The tenant space provides adequate room for the operation of the restaurant and outdoor patio seating. Therefore, the use, as

conditioned, will be compatible with the existing and future land uses in the vicinity of the subject property.

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 project site is physically suitable for the type of use being proposed in that the property was developed for a commercial use and a restaurant is a permitted use in the Commercial/Residential Mixed-Use Zone. The introduction of banquet hall services, live entertainment, patio seating for dining and hookah, and alcohol sales will be incidental to the restaurant use. No adverse impacts will be created to the surrounding neighborhood as the operation will be consistent with the recommended conditions of approval and the requirements of the State of California Department of Alcoholic Beverage Control. The site provides adequate circulation and parking for the proposed use and access for emergency and public service 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 will not be detrimental to the public health, safety, and welfare of the persons residing or working in the neighborhood of the proposed use in that the project is in compliance with the zoning standards for the zone, the land use is consistent with surrounding uses and the conditions of approval applied to the use will ensure that the use operates in a manner that protects the public health, safety, and welfare of the surrounding neighborhood.

- C. Upland Municipal Code Section 17.32.030(A) requires that outdoor dining areas require the approval of an Administrative Use Permit, unless the primary use requires a Conditional Use Permit for which the outdoor dining area shall also require a Conditional Use Permit. The Planning Commission shall make a determination to allow the activity based upon the following findings:

1. Finding: The proposed outdoor dining area will not unreasonably interfere with pedestrian traffic or access.

Evidence: The patio area is currently existing and has not historically interfered with pedestrian traffic and access. The applicant proposes to expand the existing patio dining area by 9 feet 6 inches. With the expansion of the patio dining area, the proposed front setback provided is projected to have a 31 feet front setback. Therefore, exceeding the minimum front setback requirement of 15 feet required by the Upland Municipal Code. In addition, the project site has an existing pedestrian walk-way that will remain, providing pedestrian access. Therefore, the

outdoor patio dining and seating will not interfere with pedestrian traffic or access.

2. Finding: The proposed outdoor dining area will not have an undue adverse effect upon nearby property, the character of the neighborhood, traffic conditions, parking, or other matters affecting the public health, safety, welfare, or convenience.

Evidence: The proposed outdoor dining and seating will be located within an existing patio area with a slight modification of expanding the patio area width by 9 feet 6 inches. The use will not be detrimental to the public health, safety or welfare of the community because the use will be located within an existing patio area that has not been historically detrimental to the neighborhood. The proposed use is not expected to have a negative impact on the surrounding area and Conditions of Approval have been appropriately added to the Resolution to mitigate any potential issues with the use. The applicant proposes to modify the existing architectural style of the outdoor patio area. The modification to the existing patio will include the replacement of framing for the patio section, new roofing material, and new tempered glass fencing. A Condition of Approval has been added to the Resolution, conditioning that the applicant shall submit and obtain approval of a patio plan prior to building permit issuance. Elevations for the proposed patio area can be found in Exhibit C of the staff report.

Section 2. DETERMINATION. In light of the evidence presented at the hearing on this application, and based on the findings set forth above, the Planning Commission hereby finds that the requirements necessary for the recommendation of approval of the Project, subject to all applicable provisions of the Upland Municipal Code, and the following conditions of approval:

10. General Conditions

- 10.1 The applicant and recorded property owner of the property shall submit to the Development Services Department written evidence of agreement with all conditions of this approval before the approval becomes effective.
- 10.2 Current and future property owners, business managers, operators, etc. shall be responsible for ensuring and complying with all conditions of approval contained herein.
- 10.3 To the fullest extent permitted by law, the Applicant shall indemnify, defend and hold the City, its elected officials, officers, contractors serving as City officers, agents, and employees ("Indemnitees") free and harmless from: (i) any and all claims, liabilities and losses whatsoever occurring or resulting to any and all persons, firms, entities,

or corporations furnishing or supplying work, services, materials, or supplies in connection with, or related to, the performance of work or the exercise of rights authorized by approval of *CONDITIONAL USE PERMIT (CUP 19-0002 (Project))*; and (ii) any and all claims, lawsuits, liabilities, and/or actions arising out of, or related to the approval of this Project and/or the granting or exercise of the rights authorized by said approval; and (iii) from any and all claims, liabilities and losses occurring or resulting to any person, firm, entity, corporation for property damage, personal injury, or death, arising out of or related to the approval of, or exercise of rights granted by, this Project. Applicant's obligation to indemnify, defend, and hold the Indemnitees free and harmless as required hereinabove shall include, but is not limited to, paying all fees and costs incurred by legal counsel of the Indemnitees' choice in representing the Indemnitees in connection with any such claims, losses, lawsuits, or actions, and any award of damages, judgments, verdicts, court costs or attorneys' fees in any such lawsuit or action.

- 10.4 The applicant shall operate in accordance with approved plans and specifications on file with the City of Upland Development Services Department and shall be in compliance with all conditions of approval of Conditional Use Permit No. CUP-19-0002, as approved by the Planning Commission on February 26, 2020.
- 10.5 Prior to the start of operations (i.e., alcohol sales), there shall be implementation of the applicable conditions of approval as required by the City of Upland, to the satisfaction of the Development Services Director, Building Official, Public Works Director, Fire Chief, and Police Chief. No final inspection or clearances shall be given until all conditions are met. Each condition of approval is separately enforced, and if one of the conditions of approval is found to be invalid by a court of law, all the other conditions shall remain valid and enforceable.
- 10.6 The applicant or owner shall pay all applicable cost recovery fees to the Development Services Department and City of Upland development fees prior to issuance of any permits.
- 10.7 The applicant and owner shall comply with all provisions for licensing and certification from the San Bernardino County Health Department prior to the start of operations.
- 10.8 All current and future business owners shall have a valid business license to operate the restaurant.
- 10.9 Prior to the start of operations any and all alarms installed on the premises shall require an alarm permit from the Finance Division.

- 10.10 Expansion of use beyond the scope and nature described in this Conditional Use Permit No. 19-0002, which would increase the projected scale of operations, shall not be permitted except upon application for and approval of modification to this Conditional Use Permit.

20.0 Planning Division Conditions

- 20.1 All uses allowed by the conditional use permit shall be conducted indoors, within the approved tenant space and within the designated outdoor patio seating area. No storage, beverage manufacturing or taproom uses shall take place outdoors.
- 20.2 Adequate litter receptacles shall be provided both in and outside the building. All litter shall be removed from the exterior areas around the building as required and no less frequently than once each day this business is open.
- 20.3 Prior to building permit issuance, the applicant is responsible to replace any dead or dying landscaping within the project site.

30.0 Development Services – Alcohol Conditions

- 30.1 The operation of the business shall comply fully with all the rules, regulations, and orders of the California Alcoholic Beverage Control Department. Failure to comply with these requirements shall constitute grounds for revocation of the conditional use permit.
- 30.2 Employees engaged in the sale or service of alcoholic beverages for on-site consumption shall be at least 21 years old.
- 30.3 No sale or distribution of alcoholic beverages shall be made from a walk-up window.
- 30.4 No display, sale, or distribution of beer or wine, wine coolers or similar alcoholic beverages shall be made from an ice tub, barrel, or similar container.

40.0 Police Department

- 40.1 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.
- 40.2 A 6-month review/inspection shall be conducted to ensure permittee's compliance with all operating conditions.
- 40.3 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.

- 40.4 The Developer, builder, contractors, sub-contractors, and any other persons associated with this project shall adhere to the Upland Municipal Code (UMC) dealing with unnecessary noises under section 9.40.100. Furthermore, prior to the beginning of construction, a sign shall be posted at the entrance of the property educating everyone entering as to the authorized construction times and failure to comply with such requirements will result in an immediate citation for violating the aforementioned UMC section.
- 40.5 Units with front and rear drive access shall affix or paint address numbering/lettering in a conspicuous location, free from plant obstruction, and readily visible to emergency services personnel on both front and rear accesses.
- 40.6 Each building that has a flat roof shall be required to have the address numbering painted on the roof, as close to the center of the roof as possible, and at least 15 feet (or as far as possible if less than 15 feet) from roof mounted equipment or exhaust stacks, to assist helicopter patrols in quick location of the building. Numbering must be at least 12 inches wide, 48 inches tall, and be painted in contrast to the background on which it is affixed.
- 40.7 Prior to occupancy, the Police Department will conduct an on-site inspection of the property, checking proper lighting has been installed throughout the property, proper locks on exterior doors and doors leading to the interior are in place and functioning properly. In addition, the Police Department will check that proper addressing/lettering has been installed.
- 40.8 Hinges for outwardly swinging doors or hatchway covers shall be equipped with non-removable hinge pins or a mechanical interlock system to prevent removal of the door from the exterior by removal of the hinge pins.
- 40.9 All hatchways shall be secured from the interior of the building with a sliding bolt or bar mechanism.
- 40.10 If the hatchway cover is of a wooden material, it shall be reinforced with at least 16-gauge U.S. sheet steel, or its equivalent, on the interior face

of the cover and shall be attached with screws no more than six inches apart around the entire perimeter of the interior face cover.

- 40.11 Cash registers/check-out counter shall be located near the public access door(s).
- 40.12 Cash registers shall be bolted or mounted to the counter so they cannot be easily lifted and carried out. Cash registers shall not be mounted outside.
- 40.13 No obstructions shall be attached, fastened or connected to the partitions or ceiling to separate the booths/dining areas within the interior of the space of the licensed premises.
- 40.14 All exterior doors shall be equipped with a lighting device capable of providing a minimum of two foot-candle of light at ground level.
- 40.15 All exterior lighting lower than 12 feet from the ground level shall be enclosed in vandal-resistant covers.
- 40.16 Lighting shall be required in all area of public access.
- 40.17 All exterior lighting shall be oriented inward onto the project so as not to interfere with adjacent residential areas or vehicular traffic on adjacent public streets.
- 40.18 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), UMCI0.72.010." 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.
- 40.19 Signs shall comply with all City of Upland sign requirements (UMC 17.15 et seq.). No more than 50% 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).
- 40.20 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 businesses parking lots, the building itself, and the rear perimeter of the building.

- 40.21 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 system shall be remotely accessible to the Upland Police Department.
- 40.22 Applicant shall comply with 6404.S (b) of the Labor Code, which prohibits smoking within any place of employment.
- 40.23 All landscaping must adhere to the 2' 6' rule (all ground cover landscaping must be maintained no higher than 2' from ground level and all lower tree canopy must be maintained no lower than 6' in height from the ground level).
- 40.24 Any vehicles not parked legally may be cited and/or towed if it is in violation of the California Vehicle Code and/or Upland Municipal Code.
- 40.25 The applicant shall not sell any alcohol unless the applicant has an approved valid Alcoholic Beverage Control license.
- 40.26 Staff shall ensure that there are no sales of alcoholic beverages to persons under 21 years of age.
- 40.27 Employees selling alcohol shall be at least 21 years of age.
- 40.28 No alcoholic beverages shall be consumed on the property or on any property adjacent to the licensed premises. No open alcoholic beverages shall be taken out of the business.
- 40.29 The business operator shall install and maintain at each point-of-sale an age verification device to preclude the sales to minors.
- 40.30 No staff, employee, or contracted employee shall consume or be under the influence of an alcoholic beverage during the course of their work shift.
- 40.31 There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of these conditions.
- 40.32 The manager on duty shall be at least 21 years of age.

- 40.33 The applicant shall not require an admission charge or a cover charge, nor shall there be a requirement to purchase a minimum number of drinks.
- 40.34 The management and employees of the premise shall be required to prevent loitering in the parking lot of the site. The management and employees of the licensed premise shall regularly police the area under its control to prevent the loitering of persons about the premises.
- 40.35 The business owner shall be responsible for maintaining free of litter the area adjacent to the premises over which the business owner has control, and any parking lot or structure used specifically for patrons of the premises.
- 40.36 Noise emanating from the property shall be within the limitations prescribed by the City's noise ordinance and shall not create a nuisance to surrounding residential neighborhoods and/or commercial establishments.
- 40.37 The business owner shall undertake steps to prevent disturbances inside the establishment to the satisfaction of the Police Chief, as follows:
- a. Staff shall ensure that tobacco is not being consumed by minors and that there are no disturbances or other unlawful violations occurring within the business premises.
 - b. A strict identification policy shall be implemented to prevent consumption of tobacco by minors.
 - c. Guests, employees and/or contracted employees shall not perform or engage in any behavior in any way that would violate existing laws or ordinances pertaining to indecent exposure, and/or that would constitute an adult business as defined in the Upland Municipal Code Chapter 9490.1.
- 40.38 No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee(s) provide, permit, or make available, either gratuitous or for compensation, male or female patrons who act as escorts, companions or guests of and for the customers.
- 40.39 In the event problems occur and at the request of the Police Department, the business owner/licensee or management, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises, during such hours as requested and directed by the Police Department. All uniformed security guards shall be registered with the State of California's Bureau Security and Investigative Services as a security guard prior to employment within the City of Upland.

- 40.40 If, at the discretion of the Development Services Director, Police Chief and/or Fire Chief, security is determined to be ineffective at any time, a security management plan may be required or operational modifications may be required, which may include, but is not limited to, reduction of hours, employment of security personnel, etc. These modifications may require a site plan modification at the discretion of the Development Services Director.
- 40.41 In addition to implementing a security plan, the owner/operator shall employ professional security personnel for the duration of any banquet event which offers an alcohol beverage service, live entertainment and/or dancing, regardless of the time or day of the week. The security personnel shall prevent any disturbances inside and outside the banquet facilities, keep guests within the boundaries of the banquet facilities, and prevent guests from loitering, or engaging in disturbances. All security and management personnel shall be in uniform and shall have electronic communication abilities with each other and with the Police Department at all times. If the number of security personnel is deemed to be insufficient by the Police Chief, the applicant shall hire additional personnel or implement more effective security personnel procedures, at the discretion of the Police Chief.
- 40.42 Violation of any of the aforementioned conditions, will result in immediate revocation of the CUP.

50.0 Building Division

- 50.1 Full Design to be in compliance with City of Upland Construction Codes.
- 50.2 Prior to issuance of the first building permit, submit plans for proposed patio modification for review and approval.
- 50.3 Post seating chart at restaurant, show that the seating occupancy will not exceed 299 occupants.

60.0 Public Works Department

- 60.1 Provide a third trash bin for food waste.

70.0 San Bernardino County Fire Department

- 70.1 Building plans shall be submitted to the Fire Department for review and approval.
- 70.2 The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow

water supply shall be in place prior to placing combustible materials on the job site.

- 70.3 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.
- 70.4 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.
- 70.5 An automatic hood and duct fire extinguishing system is required. A Fire Department approved designer/installer shall submit detailed plans with manufactures' specification sheets to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. If cooking is to be done at the establishment and a Hood Suppression System is in place then it will need to be serviced by a licensed professional.
- 70.6 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.
- 70.7 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. 1.Air Exchange shall meet The California Building Code Standard pertaining to the Hookah Lounge.
- 70.8 Standard B-1 PREMISE AND BUILDING IDENTIFICATION AND ADDRESSING. This standard applies to the marking of all buildings with address numbers for identification.

80.0 Review/Compliance

- 80.1 The Planning Commission may review the use every 90 days, every 180 days, or 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 assignees, 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 proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15301 (Class 1 – Existing Facilities) because the project consists of the operation and licensing of a restaurant in an existing private structure that does not expand the existing structure or the existing floor area. There is no environmental public review required for a Categorical Exemption.

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 his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

PASSED, APPROVED and ADOPTED this 26th day of February 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 regular adjourned meeting thereof held on the 26th day of February, 2020, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Robert D. Dalquest, SECRETARY

Exhibit B – Vicinity Map



EXHIBIT B

Vicinity Map



Exhibit C – Proposed Plans



KAHRAMANA RESTAURANT

345 W. FOOTHILL BLV. UPLAND, CA.

RAHMAN ENGINEERING
 6939 SCHAEFER AVE., D-170
 CHINO, CA 91710
 TEL: 213-400-8078

PARKING SUMMARY	OCCUPANCY LOAD	CODES AND JURISDICTIONS	PROPERTY INFORMATION					
PARKING SUMMARY : (EXISTING 50 PARKING REMAIN UNCHANGED)	OCCUPANCY GROUP: A2 TENANT IMPROVEMENT AREA: OCCUPANCY : 4441 SQFT (DINING AREA, FACTOR 15)=296 : 1604 SQFT (COVER PATIO, FACTOR 15)=106 : 817 SQFT (KITCHEN AREA, FACTOR 200)=4 : 220 SQFT (COUNTER AREA, FACTOR 100)=1.1 : 201 SQFT (PLATFORM AREA, FACTOR 15)=13.4 : 477 SQFT (BUSINESS/HALLWAY, FACTOR 100)=4.7 SEATING COUNT : 247 INCLUDE ADA SEATS : 10 ACTUAL NO OF OCCUPANT PROVIDED : 257 (NO OF SEATS)+4 (KITCHEN)+2 (COUNTER)+ 13 (STAGE)+ 5 (BUSINESS) <div style="border: 1px solid black; padding: 2px; display: inline-block;">TOTAL NO OF OCCUPANT PROVIDED : 281</div> PLUMBING FACILITY: MALE WC 3, URINAL: 3, LAVATORY 3 FEMALE WC 3, LAVATORY 2	ALL WORK IN ACCORDANCE WITH MINIMUM STANDARDS OF THE CURRENT EDITION OF THE CALIFORNIA BUILDING CODE (CBC), UNLESS OTHER APPROVED BUILDING CODES, ORDINANCES, LAWS, GOVERNMENTAL REGULATIONS, AND/OR STANDARDS ARE ENFORCED. THE MOST RESTRICTIVE REQUIREMENTS WILL PREVAIL. PROJECT SHALL ALSO CONFORM WITH THE FOLLOWING: 2016 CALIFORNIA BUILDING CODE 2016 CALIFORNIA RESIDENTIAL CODE 2016 CALIFORNIA ELECTRICAL CODE 2016 CALIFORNIA MECHANICAL CODE 2016 CALIFORNIA PLUMBING CODE 2016 CALIFORNIA ENERGY CODE 2016 CALIFORNIA FIRE CODE 2016 CALIFORNIA CALGREEN BUILDING STANDARD CODE CITY OF PASADENA MUNICIPAL CODE ALL LOCAL CODES AND ORDINANCES	PROPERTY DESCRIPTION PROPERTY TYPE COMMERCIAL PROJECT DIRECTORY OWNER MR. ALADDIN 345 W. FOOTHILL BLV. UPLAND, CA. PHONE: 714 924.0169 EMAIL: DESIGNER RAHMAN ENGINEERING 13611 12TH STREET, UNIT-B, CHINO, CA-91710 PHONE: 213-400-8078 EMAIL: as-built@floorplans24hours.com					
ABBREVIATIONS	ACCESSORIES	PROJECT SCOPE OF WORK	PROPERTY INFORMATION					
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		VICINITY MAP 						

Project:

Contractor:

Stamp:

REVISIONS:
MARK DATE DES. BY:

DRAWN BY: SI

DS. BY:
CHK BY: M.R.
DATE: 12-27-19

TITLE:
TITLE SHEET

PAGE NO:

T1.0

KAHRAMANA RESTAURANT

345 W. FOOTHILL BLV. UPLAND, CA.

SITE PHOTOGRAPH



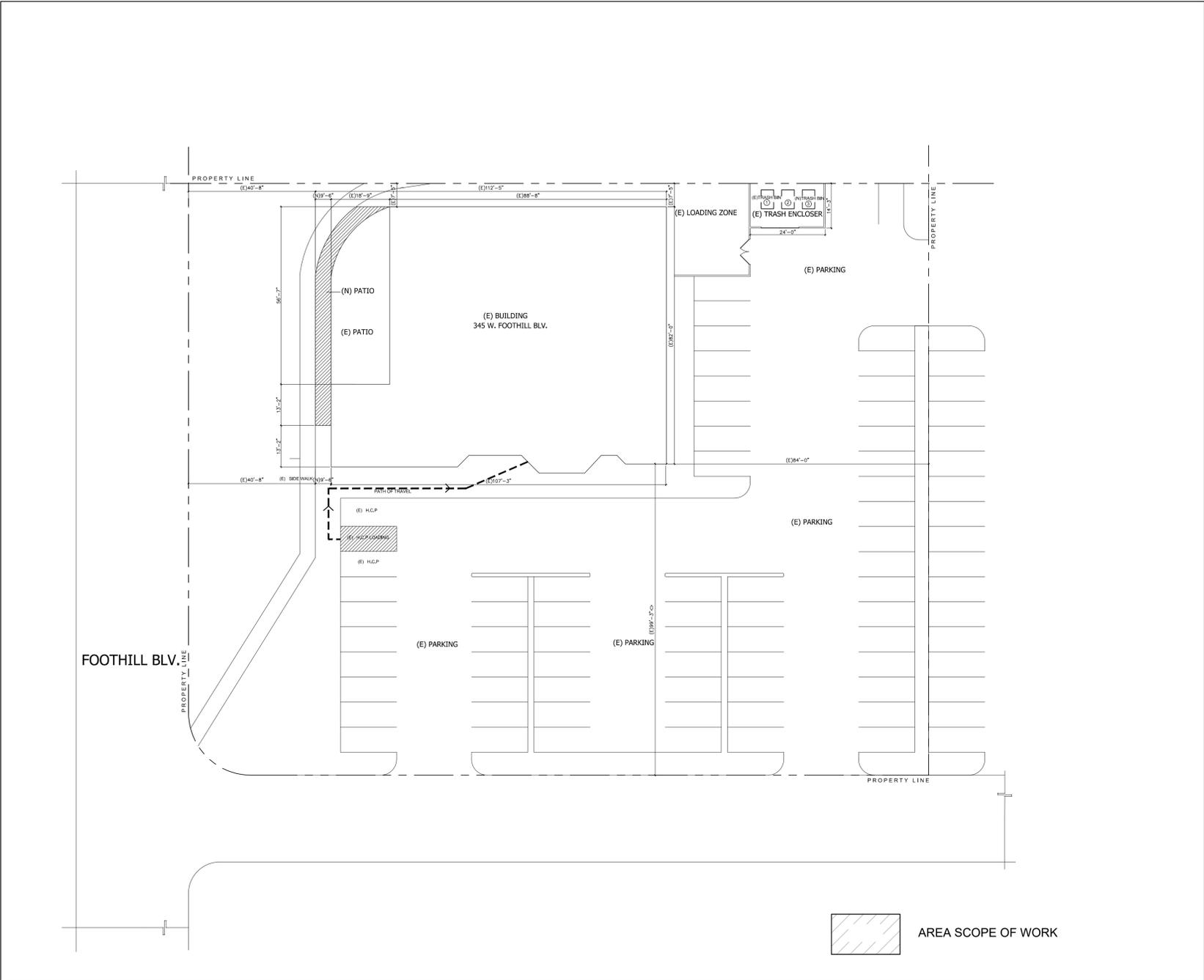
EAST SIDE

SOUTH SIDE

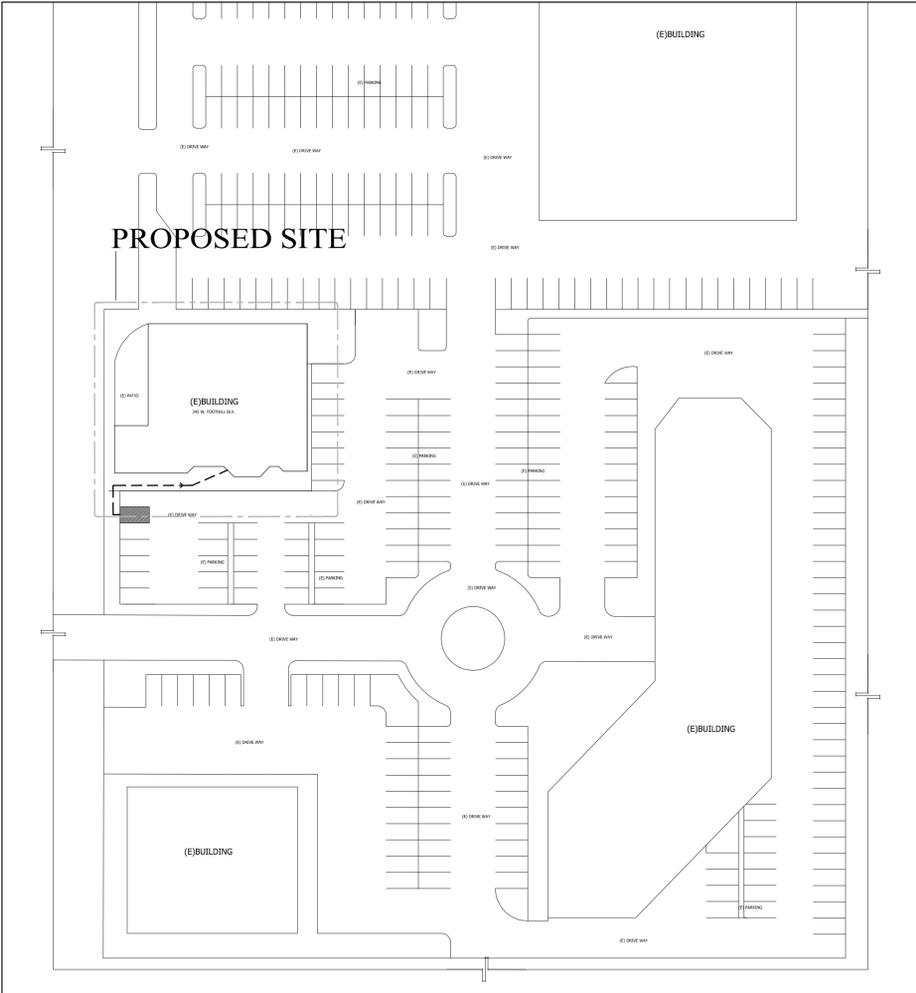


WEST SIDE

NORTH SIDE



EXISTING SITE PLAN (FOR REFERENCE ONLY)
SCALE: 1"=20'



KEY PLAN (FOR REFERENCE ONLY)
SCALE: N.T.S

RAHMAN ENGINEERING
6939 SCHAEFER AVE., D-170
CHINO, CA 91710
TEL: 213-400-8078

Project:

Contractor:

Stamp:

REVISIONS:
MARK DATE DES. BY:

DRAWN BY: SI

DS. BY:
CHK BY: M.R.
DATE: 12-27-19

TITLE:
SITE PLAN

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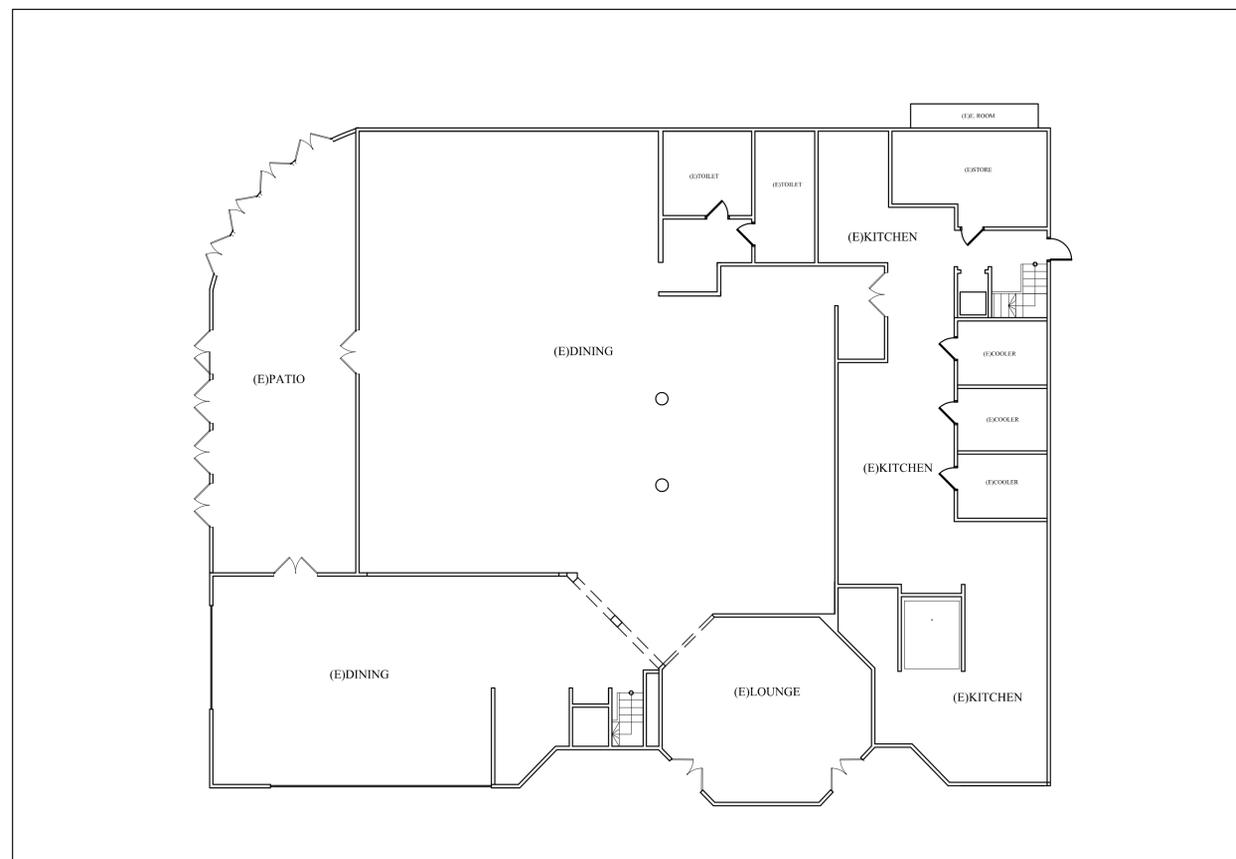
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 DATE: 12-27-19

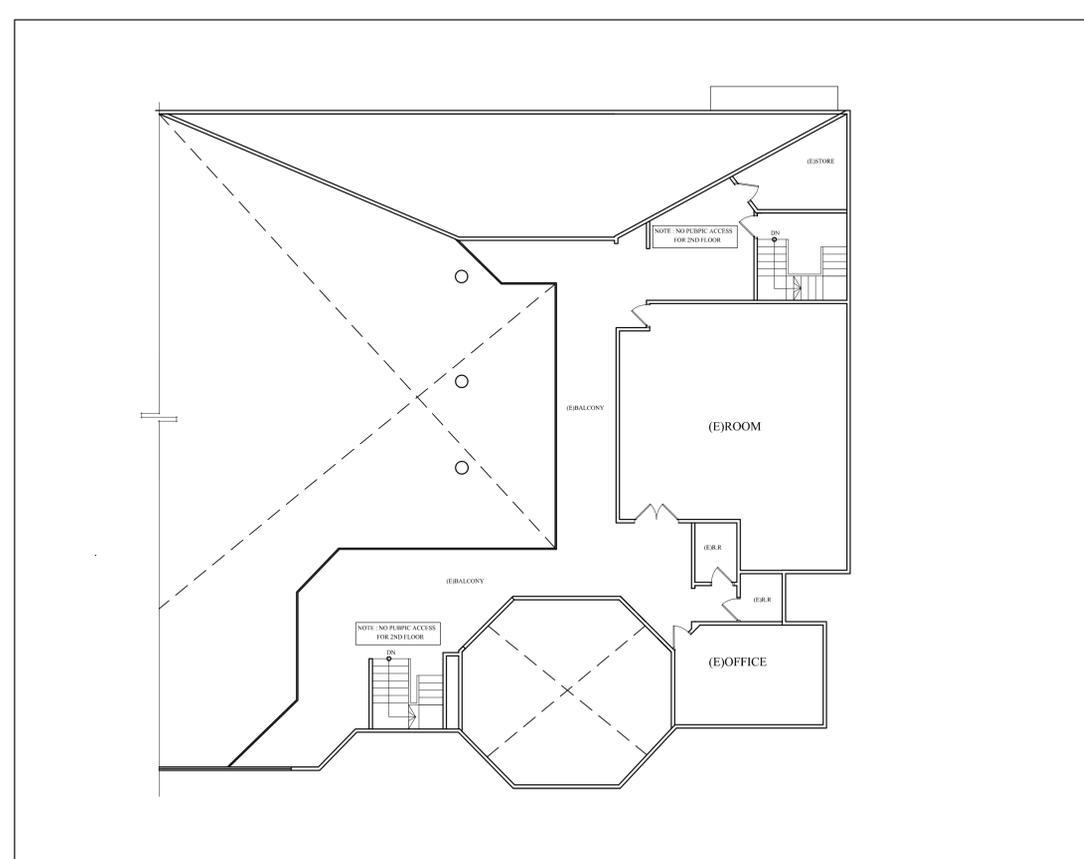
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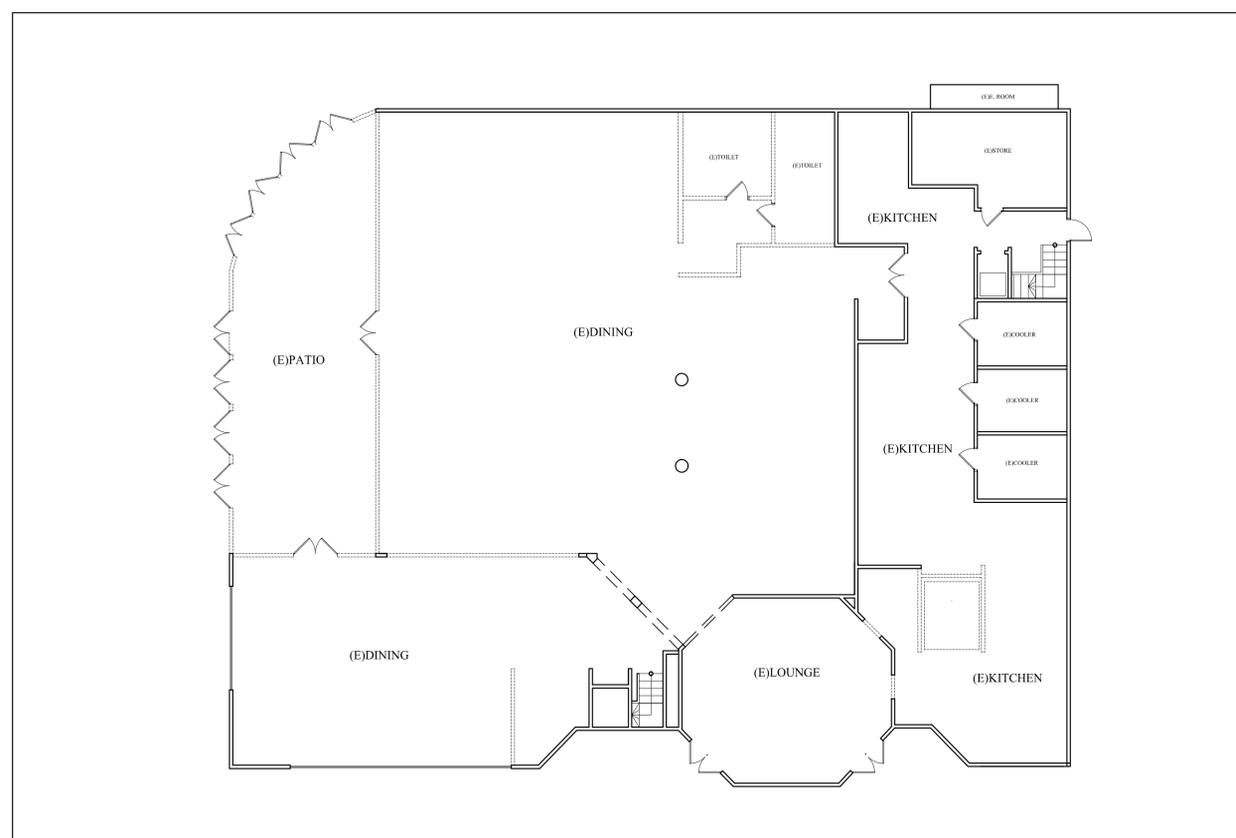
A2.0



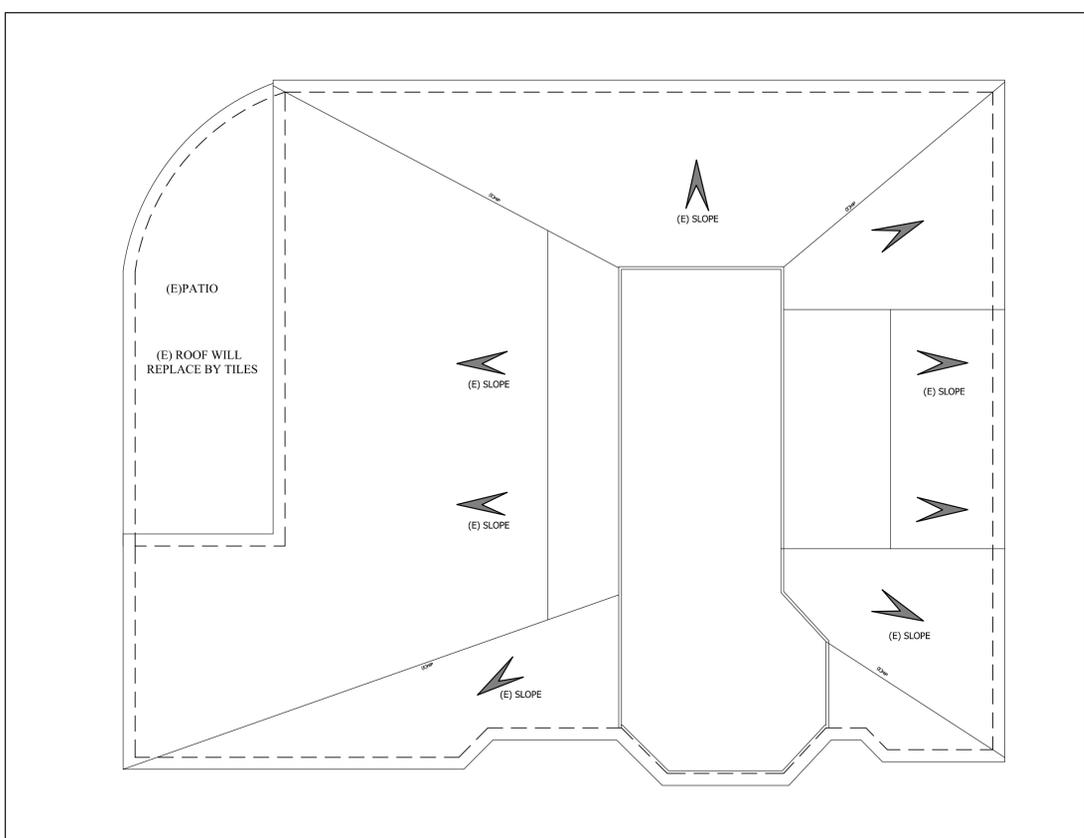
EXISTING 1ST FLOOR
 SCALE: 3/32"=1'-0"



EXISTING 2ND FLOOR
 SCALE: 3/32"=1'-0"



DEMO 1ST FLOOR PLAN
 SCALE: 3/32"=1'-0"



(E) ROOF PLAN
 SCALE: 3/32"=1'-0"

WALL LEGEND

- (E) EXISTING WALL TO REMAIN
- (E) EXISTING ITEMS TO BE DEMOLITION
- NEW WOOD STUDS WALL

NOTE: UNLESS NOTED OTHERWISE (U.N.O.)





MEMORANDUM

DATE: FEBRUARY 26, 2020

TO: PLANNING COMMISSION CHAIR
PLANNING COMMISSION VICE CHAIR
PLANNING COMMISSION MEMBERS

FROM: ROBERT D. DALQUEST, DIRECTOR OF DEVELOPMENT SERVICES
MIKE POLAND, CONTRACT PLANNING MANAGER

RE: ADOPTION OF A RESOLUTION WITH FINDINGS IN SUPPORT OF THE
PLANNING COMMISSION'S RECOMMENDATION TO THE CITY COUNCIL
REGARDING SITE PLAN NO. 19-09 AND DESIGN REVIEW NO. 19-17 FOR
THE BRIDGE POINT UPLAND PROJECT.

On February 12, 2020, the Planning Commission voted to recommend that the City Council deny Site Plan No. 19-09 and Design Review No. 19-17 for the Bridge Point Upland Project located at the northeast corner of Foothill Boulevard and Central Avenue. In order to finalize this recommendation, the Planning Commission must adopt written findings. Staff has accordingly prepared the attached draft Resolution including proposed findings based on the Commissioner's comments for the Planning Commission's consideration and action.

Attachments

- A. Resolution to recommend that the City Council deny Site Plan Review No. 19-09 and Design Review No. 19-17.
- B. Planning Commission Staff Report for the Bridge Point Upland Project from the February 12, 2020 meeting.

Attachment A

**Resolution to recommend that the City Council
deny Site Plan Review No. 19-09 and Design
Review No. 19-17.**



ATTACHMENT "A"

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UPLAND RECOMMENDING TO THE CITY COUNCIL DENIAL OF SITE PLAN NO. 19-09 AND DESIGN REVIEW NO. 19-17 FOR THE BRIDGE POINT UPLAND PROJECT, LOCATED AT THE NORTHEAST CORNER OF CENTRAL AVENUE AND FOOTHILL BOULEVARD, FURTHER DESCRIBED AS ASSESSOR'S PARCEL NUMBERS 1006-351-09, 1006-351-10, 1006-572-11, 1006-551-12, 1006-551-22, AND 1006-574-10.

The City of Upland Planning Commission hereby finds and resolves as follows:

Section 1. Background.

1. Bridge Development Partners filed an application requesting approval of Site Plan No. 19-09 and Design Review No. 19-17 for the proposed development of a 201,096 square foot warehouse/parcel delivery service building with an ancillary office/retail space.
2. An Initial Study and Mitigated Negative Declaration of Environmental Impacts has been prepared for this project pursuant to Sections 15070 and 15071 of the California Environmental Quality Act (CEQA) Guidelines. A Notice of Intent to Adopt a Mitigated Negative Declaration was circulated for public review and comment pursuant to Section 15072 of CEQA Guidelines. The Initial Study identified environmental impacts resulting from the project and proposed mitigation measures to reduce those impacts to a level of insignificance.
3. The proposal has been reviewed pursuant to the requirements of the City's National Pollutant Discharge Elimination System (NPDES) Municipal Permit, the Local Implementation Plan (LIP), and the Model Water Quality Management Plan (WQMP), Section 7.2. Since the proposal will constitute the disturbance of more than 5,000 square feet of soil, a Priority Water Quality Management Plan (WQMP) is required. A Preliminary Priority WQMP has been reviewed and approved.
4. The Planning Commission held a hearing on February 12, 2020, to consider the Applicant's request of Site Plan No. 19-09 and Design Review No. 19-17.

Section 2. Findings.

The Planning Commission is unable to find as required by Upland Municipal Code Section 17.44.030(H) that the proposed design will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity of the proposed project. The Site Plan and Design Review applications do not contain adequate enforcement measures, in light of the scale and configuration of the proposed use, to ensure its post-construction operation will not exceed the permitted maximum number daily truck trips.

Section 4. Decision.

Based on the public testimony received by the Planning Commission and the background and findings set forth above, the Planning Commission recommends that the City Council of the City of Upland deny Site Plan No. 19-09 and Design Review No. 19-17.

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 his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

PASSED, APPROVED and ADOPTED this 26th day of February, 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 regular adjourned meeting thereof held on the 26th day of February, 2020, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Robert D. Dalquest, SECRETARY

Attachment B

**Planning Commission Staff Report
for the Bridge Point Upland Project from
the February 12, 2020 meeting.**





PLANNING COMMISSION REPORT

ITEM NO. 1

DATE: FEBRUARY 12, 2020

TO: PLANNING COMMISSION

FROM: ROBERT D. DALQUEST, DEVELOPMENT SERVICES DIRECTOR

PREPARED BY: MIKE POLAND, CONTRACT PLANNING MANAGER

SUBJECT: SITE PLAN NO. 19-09, DESIGN REVIEW NO. 19-17, AIRPORT LAND USE COMPATIBILITY NO. 18-12, LOT LINE ADJUSTMENT NO. 19-17, AND DEVELOPMENT AGREEMENT NO. 20-0001 FOR THE PROPOSED DEVELOPMENT OF A 201,096 SQUARE FOOT WAREHOUSE/PARCEL DELIVERY SERVICE BUILDING WITH AN ANCILLARY OFFICE/RETAIL SPACE.

Request

The applicant, Bridge Development Partners LLC, is requesting approval for the development of an approximately 201,096 square foot warehouse/parcel delivery service building on 50.25 acres at the northeast corner of Central Avenue and Foothill Boulevard. The proposed development requires approval of the entitlements listed below.

Recommended Action(s)

Staff recommends that the Planning Commission make a recommendation to the City Council for approval of the following:

1. A Mitigated Negative Declaration of environmental impact for the proposed development of an approximately 201,096 square foot warehouse/parcel delivery service building and associated site improvements.

2. An Airport Land Use Compatibility request for determination from the Airport Land Use Committee that the Project is compatible with the Cable Airport Land Use Compatibility Plan.
3. A Site Plan and Design Review for development of an approximately 201,096 square foot warehouse/parcel delivery service building and associated site improvements, subject to the conditions of approval.
4. A Lot Line Adjustment request necessary to allow for adequate truck and emergency access into the site at the northern extent of Central Ave and to allow the proposed structure, truck court, and access points to 13th Street and Foothill Boulevard to occur on a single lot
5. Consideration of a Development Agreement to (1) eliminate uncertainty in planning for the Project and result in the orderly development of the Project, (2) assure installation of necessary improvements on the Property, (3) provide for public infrastructure and services appropriate to development of the Project, (4) preserve substantial City discretion in reviewing subsequent development of the Property, and (5) secure for the City improvements that benefit the public.

Project Description

The applicant requests approval to construct a 201,096 square foot warehouse/parcel delivery service building on 50.25 acres at the northeast corner of Central Avenue and Foothill Boulevard (Project).

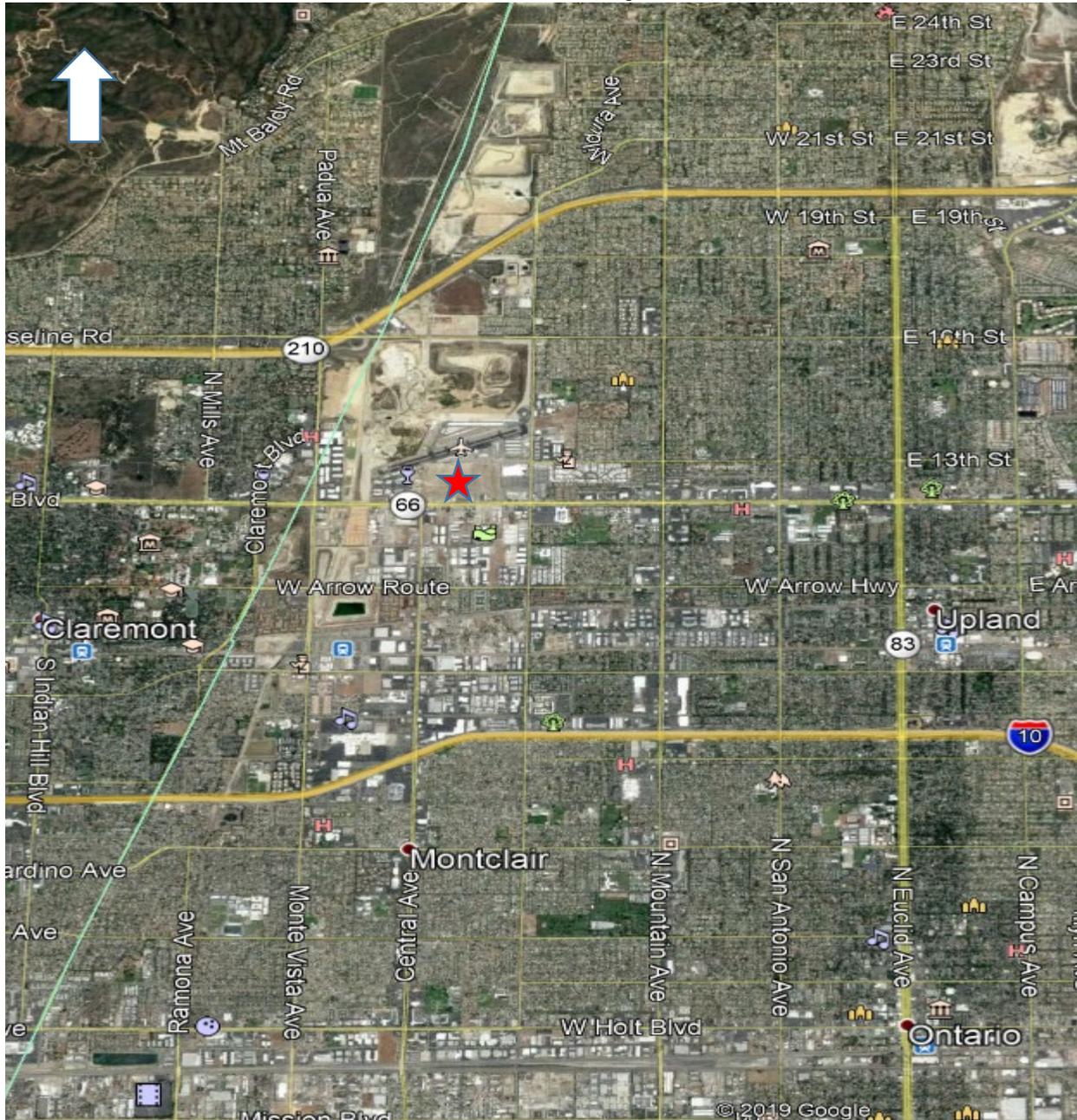
The Project site consists of both disturbed land on the western portion of the site and undeveloped land on the eastern portion of the site. The disturbed portion of the land was previously utilized for outdoor dirt, sand, gravel and rock stockpiling, processing and crushing. The land uses surrounding the Project site consist of a mix of uses including industrial, commercial, an airport and a major transportation corridor. Properties zoned for Highway Commercial uses are located immediately south of the site, along Foothill Boulevard. Cable Airport is located directly north of the site and a portion of the airport, along with industrial uses, are located west of the site. Commercial uses, including a Lowe's Home Improvement Store and a commercial shopping center are located east of the site.

The scope of the proposed development will consist of site clearing, site preparation, appurtenant improvements, and construction of the proposed building, with on-site parking and loading areas, circulation, and landscaping and water quality management improvements. Off-site street and drainage improvements will also be constructed. The building's design includes 16 dock-high doors, for trucks, facing west and 8 van loading doors located on each of the northern and southern building frontages.

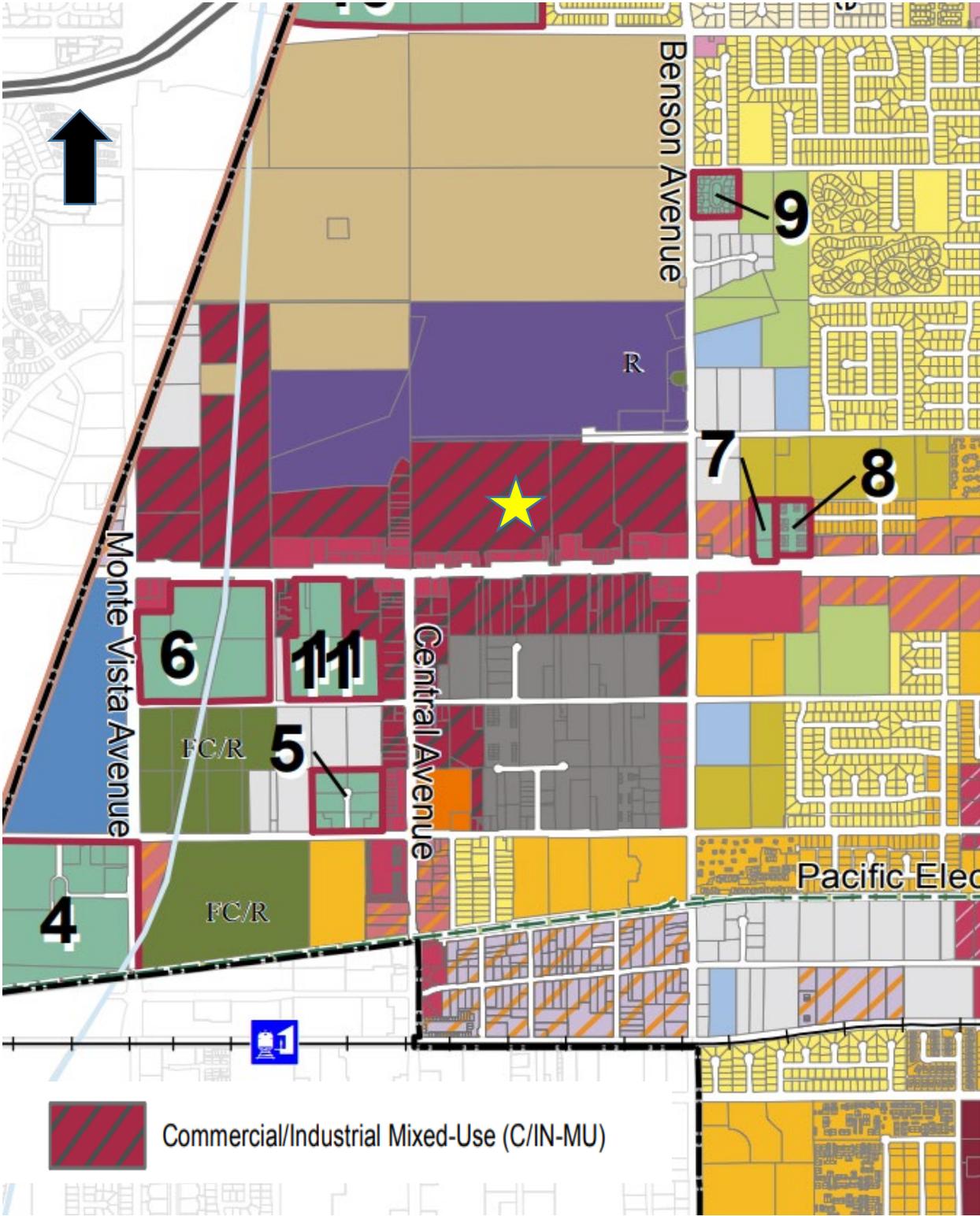
Vehicular access to the Project would be provided via 13th Street, the north leg of Central Avenue/Foothill Boulevard, and two right-in/right-out driveways on Foothill Boulevard. The driveway on 13th Street and two easterly driveways on Foothill Boulevard would provide access to automobiles and vans only; trucks would access the site only via the driveway at the north leg of Central Avenue/Foothill Boulevard.

VICINITY MAP

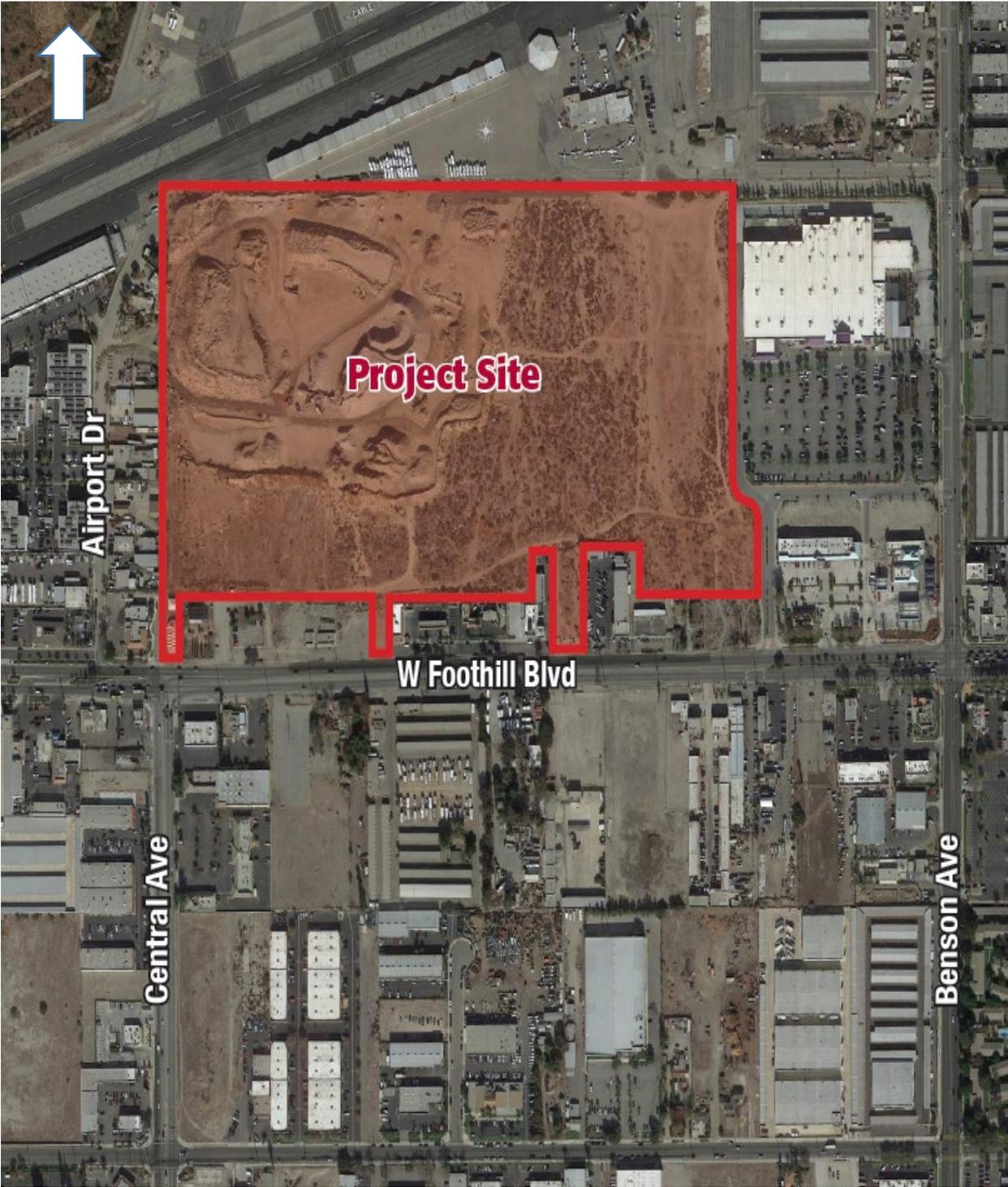
Aerial view of the Project Site



LAND USE MAP



AERIAL MAP



SITE PLAN



BUILDING ELEVATIONS



ENLARGED EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION

SITE PHOTOS



Southwest from W. 13th Street



Northeast from Central Avenue



North from Lowes Entrance off of Foothill Boulevard

BACKGROUND

Since the applicant submitted their initial planning entitlement applications on April 25, 2019, the City has held three joint workshops with the City Council, the Planning Commission, and the Airport Land Use Committee in order to receive presentations from Development Services Department staff, the applicant (Bridge Development Partners LLC) and from the applicant's environmental consultant (Kimley-Horn) who prepared the environmental document for the project.

At the first joint workshop on June 27, 2019, the applicant's proposal was for a warehouse development consisting of three buildings that totaled approximately 977,246 square feet in size. Building 1 would be one level with a mezzanine and would encompass approximately 361,540 square feet of warehouse uses and 10,000 square feet of office uses for a total of approximately 371,540 square feet. Building 2 would be one level with a mezzanine and would encompass approximately 320,751 square feet of warehouse uses and 10,000 square feet of office uses for a total of approximately 330,751 square feet. And, Building 3 would encompass approximately 264,955 square feet of warehouse uses and 10,000 square feet of office uses for a total of approximately 274,955 square feet.

At the second joint workshop on October 21, 2019, the applicant's proposal was for a warehouse development consisting of a single 276,825 square feet warehouse/distribution building running north and south in the center of the property.

At the third joint workshop on January 9, 2020, the applicant’s environmental consultant Kimley-Horn provided a presentation on the comprehensive Initial Study/Mitigated Negative Declaration that has been prepared and the potential environmental impacts and mitigation measures to address these issues. The project’s current design includes a 201,096 square foot rectangular building that runs east and west.

TABLE 1 – SITE AND SURROUNDING LAND USES AND ZONING:

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
SITE	Vacant and disturbed	Commercial/Industrial Mixed-Use (C/I M-U)
North	Cable Airport	Cable Airport (CA)
South	Commercial uses	Highway Commercial (HC)
East	132,473 square foot Lowes building	Commercial/Industrial Mixed-Use (C/I M-U)
West	Professional offices and industrial uses	Commercial/Industrial Mixed-Use (C/I M-U)

PROJECT ANALYSIS

The building is designed as a concrete tilt-up warehouse with vertical lift dock-high roll up doors. There would be a total of 16 dock high doors on the west side. Trees and other vegetation would serve to screen the van loading areas on the southern side of the building from Foothill Boulevard.

The Project site plan provides adequate area to accommodate all parking, loading areas, access, and circulation requirements needed to comply with City requirements.

TABLE 2 - PROJECT CODE COMPLIANCE

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANARDS						
BRIDGE POINT UPLAND PROJECT AND COMMERCIAL/INDUSTRIAL MIXED-USE (C/I M-U) DEVELOPMENT STANARDS						
Standard			Proposed	Consistent	Inconsistent	
Max Floor Area Ratio	1.0		0.25	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Min. Floor Area Ratio	0.25		0.25	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Lot Requirements	Lot Size	20,000 square feet	50.25 acres	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Lot Width	100 feet	2,000 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Building Height	40 feet		40 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Building Min. Setbacks	Front Yard	Facing Foothill Blvd.	5 feet	495 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Side Yard		5 feet	422 feet-604 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear Yard	Facing Cable Airport	10 feet	407 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Min. Parking	<ul style="list-style-type: none"> Office: 1 space/300 Sq. Ft. (10,000 Square Feet) Warehouse: 1 space/1,000 Sq. Ft. (191,096 Square Feet) 		225 Spaces	1,141 Spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Landscaping	5% of site		109,445 Square Feet	437,778 Square Feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Code Compliance Summary

As illustrated in Table 2 above, the Project satisfies all applicable standards of the Development Code for development in the Commercial/Industrial Mixed-Use (C/I M-U) Land Use District.

Zoning/General Plan

The Project is located in the Commercial/Industrial Mixed-Use Zone (C/I-MU) and designated as Commercial/Industrial Mixed-Use (C/I-MU) in the General Plan. As stated in the General Plan:

“The Commercial/Industrial Mixed-Use designation is designed to accommodate a variety of industrial and regional retail uses and to support commercial activities to satisfy a range of shopping needs for residents of the community. It is also intended to encourage development of business in the City and to maximize the potential for job generation. Uses supported under this category include commercial and industrial. Typical industrial uses could include limited general industrial, manufacturing, assembly, warehousing, multi-tenant industrial, research and development, and airport-related uses.” (Emphasis added.)

The C/I-MU Zone, which is intended to implement this General Plan Land Use category, accordingly allows warehousing as a permitted use.

Municipal Code Section 17.51.010’s defines “Warehousing” as “the provision of facilities used primarily for the storage of commercial goods, including documents. Warehousing does not include mini-storage.” This is not so different from the definition of “warehousing and distribution centers” found in The American Planning Association’s (APA) Planner’s Dictionary: “a use where goods are received and/or stored for delivery to the ultimate customer at remote locations.”

The City has previously applied this definition to other uses with operational characteristics similar those of the Project; including other warehouses that use delivery vans and receive truck deliveries. These include projects approved in the same C/I-MU Zone at the Cable Business Park, and in the General Industrial (GI) and Light Industrial (LI) zones at the west end of the City. Although none are as large as this Project, it is staff’s opinion that the Project is otherwise sufficiently similar in size, design, shape and operational characteristics to warrant deeming it a warehouse use as well.

The proposed Project is also consistent with the relevant General Plan policies adopted to reduce potential impacts from new development as outlined in Table 3 – Consistency with City of Upland General Plan Policies and Measures.

TABLE 3 – CONSISTENCY WITH CITY OF UPLAND GENERAL PLAN POLICIES AND MEASURES.

Policy/Measure No.	Policy/Measure	Statement of Consistency
Circulation Element		
Policy CIR-1.1 c	Strive to maintain LOS D at all intersections outside of the Downtown Specific Plan area and the Transit Priority Roadways except where such improvements are physically infeasible or would negatively impact bicyclists, pedestrians, or transit patrons.	The analysis and data in the Traffic Impact Analysis prepared for the proposed Project states provides information that the LOS for the four affected intersections will operate at a LOS D or better under both

		without project and with project conditions.
Policy CIR-1.5	Require future development or redevelopment to disclose intersection traffic impacts in the City or adjacent jurisdictions as identified through the CEQA process and mitigate impacts where such mitigation measures are physically feasible. These shall be required to contribute to the implementation of mitigation measures, including but not limited to those identified in the General Plan EIR, by the payment of fair share costs, constructing the required improvement, providing right-of-way, or other actions as required by the City.	The analysis and data provided in the Traffic Impact Analysis prepared for the proposed Project analyzed 17 intersections for traffic operations. Two intersections studied were in the City of Montclair (Central Avenue/Arrow Highway & Central Avenue/Moreno Street) and one intersection was in the City of Claremont (Monte Vista Avenue/Claremont Boulevard). While the Project's traffic study determined that all intersections would have less than significant impacts, MM-TRAF-1 is proposed which would require a fair share contribution to improvements at Benson Ave/Baseline Road. In addition, the Development Agreement also provides that the applicant shall improve several roadways before issuance of a Final Certificate of Occupancy for the project.
Policy CIR-1.7	Require that driveway access points onto arterial roadways be minimized and located to ensure the smooth and safe flow of vehicles and bicycles.	Access to the Project would be provided via 13 th Street, the north leg of Central Avenue/Foothill Boulevard, and two right-in/right-out driveways on Foothill Boulevard. The driveway on 13 th Street would provide access to automobiles and vans only; trucks would access the site via the driveway at the north leg of Central Avenue/Foothill Boulevard.
Policy CIR-4.4	Ensure parking is accessible to persons with a range of abilities.	The Project provides 14 ADA-complaint spaces. These spaces are located on the east of the building so that they provide access to the building via the most direct and shortest route.

Open Space and Conservation Element		
Policy OSC-1.4	Ensure that new development meets all federal, State, and regional regulations for habitat and species protection.	No sensitive species were found onsite. Per Mitigation Measure BIO-1, vegetation clearing and ground disturbing activities should be conducted outside of the nesting season (February 1 to September 30th). If these activities occur during nesting season, then a qualified biologist will conduct a nesting bird survey within three days prior to any disturbance of the site. Per Mitigation Measure BIO-2 preconstruction surveys for burrowing owl will be conducted and measures are specified for avoidance and mitigation if burrowing owls are found.
Policy OSC-1.7	Promote shielded, dark-sky friendly lighting for Upland's outdoor lighting needs in order to reduce light pollution and glare; increase energy efficiency; protect wildlife; and promote better health.	New sources of lighting would be shielded to minimize uplighting and to prevent light from shining directly onto adjacent properties. In compliance with the City's Municipal Code, all outdoor lighting proposed for the Project shall comply with the State of California Title 24 Energy Efficiency Standards outdoor lighting requirements.
Policy OSC-2.3	Encourage new and existing public and private development to incorporate California-friendly and drought-tolerant vegetation into landscape plans to reduce water demand.	The conceptual landscape plan provides 21% site coverage in drought-tolerant landscaping, with a variety of trees, groundcover and shrubs, in compliance with Development Code Section 17-12, Landscaping Requirements.
Policy OSC-4.10	Continue to enforce the vehicle idling restrictions established by the State	A condition of approval requires signs to be posted requiring all vehicle drivers and equipment operators to turn off engines when not in use. Mitigation Measure AQ-1 requires off-road diesel-powered construction equipment greater than 50 horsepower shall meet USEPA Tier 4 off-road emission

		<p>standards. Mitigation Measure AQ-2 requires all construction equipment must be tuned and maintained in compliance with the manufacturer's recommended maintenance schedule and specifications. Mitigation Measure AQ-3 requires buildings to include infrastructure to facilitate sufficient electric charging for trucks to plug in, electric vehicle charging stations, anti-idling signs, electric or natural gas-powered service equipment (e.g., forklifts, yard, trucks/hostlers, etc.).</p>
<p>Policy OSC-4.11</p>	<p>Review proposed development projects as required by CEQA to ensure projects incorporate feasible measures that reduce construction and operational emissions for reactive organic gases, nitrogen oxides, and particulate matter (PM10 and PM2.5) through project design.</p>	<p>The State of California Health and Safety Code Sections 41700 and 41705 prohibit emissions from any source whatsoever in such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to the public health or damage to property. The project would not exceed any of the thresholds for reactive organic gases, nitrogen oxides, and particulate matter during either construction or operation. See Table 3 and 4 of the IS/MND.</p>
<p>Policy OSC-4.12</p>	<p>New sources of toxic air pollutants shall prepare a Health Risk Assessment as required by Section 44300 of the California Health and Safety Code. The Assessment shall be used to establish appropriate land use buffer zones around those areas posing substantial health risks based upon the California Air Resources Board's guidance provided in the Air Quality Land Use Handbook.</p>	<p>A Health risk Assessment has been prepared for the Project by Kimley-Horn. The results of the HRA determined that the maximum incremental cancer risk (MICR) is 1.92 in one million during project operation, well-below the SCAQMD's established health-protective threshold of 10 in one million which is the adopted threshold used by lead agencies. For non-cancer risks, the SCAQMD threshold of significance is a non-cancer index of 1. The results of the HRA indicate the chronic hazard index (HIC) will be 0.0004 and the acute hazard index will be</p>

		0.002 during Project operation, again well below thresholds.
Policy OSC-4.13	Require best management practices to reduce air pollution associated with construction of development projects.	The Project proponent will be required to prepare and implement a Construction Management Plan which will include Best Available Control Measures. Additionally, PDF-AQ-1 requires off-road diesel-powered construction equipment greater than 50 horsepower shall meet USEPA Tier 4 off-road emission standards. Meeting Tier 4 off-road emissions standards also reduces the diesel exhaust, which minimizes TAC emissions.
Policy OSC-4.15	Promote green building practices that support healthy indoor living and working environments that are well-ventilated and contaminant-free.	The Project would comply with CalGreen and Title 24 energy standards and will use energy efficiently. Additionally, while the IS/MND did not identify a significant GHG impact, the project has committed to further reducing GHG emissions through a number of new measures, including installation of solar panels on the building roof, EV chargers for 30 parking spaces, and EV-ready infrastructure for all trucks, all vans, and 50% of car parking spaces, among other measures. As a result of this new solar commitment, the project building is projected to have net-zero electricity consumption. PDF-GHG-5 also requires use of electric forklifts during operations, and PDF-GHG-6 requires electric landscaping equipment.
Policy OSC-5.2	Reduce greenhouse gas emissions from new development by promoting water conservation and recycling; promoting development that is compact, mixed use, pedestrian friendly, and transit oriented; promoting energy-efficient building design and site	Project would comply with the General Plan and the Zoning Code to facilitate reductions in GHG emissions. The Project would also meet CalGreen and Title 24 energy standards to use energy efficiently and to include drought-tolerant landscaping

	planning; improving the jobs/housing ratio; and other methods of reducing emissions.	and water efficient irrigation systems. The Project is also located adjacent to several bus stops along Foothill Boulevard and Central Avenue.
Policy OSC-5.4	Evaluate greenhouse gas emission impacts from proposed development projects as required by the California Environmental Quality Act.	An Air Quality Assessment and Greenhouse Gas Emissions Assessment for the Project were prepared by Kimley-Horn (October 2019), which determined that all GHG impacts would be less than significant. Additionally, while the IS/MND did not identify a significant GHG impact, the project has committed to further reducing GHG emissions through a number of new measures, including installation of solar panels on the building roof, EV chargers for 30 parking spaces, and EV-ready infrastructure for all trucks, all vans, and 50% of car parking spaces, among other measures. As a result of this new solar commitment, the project building is projected to have net-zero electricity consumption.
Policy OSC-5.11	Require new development to comply with the California Green Building Code (CalGreen) adopted by the California Building Standards Commission at the time of building permit application.	The Project would comply with CalGreen and Title 24 energy standards and will use energy efficiently.
Land Use Element		
Policy LU-3.1	Retain and attract land uses that generate revenue to the City, provide employment for residents while balancing other community needs such as housing, parks and open space, and public facilities.	The City is expected to receive benefits as a result of the development of the Property in accordance with Development Agreement. The Project would also provide hundreds of operational jobs, and would not remove housing, parks or open space.
Policy LU-3.2	Promote the development of vacant and underutilized parcels	A portion of the Project site is currently used for rock crushing

	with higher intensity commercial and industrial land uses.	operations and a portion is currently vacant. The site will be redeveloped with a new industrial use consistent with this policy.
Policy LU-3.9	Ensure land uses surrounding Cable Airport comply with the policies and restrictions of the Cable Airport Land Use Compatibility Plan.	<p>The Project site is located adjacent to Cable Airport and is required to comply with the following measures:</p> <ul style="list-style-type: none"> • Avigation Easement • Noise Standard Land Use and Activities • Notice of Airport in the Vicinity • Disclosure • Lighting Plans • Height Restrictions per Federal Aviation Regulations Part 77 • Form 7460 (Notice of Proposed Construction or Alteration)
Safety Element		
Policy SAF-1.1	Exterior Noise Standards. Require noise mitigation for all development where the projected exterior noise levels exceed those shown 75 dBA, to the extent feasible.	As shown in Table 10 and Table 11 of the Acoustical Assessment in the IS/MND, the highest noise levels would occur along Central Avenue. Central Avenue is expected experience an increase in ambient noise levels of up to 0.7 dBA from Foothill Boulevard to 11th Street. This level is below the perceptible noise level change of 3.0 dBA, and the resulting noise level is 67.2 dBA, which is below the City's 75 dBA standard for industrial uses and 70 dBA standard for commercial uses along this roadway segment. The remainder of the Project-related traffic noise increases would be below 3.0 dBA, which is not perceptible. Therefore, no significant impacts would occur and all exterior noise levels would be below 75 dBA.
Policy SAF-1.11	Require construction projects to adhere to the City's construction	Project construction will be consistent with Upland Municipal Code Chapter 9.40.100M as provided by PDF-NOI-1.

	hours and incorporate measures to minimize impacts.	
Policy SAF-1.12	Require mixed-use, commercial, and industrial projects to mitigate operational noise impacts to adjoining sensitive uses to meet operational noise thresholds.	A Noise and Vibration Study was prepared for the proposed Project by Kimley-Horn (October 2019). Noise levels were determined to be less than significant at all sensitive uses, the closest of which is more than 1,000 feet from the site. In addition, a detailed noise technical analysis was prepared to analyze noise from all Project vehicles, including trucks, vans and employee cars on nearby roadways. This analysis used a 24-hour noise metric that accounts for noise sensitivity during evening and nighttime hours and determined that Project generated roadway noise would not create an audible difference in noise volumes compared to existing conditions.
Policy SAF-1.14	Require new structures within any Airport Land Use Compatibility Zone except D or E to incorporate exterior-to-interior noise level reduction design features sufficient to meet the interior noise level criteria specified in the ALUCP.	The Project site is located in the C1, C2 and C3 airport compatibility zones and is consistent with all requirements of each zone.
Policy SAF-2.7	Require evaluation of potential flood hazards prior to approval of development projects.	The Project proposes to use underground infiltration retention systems and biofiltration units to treat stormwater runoff prior to discharge into the existing storm drain system. The proposed Project would comply with County Flood Control requirements of a maximum site discharge of 90% predeveloped flow. The total proposed 100-year peak flow from the Project site is approximately 178.0 cfs The existing public storm drain in Foothill Boulevard is designed for

		a 100-year storm event.
Policy SAF-3.3	Require site-specific soils and/or geologic reports for development in areas where potentially serious geologic risks exist. These reports shall address the degree of hazard, design parameters for the project based on the hazard, and the appropriate mitigation measures.	<p>A Geological Investigation was prepared for the Project by Southern California Geotechnical and found the Project site is not identified as being located on a geologic unit or soil that has been identified as being unstable or having the potential to result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.</p> <p>A Mitigation Measure is required for the Project that Prior to issuance of a grading permit, the developer shall, to the satisfaction of the City Public Works Director, show that precise grading plan(s) include(s) all recommendations contained in the geotechnical investigation report prepared for the proposed Project. The performance standard for this measure is to assure that all recommended grading and structures for the project conform to City standards.</p>
Policy SAF-4.3	Continue to require all development, new and existing, to provide necessary service, fire hydrants and road improvements consistent with the California Fire Code.	The Project's building plans will be reviewed by SBCFPD for conformity with state and local statutes, ordinances and regulations relating to fire prevention.
Policy SAF-6.1	Evaluate the compatibility of proposed land uses within the influence area of Cable Airport and the Ontario International Airport in accordance with the policies set forth in the respective Airport Land Use Plans.	The Project has been evaluated for compatibility with proposed land uses within the influence area of Cable Airport and the Cable Airport Land Use Compatibility Plan.
Policy SAF-6.2	Require all development in Upland to be consistent with the required setbacks and height restrictions for Cable Airport and the Ontario International Airport as determined by the Federal Aviation	The Project has been evaluated for consistency with the required development standards of the Cable Airport Land Use Compatibility Plan.

	Administration and the respective Airport Land Use Plans	
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Landscaping

Landscaping: The conceptual landscape plan provides 21% site coverage in drought-tolerant landscaping, with a variety of trees, groundcover and shrubs, in compliance with Development Code Section 17-12, Landscaping Requirements. The Development Code specifies at least eight percent of a parking lot area on a site shall be landscaped. The areas dedicated to parking and the ingress and egress of vehicles and pedestrians shall be used in determining the amount of required parking lot landscaping. The Project would include 1,000 new trees.

The Conceptual Landscape Plan provides a parking lot area of approximately 1,212,144 square feet. Therefore, a minimum of 96,972 square feet (8%) of the parking lot area on a site shall be landscaped. The applicant's Conceptual Landscape Plan notes that 96,972 square feet (8%) of the parking lot area on a site will be landscaped.

Architecture

The building architecture features a modern aesthetic including glazing with brow projections to focus attention on the entries and street frontages. The major building material is concrete which lends itself to a modern palette with reveals to enhance the building architecture. The building consists primarily of colored concrete panels in varying hues of gray along most of the building elevations, broken up at intervals with different gray tones and glass panels with blue reflective glazing. The southeast corner of the building include concrete poo-outs and glass with blue reflective glazing bisected in either the form of squares or rectangles, with black anodized mullions. Decorative breaks in the concrete panels are of a metal finish, black in color to match the mullions in the glass. The building design makes use of straight lines, generous floor to ceiling heights, decorative corner building elements resulting in an attractive modern design. The building would have a maximum height of approximately 40 feet with parapets and façade, which would provide depth and shadowing and points of visual interest for the architecture. This relief in the design also provides locations for accents in the landscape design.

AIRPORT LAND USE COMPATIBILITY

According to the Cable Airport Land Use Compatibility Plan (CALUCP), the project is located within the airport planning area boundary, specifically located within Airport Compatibility Zone D.

The project is considered a Major Land Use Action because the project is consistent with Criterion 2.5.6 *Types of Major Land Use Actions*: of the CALUCP, in that the use is a discretionary development proposal for a project having a new building floor area of 20,000 square feet or greater (Building No. 1 is 27,120 square feet). Therefore,

the Airport Land Use Committee shall make a determination as to whether the action is consistent with the Cable Airport compatibility criteria, relative to noise, safety, airspace protection and overflight compatibility. These findings are discussed in detail below and have been included in Section 2 of the Draft ALUC Resolution.

Noise Compatibility

Noise levels associated with truck and van loading generate a noise level of 68 dBA at a distance of 50 feet. The closest residences would be located approximately 1,040 feet southeast of the loading areas and would experience truck and van noise levels of approximately 42 dBA, which is below the 55 dBA exterior residential noise standard designated in the Municipal Code. Noise levels at the closest industrial and commercial uses located approximately 150 feet away would be 59 dBA which is below the City's 75 dBA standard for these uses. This noise level would be further attenuated by intervening structures and topography. Noise levels associated with trucks, vans, and loading/unloading activities would be less than significant.

In addition, a detailed noise technical analysis was prepared to analyze noise from all Project vehicles, including trucks, vans and employee cars on nearby roadways. This analysis used a 24-hour noise metric that accounts for noise sensitivity during evening and nighttime hours and determined that Project generated roadway noise would not create an audible difference in noise volumes compared to existing conditions.

Safety Compatibility

The Project site is located in the C1, C2 and C3 airport compatibility zones. Consistent with Table 3A, the warehouse/parcel delivery service building is not located within the C1 zone. The warehouse/parcel delivery service building would be located within the C2 and C3 zones, would have a maximum height of approximately 44 feet, and therefore would be considered conditionally compatible, as any buildings located within those areas must ensure that an airspace obstruction would not occur. The warehouse/parcel delivery service building would not include any airspace obstructions, therefore the Project would be consistent. Warehouse uses are considered normally compatible in the C2 and C3 zones. The portion of the site in the C1 zone must meet intensity criteria for non-residential uses identified in the ALUCP. As the portion of the site within the C1 zone would not include a structure or outdoor uses noted in Table 3A, no persons are expected to occupy the portion of the site within the C1 zone. Accordingly, the portion of the site within the C1 zone would comply with the maximum site wide average intensity, which allows for 120 people per acre within the C1 zone, and the maximum single-acre intensity, which allows for 300 people per acre within the C1 zone. The proposed Project would be consistent with the conditions in Chapter 3 of the ALUCP for the C1, C2 and C3 zones and therefore, would not create a safety hazard for people residing or working in the Project area.

Over-flight Compatibility

Over-flight compatibility noticing is only required for residential land uses. This project is an industrial land use, therefore, an over-flight notification is not required.

LOT LINE ADJUSTMENT

Lot line adjustments are allowed in the City of Upland where the land taken from one lawfully subdivided parcel is added to an adjacent lawfully subdivided parcel, and where a greater number of parcels than originally existed is not thereby created. Lot line adjustments may be used to make adjustments to the property lines between four (4) or fewer existing adjoining parcels or to merge four (4) or fewer existing adjoining parcels under common ownership. Lot line adjustments are authorized in Chapter 17.44.090 of the Upland Municipal Code.

For this Lot Line Adjustment request the following needs to be accomplished:

- The lot lines between Lot A (portion SW ¼, SE ¼, section 2, T1S, R.8W, S.B.M) and Lot B (Lot 1 of Tract No. 2561, M.B. 36/76-77 of maps) need to be adjusted to allow for adequate truck and emergency access into the site at the northern extent of Central Ave.
- The westerly line of the Remainder Parcel (Parcel Map No. 15471 P.M.B. 190/24-26) which is the easterly line of Lot "A" mentioned above, are from Lot 1. This adjustment will allow the proposed structure, truck court, and access points to 13th Street and Foothill Boulevard to occur on a single lot.

DEVELOPMENT AGREEMENT

The applicant has requested a Development Agreement (DA) as part of the Bridge Point Upland Project. The following are general considerations the Planning Commission should note with regard to a DA:

- A DA is a negotiation entitlement tool used to lock in ("vest"), for an extended/specified period of time, the underlying approved land use entitlements along with parameters for certain development regulations, fees, processing procedures, and policies, etc. that would be applied to subsequent development approvals in implementing the project and improvements which, in the absence of the DA, would be subject to periodic changes outside of the control of the parties. •
- Authority/Approval – Per City Municipal Code Section 17.50 a DA requires review through the Planning Commission with final action by the City Council. The Development Agreement is not a "required" approval for the Bridge Point Upland Project, and is separate and apart from the land use entitlements for this project.
- In exchange for longer vested rights to the developer, through a DA the City seeks public benefits above and beyond any required developer obligations.

The public benefits are not subject to a nexus finding and do not have to be directly associated with the development project.

The proposed Development Agreement was initially submitted by the applicant and has since been vetted through multiple negotiation sessions between the applicant's team and City negotiation team. The recommended Agreement represents the collective interests of both parties to provide for the future timely and efficient development of the project. As the applicant does not own the property, they have demonstrated a legal or equitable interest in the 50.25 acre project site. With a Development Agreement, the determination by the Planning Commission, and subsequently the City Council which has the approval authority for the DA, is whether or not the anticipated public benefits of the project coupled with the additional public benefits established in the DA are a fair exchange in allowing for the longer term vested development rights for the applicant. In negotiating the DA, it was noted that the Bridge Point Upland Project presents a unique opportunity to expand the City's property and sales tax, generate construction employment and new permanent employment opportunities for Upland residents, and thereby reduce the present jobs and housing imbalance that exists in the City.

The key provisions in the DA include the following:

- Term of the DA is twenty (20) years.
- The Applicant will contribute a Sales Tax In-Lieu Fee of \$13,500,000 as a community benefit to compensate the City for potential loss of sales tax revenue. The Sales Tax In-Lieu Fee will be allocated in the following manner:
 - 1 Million lump sum paid prior to issuance of final certificate of occupancy for the tenant to fund future maintenance of roads;
 - Annual financial contribution of \$450,000 per year for Years 1 through 10 of the DA, and \$477,000 annually for Years 11 through 20. The annual contribution will total \$9,270,000 and is to be used only to fund future maintenance of roads in the City.
 - Financial contribution of \$1,500,000 will be provided to the Upland Police Department to fund the following categories: administrative services, community policing, homelessness, commercial enforcement, Impact Unit, Patrol, Records, Animal Control needs and the Training Room.
 - A total financial contribution of \$1,730,000 to fund Parks, youth sports, education, community/civic needs and commerce. This amount would be divided as follows: (1) \$400,000 would go toward improvements to beautify, maintain and enhance Cabrillo Park, Citrus Park, Olivedale Park and Greenbelt Park, which includes improvements to youth sports fields and associated amenities; (2) \$400,000 to construct a new Tiny Tots School building in Memorial Park; (3) \$100,000 for improvements to the Upland Veterans Monument; (4) \$250,000 for improvements and maintenance for the Upland Library; (5) \$100,000 for public improvements in the Downtown Specific Plan Area; (6) \$50,000 paid to the Upland Chamber of Commerce to support the Shop Upland initiative; and, (7) The remaining amount to fund a portion of the School Crossing

Guard program and other similar civic, education/youth sports, and community programs as determined by the City of Upland.

In addition to the above financial contributions, Section 11(B) of the DA requires the Applicant to complete a substantial amount of road and infrastructure enhancements as follows:

- Approximately 866 linear feet of ultimate half-width improvements along the north side of Foothill Boulevard including a landscaped, center roadway median;
- Improvements to 13th Street at Benson Avenue, including installation of irrigation and landscaping within the existing center roadway median;
- Central Avenue Improvements along the intersections with Foothill Boulevard, Arrow Highway and 11th Street; and,
- Improvements to Benson Avenue and Baseline/16th Street intersection.

The DA also has an "enforcement" provision in the terms. Section 11(D) provides that the Applicant will pay the City \$10,000 a year for the 20-Year term of the DA to fund enforcement of the daily truck traffic generated from the facility to ensure the tenant is operating in accordance with the approvals to ensure the truck traffic does not exceed the permitted fifty (50) truck trips per day by more than 20 (twenty) percent. The enforcement would be based on a 24-hour count over three different days in a two-week time period. If the daily truck traffic exceeds the permitted fifty (50) truck trips per day by more than 20 (twenty) percent, a written notice to the Applicant will be sent. Upon the second exceedance, and for any exceedance to take place thereafter, a fine of 10 (ten) percent of the Annual Fee set forth in Section 11(A)(ii) will be due and payable to the City.

Under 17.50.080 of the Zoning Code, the DA requires that certain findings must be made to approve a Development Agreement, they include:

- A. The Development Agreement will provide clear and substantial benefits to the City and its residents.
- B. The Development Agreement complies with applicable policies and regulations set forth in the Zoning Ordinance, other City ordinances, the General Plan and any other applicable community or specific plan.
- C. The Development Agreement complies with the requirements of California Government Code Sections 65864 et seq.
- D. The Development Agreement will promote the public health, safety, and welfare, and will not be detrimental to or cause adverse effects to the residents, property, or improvements in the vicinity of the subject project.
- E. The Development Agreement will be compatible with the uses allowed in, and the regulations that apply to, the zone in which the subject property is located.
- F. The Development Agreement will not cause adverse effects to the orderly development of property or the preservation of property values in the City.

- G. The Development Agreement will further important Citywide goals and policies that have been officially recognized by the City Council.
- H. The Development Agreement will provide the City with important, tangible benefits beyond those that may be required by the City through project conditions of approval.

Staff has provided the justification for each of the findings to recommend approval of the DA, and which is contained within the Ordinance for the DA (See Exhibit E).

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

An Initial Study/Mitigated Negative Declaration (the "IS/MND") has been completed in compliance with the California Environmental Quality Act (CEQA). The Initial Study/Mitigated Negative Declaration includes an analysis of potential effects associated with aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, transportation/traffic, utilities and service systems.

Based on the findings contained in that Initial Study, City staff determined that with the imposition of mitigation measures related to Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas, Noise and Transportation, that there is no substantial evidence that the project would have a significant effect on the environment. Based on that determination, a Mitigated Negative Declaration was prepared and posted on the City's website. The Draft Initial Study/Mitigated Negative Declaration was circulated for a 37-day public review and comment period starting on December 16, 2019. A Mitigation Monitoring Program (MMP) has also been prepared to ensure implementation of the mitigation measures for the project. The mitigation measures and MMP are included in the Planning Commission resolution proposed for adoption recommendation. The public review period for comments on the proposed adoption of the MND closed on January 21, 2020.

In response to comments received during the public review period, the Project and MMP have been modified in several respects to address the public's concerns.

- Several sustainability measures have been added to reduce the Project's GHG emissions even further so that they would be less than 3,000 metric tons CO₂e per year. These measures include a new solar power elements that would allow for the building to reach net-zero electricity consumption.
- Required pre-construction surveys by a qualified biologist for burrowing owls; and off-site preservation of scale broom scrub habitat to compensate for the previously disturbed habitat on site.

These and other changes are reflected in the modified MMP, but none of the new or modified requirements in the MMP are necessary to mitigate any significant avoidable impact; nor will they result in any new significant impact or render any changes the previously identified mitigation measures any less effective.

In addition, a Health Risk Assessment (HRA) was completed for this project to estimate the health risks for surrounding sensitive receptors from Project-generated diesel particulate matter (DPM). The South Coast Air Quality management District (SCAQMD) considers a sensitive receptor to be a location where a sensitive individual could remain for 24 hours, such as residences, hospitals, or convalescent facilities.

Additionally, project health risks are determined by examining the types and levels of air toxics generated and the associated impacts on factors that affect air quality. While the final determination of significance thresholds is within the purview of the lead agency pursuant to the State CEQA Guidelines, SCAQMD recommends that the following air pollution thresholds be used by local agencies in determining whether the Project is significant. If the lead agency finds that the proposed Project has the potential to exceed the air pollution thresholds, the Project should be considered significant. The thresholds for air toxic emissions are as follows.

- Cancer Risk: Emit carcinogenic or toxic contaminants that exceed the maximum individual cancer risk of 10 in one million.
- Non-Cancer Risk: Emit toxic contaminants that exceed the maximum hazard quotient of 1 in one million.

The results of the HRA determined that the maximum incremental cancer risk (MICR) is 1.92 in one million during project operation, well-below the SCAQMD's established health-protective threshold of 10 in one million which is the adopted threshold used by lead agencies. For non-cancer risks, the SCAQMD threshold of significance is a non-cancer index of 1. The results of the HRA indicate the chronic hazard index (HIC) will be 0.0004 and the acute hazard index will be 0.002 during Project operation, again well below thresholds. The Project is not considered to be a substantial source of diesel particulate matter that has potential health risk impacts since daily truck trips to the Project Site would be limited to 50 truck trips per day. Heavy-duty diesel trucks are the primary generators of the diesel particulate matter analyzed in HRAs, and the Project's would be 98% automobiles. As the project site is more than 1,000 feet away from any sensitive receptors, and given the short-term construction schedule, there would be no health risk impacts from construction. The SCAQMD analyzes the health effects of Toxic Air Contaminants (TACs) based on continuous exposure over lifetime (e.g., 30 or 70 years). The duration of exposure would be short and exhaust from construction equipment dissipates rapidly, given that there are no sensitive receptors adjacent to or near the construction activities. Therefore, no individual cancer risk is indicated during construction.

Staff obtained the services of ECORP Consulting, Inc. (ECORP) to provide a “Third Party Peer Review” of the Initial Study/Mitigated Negative Declaration (the “IS/MND”) and Related Technical Studies prepared by the project’s environmental consultant, Kimley-Horn. Attached as Exhibit K for the Planning Commission’s information is the results of the Third Party Peer Review by ECORP. The overall conclusion is that the IS/MND along with the Responses to Comments provide substantial evidence to support adoption of the MND. The additions to the IS/MND do not appear to represent substantial revisions that would require recirculation of a Negative Declaration pursuant to CEQA 15073.5. The IS/MND and Responses to Comments indicate support of the conclusion that there are no significant effects on the environment which cannot be avoided. All impacts are thoroughly evaluated, and the IS/MND appears to be an appropriate environment document for the proposed Project. Attachments A through D of ECORP’s Peer Review provides additional CEQA adequacy and technical study peer review on the project’s Air Quality Assessment, Greenhouse Gas Assessment, Habitat Assessment, Noise Study and Traffic Impact Analysis.

Also attached for the Planning Commission’s information is Exhibit L which is a response from the Applicant on ECORP’s Third Party Peer Review.

PUBLIC COMMENTS

On January 9, 2020, the City held a public scoping meeting to discuss the analyzed in the Draft IS/MND for the Bridge Point Upland project. In addition, the applicant has reached out to the community adjacent to the site and as previously mentioned two workshops on the Project were conducted last year, the first one on June 27, 2019 and a second one on October 21, 2019. The applicant has also contacted multiple individual property owners to answer questions or provide clarification regarding the project.

Pursuant to CEQA, a 37-day review and comment period was provided from December 16, 2019 to January 21, 2020. The Notice of Intent and Notice of Availability was mailed to property owners within 300 feet of the project site and to various Federal, State, regional, and local government agencies and other interested parties. Additionally, a 1/8 page ad was published in the Inland Valley Daily. During this period, staff received written comments from the following agencies:

1. City of Claremont – Provided comments regarding transportation.
2. City of Montclair – Provided comments regarding transportation.
3. South Coast Air Quality Management District (SCAQMD) - Provided recommendations for the methodology used for the preparation of the Health Risk Assessment and provided recommendations for mitigation measures.
4. State of California Department of Fish and Wildlife – provided comments regarding declining natural vegetation communities and species that rely on these habitats.

The City also received acknowledgement from the Governor's Office of Planning and Research that the City has complied with the State Clearinghouse requirements for draft environmental documents, pursuant to CEQA.

Staff has reviewed all submitted comments where residents expressed concerns with impacts to their quality of life including but not limited to: noise, traffic, and pollution associated with the operation and construction of the proposed warehouse. Draft responses to the comments are attached to this report.

TECHNICAL REVIEW COMMITTEE

The Technical Review Committee reviewed the project, and recommended approval, subject to conditions of approval that have been incorporated into the attached resolutions. The conditions of approval will ensure that the development meets all development standards within the Upland Municipal Code and will ensure that the proposed use is compatible with the surrounding land uses.

CONCLUSION

In summary, staff supports the proposed project because it is consistent with the intent of the Commercial/Industrial Mixed Use General Plan land use designation and the Zoning Code, which anticipate and permit the site to be developed with a warehouse use. Furthermore, the project, as conditioned and mitigated, will be compatible with surrounding uses by providing adequate buffer between them, providing infrastructure to improve circulation in the area.

RECOMMENDATIONS

That the Planning Commission:

1. Approve a Resolution of the Planning Commission of the City of Upland Recommending City Council Adoption of a Mitigated Negative Declaration For Applications Site Plan No. 19-09, Design Review No. 19-17, Airport Land Use Compatibility No. 18-12, and Lot Line Adjustment No 19-17.
2. Approve a Resolution Of The Airport Land Use Committee of the City of Upland Setting Forth Findings and Making a Determination of Land Use Compatibility with the Cable Airport Land Use Compatibility Plan (CALUCP), in connection with recommending City Council Approval Of Site Plan No. 19-09, Design Review No. 19-17, Airport Land Use Compatibility No. 18-12, Lot Line Adjustment No. 19-17, And Development Agreement No. 20-0001.
3. Approve a Resolution of the Planning Commission of the City Of Upland recommending City Council Approval of Site Plan No. 19-09 and Design Review No. 19-17.
4. Approve a Resolution of the Planning Commission of the City of Upland recommending City Council Approval of Lot Line Adjustment No. 19-17.

5. Recommend that the City Council adopt an Ordinance approving Development Agreement No. 20-0001.

EXHIBITS

- Exhibit A: Resolution – Mitigated Negative Declaration
- Exhibit B: Resolution - Airport Land Use Compatibility
- Exhibit C: Resolution – Site Plan and Design Review
- Exhibit D: Resolution – Lot Line Adjustment with Exhibits
- Exhibit E: Development Agreement and Ordinance
- Exhibit F: Architectural Plans
- Exhibit G: Conceptual Landscape Plan
- Exhibit H: Volume I - Initial Study/Mitigated Negative Declaration Program
- Exhibit I: Volume II – Technical Studies
 - Appendix A-1: Air Quality Assessment
 - Appendix A-2: Greenhouse Gas Emissions Assessment
 - Appendix B: Habitat Assessment
 - Appendix C: Geotechnical Investigation
 - Appendix D: Phase I Environmental Site Assessment
 - Appendix E: Hydrology Calculations
 - Appendix F: Water Quality Management Plan
 - Appendix G: Noise & Vibration Study
 - Appendix H-1: Traffic Impact Analysis
 - Appendix H-2: Trip Generation for Retail Development
- Exhibit J: Volume III - Responses to Comments, Supplemental Information, and Mitigation Monitoring and Reporting Program
 - I. Responses to Comments
 - Attachment A: Comment Letters Received
 - II. Supplemental Information Prepared in Response to Comments
 - Attachment 1: Peer Review of Greenhouse Gas Technical Report for the Bridge Upland Project Upland, California
 - Attachment 2: Supplemental GHG Analysis for the Bridge Point Upland Project
 - Attachment 3: Health Risk Assessment for Bridge Point Upland Project
 - Attachment 4: Additional Study Intersections Memo

Attachment 5: Supplemental Project Field Survey (including Peer Review by Rocks Biological Consulting)

Attachment 6: Updated Hydrology Report

Attachment 7: Landscape Plan

Attachment 8: October 9, 2019 CalEEMod AQ/GHG Calculations Consistent with IS/MND

III. Mitigation Monitoring and Reporting Program

Exhibit K: Third-Party Peer Review on the IS/MND by ECORP Consulting Inc. dated February 6, 2020

Exhibit L: Response to Peer Review from Bridge Development Partners, LLC dated February 6, 2020

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UPLAND RECOMMENDING CITY COUNCIL APPROVAL OF SITE PLAN NO. 19-09 AND DESIGN REVIEW NO. 19-17 FOR THE BRIDGE POINT UPLAND PROJECT, LOCATED AT THE NORTHEAST CORNER OF CENTRAL AVENUE AND FOOTHILL BOULEVARD, FURTHER DESCRIBED AS ASSESSOR'S PARCEL NUMBERS 1006-351-09, 1006-351-10, 1006-572-11, 1006-551-12, 1006-551-22, AND 1006-574-10.

The City of Upland Planning Commission hereby resolves as follows:

Section 1. Background.

1. Bridge Development Partners filed an applications requesting approval of Site Plan No. 19-09 and Design Review No. 19-17 for the proposed development of a 201,096 square foot warehouse/parcel delivery service building with an ancillary office/retail space,
2. An Initial Study and Mitigated Negative Declaration of Environmental Impacts has been prepared for this project pursuant to Sections 15070 and 15071 of the California Environmental Quality Act (CEQA) Guidelines. A Notice of Intent to Adopt a Mitigated Negative Declaration was circulated for public review and comment pursuant to Section 15072 of CEQA Guidelines. The Initial Study identified environmental impacts resulting from the project and proposed mitigation measures to reduce those impacts to a level of insignificance.
3. The proposal has been reviewed pursuant to the requirements of the City's National Pollutant Discharge Elimination System (NPDES) Municipal Permit, the Local Implementation Plan (LIP), and the Model Water Quality Management Plan (WQMP), Section 7.2. Since the proposal will constitute the disturbance of more than 5,000 square feet of soil, a Priority Water Quality Management Plan (WQMP) is required. A Preliminary Priority WQMP has been reviewed and approved.
4. The Planning Commission held a hearing on February 12, 2020, to consider the Applicant's request of Site Plan No. 19-09 and Design Review No. 19-17. The Planning Commission, after considering all the written and oral evidence offered, including the staff report, and all attachments, recommends that the City Council approve Site Plan No. 19-09 and Design Review No. 19-17.

Section 2. Findings.

The Planning Commission further finds and determines that Upland Municipal Code Section 17.44.030(H) provides that the approval body, before it may approve a Development Plan (Site Plan and Design Review), shall make a determination to allow the activity based upon the following findings:

1. The design and layout of the proposed project will not interfere with the use and enjoyment of existing and future neighboring properties and structures.

The land uses surrounding the Project site consist of a mix of uses including industrial, commercial, an airport, and a major transportation corridor. The Project site is zoned for Commercial/Industrial Mixed-Use and the properties located immediately south of the site are zoned for Highway Commercial uses. Foothill Boulevard is located further south of the site. Cable Airport is located directly north of the site and a portion of the airport, along with industrial uses are located west of the site. Commercial uses, including a Lowe's Home Improvement Store and a commercial shopping center, are located east of the site. Accordingly, the proposed Project would not interfere with the use and enjoyment of existing and future neighboring properties and structures.

Additionally, the proposed Project does not include the construction of public roadways, structures, or other improvements that would be located between existing neighborhoods. Therefore, the proposed Project would not physically divide or separate neighborhoods within an established community.

2. The proposed architectural design makes use of appropriate materials, texture, and color, and will remain aesthetically appealing and appropriately maintained.

The building architecture features a modern aesthetic including glazing with brow projections to focus attention on the entries and street frontages. The major building material is concrete which lends itself to a modern palette with reveals to enhance the building architecture. The building parapets and provide depth and shadowing and points of visual interest for the architecture.

3. The proposed landscaping design, including color, location, size, texture, type, and coverage of plant materials, as well as provisions for irrigation, maintenance, and protection of landscaping elements, will complement structures and provide an attractive environment.

The conceptual landscape design would feature California drought tolerant and native species in a pleasing and colorful palette. Decorative trees would be planted along the building facades and within the parking areas to help soften the building architecture and provide a balance and harmony to the overall design of the Project. Decorative rock and stone placements are included in the enhanced design near building entries for visibility at the pedestrian scale upon entry as well. Landscaped slopes would be located along the western and southern portions of the site.

4. The proposed design will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity of the proposed project.

That the location, size, design, and operating characteristics of the proposed construction of a light industrial building will not be detrimental to the public interest, health, safety, convenience or welfare, or to the property of persons located in the area because the proposed project complies with the Commercial/Industrial Mixed-Use development standards, as conditioned, is consistent with the proposed Light Industrial land use designation and provides all required off street parking, including electric vehicle (EV) charging stations.

Section 3. Determination/Conditions of Approval.

In light of the evidence presented at the hearing on this application, and based on the findings set forth above, the Planning Commission hereby finds that the requirements necessary for the approval of the Project, subject to all applicable provisions of the Upland Municipal Code, and the following conditions of approval:

10.0 Planning

- 10.1 This Site Plan No. 19-09 and Design Review No. 19-17 approval is for the construction of a 201,096 square foot warehouse/parcel delivery service building with an 10,000 square foot ancillary office/retail space on 50.25 acres, in the Commercial/Industrial Mixed-Use (C/I MU) zoning district, in compliance with the City of Upland Municipal Code, California Building Codes, San Bernardino County Fire Code, California Fire Code, the Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations and landscape plans).
- 10.2 Indemnification. To the fullest extent permitted by law, the Applicant shall indemnify, defend and hold the City, its elected officials, officers, contractors serving as City officers, agents, and employees ("Indemnitees") free and harmless from: (i) any and all claims, liabilities and losses whatsoever occurring or resulting to any and all persons, firms, entities, or corporations furnishing or supplying work, services, materials, or supplies in connection with, or related to, the performance of work or the exercise of rights authorized by approval of the project; and (ii) any and all claims, lawsuits, liabilities, and/or actions arising out of, or related to the approval Site Plan No. 19-09 and Design Review No. 19-17 (Project) and/or the granting or exercise of the rights authorized by said approval; and (iii) from any and all claims, liabilities and losses occurring or resulting to any person, firm, entity, corporation for property damage, personal injury, or death, arising out of or related to the approval of, or exercise of rights granted by, this Project. Applicant's obligation to indemnify, defend, and hold the Indemnitees free and harmless as required

- hereinabove shall include, but is not limited to, paying all fees and costs incurred by legal counsel of the Indemnitees' choice in representing the Indemnitees in connection with any such claims, losses, lawsuits, or actions, and any award of damages, judgments, verdicts, court costs or attorneys' fees in any such lawsuit or action.
- 10.3 Conditions of Approval: The developer shall provide a copy of the approved conditions and the site plan to every future tenant, lessee, and any future property owner to facilitate compliance with these conditions of approval and continuous use requirements for the Project Site.
- 10.4 Revisions. Any proposed change to the approved use/activity on the site; or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to structures, building locations, elevations, signs, parking allocation, landscaping, lighting,; or a proposed change in the conditions of approval, including operational restrictions from those shown either on the approved site plan and/or in the conditions of approval shall require that an additional land use application be approved by the City. The developer shall prepare, submit with fees, and obtain approval of the application prior to implementing any such revision or modification.
- 10.5 Continuous Effect/Revocation. All Conditions of Approval applied to this project shall be effective continuously throughout the operative life of the project for the approved use. Failure of the property owner, tenant, applicant, developer or any operator to comply with any or all of the conditions at any time may result in a public hearing and revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.
- 10.6 Expiration. This project permit approval shall expire and become void if it is not "exercised" within two years of the effective date of this approval, unless an extension of time is granted. The permit is deemed exercised when either
- a. The permittee has commenced actual construction or alteration under a validly issued Building Permit, or
 - b. The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a Building Permit.

Occupancy of completed structures and operation of the approved exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:

- Building and Safety does not issue construction permits for all or part of the project or the construction permits expire before the completion of the structure and the final inspection approval.

- The City determines the land use to be abandoned or non-conforming.
- The City determines that the land use is not operating in compliance with these conditions of approval, the City Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.

PLEASE NOTE: This will be the ONLY notice given of the expiration date. The developer is responsible for initiation of any Extension of Time application.

- 10.7 Extension of Time. City staff may grant extensions of time to the expiration date (listed above or as otherwise extended) in increments each not to exceed an additional one year beyond the current expiration date. The developer may file an application to request consideration of an extension of time with appropriate fees no less than 30 days before the expiration date. City staff may grant extensions of time based on a review of the Time application, which must include a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised Conditions of Approval or site plan modifications.
- 10.8 Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
- 10.9 Project Account. This is an actual cost project with a deposit account to which hourly charges are assessed. The developer shall maintain a positive account balance at all times. A minimum balance of \$5000 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use. There shall be sufficient funds remaining in the account to properly fund file closure and any other required post-occupancy review and inspection (e.g. landscape performance).
- 10.10 Continuous Maintenance. The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:
- a. Annual maintenance and repair. The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
 - b. Graffiti and debris. The developer shall remove graffiti and debris

- immediately through weekly maintenance.
- c. Landscaping. The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying.
 - d. Dust control. The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
 - e. Erosion control. The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
 - f. External Storage. The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
 - g. Metal Storage Containers. The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
 - h. Screening. The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
 - i. Signage. The developer shall maintain all on-site signs, including posted area signs (e.g. "No Trespassing") in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a City-approved sign plan.
 - j. Lighting. The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.
 - k. Parking and on-site circulation. The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan.
 - l. Any modification to parking and access layout requires Planning Division review and approval. Markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled parking and path of travel, directional signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations.
 - m. Fire Lanes. The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.
- 10.11 Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the Upland Municipal Code, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste.

- 10.12 Lighting. The glare from any luminous source, including on-site lighting shall not exceed one-half (0.5) foot-candle at property line. All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign alternating no more than once every five seconds.
- 10.13 Clear Sight Triangle. Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by the Public Works Department.
- 10.14 Water Conservation. Structures shall incorporate interior and exterior water conservation measures (low-flow plumbing, water efficient landscaping, drip irrigation, minimization of turf areas, etc.) as required by the Upland Municipal Code.
- 10.15 Construction Hours. Construction will be limited to the hours between 7:00 AM and 6:00 PM, Monday through Friday in accordance with the Upland Municipal Code standards. No construction activities are permitted outside of these hours or on Saturdays, Sundays and Federal holidays.
- 10.16 Signs. All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to the Planning Division for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with upland Municipal Code Section 17.14, in addition to the following minimum standards:
- a. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable.
 - b. All sign lighting shall not exceed 0.5 foot-candle.
 - c. No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety.
 - d. Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.
- 10.17 Underground Utilities. No new above-ground power or communication lines

shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.

10.18 Access. The access point to the facility shall remain unobstructed at all times, except a driveway access gate, which may be closed after normal working hours.

10.19 AQ/Operational Standards. The developer shall implement the following air quality measures, during operation of the approved land use: All on-site equipment and vehicles (off-road/ on-road), shall comply with the following:

- a. City Diesel Exhaust Control Measures.
- b. Signs shall be posted requiring all vehicle drivers and equipment operators to turn off engines when not in use.
- c. All engines shall not idle more than five minutes in any one-hour period on the project site. This includes all equipment and vehicles.
- d. On-site electrical power connections shall be provided.
- e. All transportation refrigeration units (TRU's) shall be provided electric connections, when parked on-site.
- f. The loading docks shall be posted with signs providing the telephone numbers of the building facilities manager and the California Air Resources Board to report violations.

10.20 Local Labor. The Developer and future operators of the Project shall make a good faith effort to employ residents of the City of Upland for the construction and operation of the Project. Good faith efforts shall include but not be limited to utilizing local advertising and outreach for employee recruitment.

10.21 Enforcement. If any County agency is required to enforce compliance with the conditions of approval, the property owner and "developer" shall be charged for such enforcement activities in accordance with the City Master fee Schedule. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and "developer" (by both criminal and civil procedures).

10.22 Noise. Noise level shall be maintained at or below City Standards, Upland Municipal Code Chapter 9.40.

10.23 Refuse Storage/Removal. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that visual or other impacts and environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least one time per week, or as often as necessary to minimize public health nuisances.

Refuse containing garbage shall be removed from the premises at least two times per week, or as often as necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility.

10.24 Franchise Hauler Service Area – This project falls within a City Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding City Franchise Area (Burrtec).

10.25 Recycling Storage Capacity. The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of AB 2176.

10.26 (AQ-1) *Prior to the issuance of grading permits, the City Engineer shall confirm that the Grading Plan, Building Plans and Specifications require all construction contractors to comply with South Coast Air Quality Management District's (SCAQMD's) Rules 402 and 403 to minimize construction emissions of dust and particulates. The measures include, but are not limited to, the following:*

- *Portions of a construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown or otherwise stabilized.*
- *All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized.*
- *All material transported off site will be either sufficiently watered or securely covered to prevent excessive amounts of dust.*
- *The area disturbed by clearing, grading, earthmoving, or excavation operations will be minimized at all times.*
- *Where vehicles leave a construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the work day to remove soil tracked onto the paved surface.*

10.27 (AQ-2) *The applicant shall require by contract specifications that the interior and exterior architectural coatings (paint and primer including parking lot paint) products used would have a volatile organic compound rating of 50 grams per liter or less. Contract specifications shall be included in the construction documents for the Project, which shall be reviewed and approved by the City of Upland Building Department prior to the issuance of building permits.*

10.28 (AQ-3) Prior to the issuance of a certificate of occupancy, the Project Applicant shall demonstrate to the satisfaction of the City of Upland Planning Division that the following measures would be implemented during Project operations.

- *Further, electrical hookups should be provided at the onsite truck stop for truckers to plug in any onboard auxiliary equipment. At a minimum, electrical panels should be appropriately sized to allow for future expanded use.*
- *Legible, durable, weatherproof signs shall be placed at truck access gates, loading docks, and truck parking areas that identify applicable California Air Resources Board (CARB) anti-idling regulations. At a minimum, each sign shall include (1) instructions for truck drivers to shut off engines when not in use; (2) instructions for drivers of diesel trucks to restrict idling to no more than 5 minutes; and (3) telephone numbers of the building facilities manager and CARB to report violations.*
- *All service equipment (e.g., forklifts, yard trucks, hostlers, etc.) used within the site shall be electric.*
- *To promote alternative fuels and help support "clean" truck fleets, the developer/successor-in-interest shall provide building occupants with information related to the SCAQMD's Carl Moyer Program, or other such programs that promote truck retrofits or "clean" vehicles and information including, but not limited to, the health effect of diesel particulates, benefits of reduced idling time, CARB regulations, and importance of not parking in residential areas. Tenants shall be notified about the availability of (1) alternatively fueled cargo handling equipment; (2) grant programs for diesel- fueled vehicle engine retrofit and/or replacement; (3) designated truck parking locations in the project vicinity; (4) access to alternative fueling stations proximate to the site that supply compressed natural gas; and (5) the US Environmental Protection Agency's SmartWay program.*

10.29 (PDF-AQ-1) Off-road diesel-powered construction equipment greater than 50 horsepower shall meet USEPA Tier 4 off-road emission standards. This requirement shall be included in applicable contractor contracts, and copy of each unit's certified tier specification or model year specification and CARB or South Coast AQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment.

10.30 (PDF-AQ-2) All construction equipment must be tuned and maintained in compliance with the manufacturer's recommended maintenance schedule and specifications. All maintenance records for each equipment and their construction contractor(s) should be made available for inspection and remain on-site for a period of at least two years from completion of construction.

10.31 (BIO-1): Nesting Bird Pre-Construction Survey: Vegetation clearing and ground disturbing activities should be conducted outside of the nesting season (February 1 to September 30th). If these activities occur during nesting season, then a qualified biologist will conduct a nesting bird survey within three days prior to any disturbance of the site, including tree and shrub removal, disking, demolition activities, and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests depending on the level of activity within the buffer and species detected, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. Raptor species will have an avoidance buffer of 500 feet and other bird species will have an avoidance buffer of 300 feet. These buffers may be reduced in consultation with the CDFW. If active nests are not identified, vegetation clearing and ground disturbing activities may be commenced.

10.32 (BIO-2) Burrowing Owls: Prior to the initiation of construction activities, a qualified biologist shall conduct two preconstruction (take avoidance) surveys for burrowing owl: one survey 14 days prior to initiating ground disturbance and one within 24 hours prior to ground disturbance. These survey shall be conducted in accordance with the most current and applicable California Department of Fish and Wildlife (CDFW) protocol (current protocol is 2012 Staff Report on Burrowing Owl Mitigation) to determine whether the burrowing owl is present at the site. Preconstruction surveys shall include suitable burrowing owl habitat within the Project footprint and within 500 feet of the Project footprint (or within an appropriate buffer as required in the most recent guidelines and where legal access to conduct the survey exists). If burrowing owls are not detected during the clearance survey, no additional mitigation is required.

- 1. If burrowing owl is located, occupied burrowing owl burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist verifies through non-invasive methods that either the birds have not begun egg-laying and incubation or that juveniles from the occurred burrows are foraging independently and capable of independent survival. A 500-foot non-disturbance buffer (where no work activities may be conducted) will be maintained between Project activities and nesting burrowing owls during the nesting season, unless otherwise authorized by CDFW.*
- 2. If burrowing owl is detected during the non-breeding season (September 1 through January 31) or confirmed to not be nesting, a 160-foot buffer non-disturbance buffer will be maintained between the Project activities and occupied burrow. Alternatively, a Burrowing Owl Relocation and Mitigation Plan may be prepared and submitted for approval by CDFW. Once approved, the Plan would be implemented to relocate non-breeding*

burrowing owls from the Project site. The Plan will detail methods and guidance for passive relocation of burrowing owls from the Project site, provide monitoring and management of the replacement burrow sites, reporting requirements, and ensure that a minimum of two suitable, unoccupied burrows are available off site for every burrowing owl or pair of burrowing owls to be passively relocated. Compensatory mitigation of habitat would be required if occupied burrows or territories occur within the permanent impact footprint. Ratios typically include a minimum of 19.5 acres per nesting burrow lost; however, habitat compensation will be approved by CDFW and detailed in the Burrowing Owl Relocation and Mitigation Plan. Suitable burrowing owl habitat conserved pursuant to the Settlement Agreement may be counted toward mitigation for impacts to burrowing owl habitat and would be based upon regulatory agency approval.

3. *Construction work may proceed after owls have been excluded from the site following accepted protocol and approval of CDFW, and as approved by the City.*

10.33 (BIO-3) Scale Broom Scrub: Prior to the issuance of certificate of occupancy, the project applicant shall submit to the satisfaction of the City Planning Division, evidence that scale broom scrub habitat with equal or better habitat value as the site's habitat has been preserved at a 0.5:1 mitigation (new:existing) ratio at a suitable location where the long-term viability of the habitat can be assured. Satisfactory evidence includes, but is not limited to, evidence that the appropriate amount has been purchased at an approved mitigation bank.

10.34 (CR-1): Retain a Native American Monitor/Consultant: The Project Applicant shall retain and compensate for the services of a Tribal monitor/consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the NAHC's Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant would only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the Project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the Project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.

- 10.35 (CR-2): Unanticipated Discovery of Tribal Cultural and Archaeological Resources: Upon discovery of any archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the San Manuel Band of Mission Indians (SMBMI), per Mitigation measure CR-3, and the landowner regarding treatment and curation of these resources. Typically, the Gabrieleño Band of Mission Indians-Kizh Nation will request reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource", time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.*
- 10.36 (CR-3): Monitoring and Treatment Plan: If significant pre-contact cultural resources, as defined by CEQA (as amended, 2019), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, in coordination with San SMBMI and the Gabrieleño Band of Mission Indians-Kizh Nation (Tribes) per Mitigation measure CR-2, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.*
- 10.37 (CR-4): Unanticipated Discovery of Human Remains and Associated Funerary Objects: Native American human remains are defined in PRC 5097.98 (d) (1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety*

Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the Coroner has determined the nature of the remains. If the Coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) and PRC 5097.98 shall be followed.

- 10.38 (CR-5): *Resource Assessment & Continuation of Work Protocol: Upon discovery, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the burial. The monitor/consultant(s) will then notify the Tribes, the qualified lead archaeologist, and the construction manager who will call the Coroner. Work will continue to be diverted while the Coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD). If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the following treatment measures shall be implemented. To the Tribe, the term "human remains" encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. These remains are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.*
- 10.39 (CR-6): *Treatment Measures: Prior to the continuation of ground disturbing activities, the land owner shall arrange a designated site location within the footprint of the Project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribes will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the Project cannot be diverted, it may be determined that burials will be removed. The Tribes will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribes, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be*

approved by the Tribes for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribes and the NAHC. The Tribes do NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.

10.40 (CR-7): Archaeological/Cultural Reports: Any and all archaeological/cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the Project Applicant and City for dissemination to the Tribes. The City and/or Project Applicant shall, in good faith, consult with Tribes throughout the life of the Project.

10.41 (GEO-1): Prior to issuance of a grading permit, the developer shall, to the satisfaction of the City Public Works Director, show that precise grading plan(s) include(s) all recommendations contained in the geotechnical investigation report prepared for the proposed Project. The performance standard for this measure is to assure that all recommended grading and structures for the project conform to City standards.

10.42 (GEO-2): Prior to the issuance of any grading permits, or any permit authorizing ground disturbance, the Project applicant shall, to the satisfaction of the City Planning Division, demonstrate that a qualified paleontological monitor has been retained to be present during excavation or any mass grading activities. In the event that fossils or fossil-bearing deposits are discovered during construction, the paleontological monitor shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage. An appropriate buffer area shall be established around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. Excavations within 50 feet of the find shall be temporarily halted or diverted. The paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If in consultation with the paleontologist, City staff and the project applicant determine that avoidance is not feasible, the paleontologist shall prepare an excavation plan for reducing the effect of the project on the qualities that make the resource important. The plan shall be submitted to the City for review and approval and the project applicant shall implement the approval plan.

10.43 (PDF-GHG-1) The Project shall install 0.75 MW of rooftop solar; this equates to approximately 55,000 square feet of roof space however the total square footage may vary provided that 0.75 MW of power is achieved.

10.44 (PDF-GHG-2): The Project shall provide charging stations to service 30 parking spaces.

10.45 (PDF-GHG-3): The Project shall provide the following EV-ready spaces, i.e. install, at a minimum, conduits for future plug-in of EV chargers; providing EV-ready spaces allows installation of the latest technology chargers at the time that electric delivery vans and trucks become operational, rather than installing charging stations immediately that become obsolete at the time that electric vans and trucks become used:

- 50% of auto stalls, including 100% of ADA stalls*
- 100% of van parking stalls*
- 100% of trailer parking stalls*
- 100% of dock doors*
- 100% of van positions at van loading areas at north and south sides of the building*

10.46 (PDF-GHG-4): The Project shall include 1,000 trees throughout the parking lot and landscaped areas around the Project site.

10.47 (PDF-GHG-5): The Project shall use all electric powered forklifts.

10.48 (PDF-GHG-6): Electric landscaping equipment, such as lawn mowers and leaf blowers, shall be used on-site.

10.49 (NOI-1): A construction management plan shall be implemented prior to Grading Permit issuance which shall contain the following elements:

- Construction contracts shall specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.*
- Property owners and occupants located within 300 feet of the Project boundary shall be sent a notice, at least 15 days prior to commencement of construction, regarding the construction schedule of the proposed Project. A sign, legible at a distance of 50 feet shall also be posted at the Project construction site. All notices and signs shall be reviewed and approved by the City of Upland Development Services Department, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a*

contact name and a telephone number where residents can inquire about the construction process and register complaints.

- *Construction noise reduction methods shall include shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and electric air compressors and similar power tools.*
- *Construction haul routes shall be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.), to the extent feasible.*
- *During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.*
- *Construction activities shall take place consistent with the City's Municipal Code Chapter 9.40.100(M).*

10.50 (TRAF-1): Benson Avenue/Baseline Road: Re-stripe the northbound through lane to a through-left turn lane and convert the northbound and southbound left-turn phasing from protected to split-phase. This improvement is not included in the 2016 SBCTA Development Mitigation Nexus Study. Two receiving lanes exist on the west leg of the intersection. Therefore, this improvement can be achieved by striping and signal head modifications. The Project will contribute on a fair-share basis to this improvement.

10.51 Lighting Plans. The developer shall submit for review and approval to the Development Services Department a photometric study demonstrating that the project light does not spill onto the adjacent properties, or public streets. Lighting fixtures shall be oriented and focused to the onsite location intended for illumination (e.g. walkways). Lighting shall be shielded away from adjacent sensitive uses, including the adjacent residential development, to minimize light spillover. The glare from any luminous source, including on-site lighting, shall not exceed 0.5 foot-candle at the property line. This shall be done to the satisfaction of the Planning and Building Divisions.

10.52 Trash/Recyclables Receptacles. All trash and recyclables receptacles shall be in compliance with City standards. They shall be enclosed by six-foot high masonry walls with steel gates. A concrete apron equal to the width of the gate and outward from the enclosure a minimum of six feet shall be provided.

10.53 The project shall be designed to have solar ready roof (sturdy roof and electric hookups).

10.54 Avigation Agreement. An Avigation Easement shall be granted to the appropriate airport and recorded prior to the issuance of building permits for

all construction in the AR overlay areas. Plans submitted in the AR overlays shall conform to the interior noise levels as per City standards.

- 10.55 Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
- 10.56 Landscaping/Irrigation. All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape
- 10.57 Plan shall be installed. The developer shall submit a Landscape Certificate of Completion verification. Supplemental verification should include photographs of the site and installed landscaping.
- 10.58 Wheel Stops. All back-in truck trailer parking spaces shall have a wheel stop or other physical barrier twelve feet from any wall, fence or building to prevent damage. All other vehicle spaces shall have wheel stops or curbs installed when adjacent to fences, walls or buildings; these shall be three feet (3') away from such facilities.
- 10.59 Disabled Access. Disabled access parking spaces shall be clearly marked as disabled spaces and said markings shall be maintained in good condition at all times.
- 10.60 That the applicant shall provide samples of the exterior color and materials, including but not limited to, a detail of the building perimeter, finishes, hardware, gates, site amenities, and pathways to assure the development has a cohesive design and finish to the satisfaction of the Planning Manager prior to the issuance of any building permits.
- 10.61 That all loading and unloading shall be performed within the buildings, directly into trucks parked at approved loading docks, and that all material and product inventories shall be stored within the buildings.
- 10.62 That the total number of loading docks identified on the site plan shall match the total identified on the floor plans in the Building set of plans.
- 10.63 That all trucks and shipping containers shall be stored within the designated truck courts and limited to the approved loading bays.
- 10.64 That no vending machines, publication racks, telephones, kiosks, donation bins and similar items shall be permitted outside of the buildings.
- 10.65 That no stacking of shipping containers or similar shall be permitted.

- 10.66 That no fuel facilities, other than propane tanks, shall be permitted, and that the location of such tanks shall not be visible from Foothill Boulevard.
- 10.67 That no chain link fence or similar fence type shall be used around the perimeter or exterior of the site.
- 10.68 That a striping and signage plan shall be provided for all drive aisles and parking areas which includes stop controls, directional signage, and pavement markings to assist right-of-way assignment and pedestrian safety to the satisfaction of the Planning Manager prior to the issuance of any building permits. All parking areas shall be striped with double lines (6" both sides of center) between stalls to facilitate the movement into and out of the parking stalls.
- 10.69 Prohibited signs for the use include the following: A-frame or free standing signs; bow or flag banners; air-assisted signs; signs attached to light or utility poles, trees or vehicles; persons holding signs; electronically moving signs; and temporary signs mounted to the roof of the building.
- 10.70 That the applicant shall provide a sign program which details any new areas of signage to be displayed on the facade, the outward walls, on the ground, and that all signs (new, modified or revised) shall conform to the approved sign program and be approved by the Planning Division with appeal rights to the Planning Commission.
- 10.71 That the applicant shall install on-site bicycle racks and submit placement plan and bicycle rack detail to the satisfaction of Planning Division.
- 10.72 If the Project's vehicular traffic (i.e. trucks and vans) exceeds the number of average daily trips specified in the IS/MND then an additional environmental analysis may be required pursuant the CEQA section 15162.

20.0 Building

- 20.1 That upon completion of the project, the applicant shall hire a Certified Access Specialist (CASp) to verify that project(s) are in compliance with California Building Code. All deficiencies shall be addressed to the satisfaction of the Building Official.
- 20.2 Add a note on the cover sheet of the final plans indicating a CASp Site Report (exterior and interior ADA Compliance), prepared by a State of California Certified Accessibility Specialist, attesting to the Site's compliance with CBC Chapter 11-B shall be reviewed and approved by the Building Department prior to permit final inspection.

- 20.3 This project will require Third Party Special Inspection (Not Structural Special Inspection) for ICC-ES/UL listed fire-caulking installed at ALL fire-resistive wall and ceiling penetrations.
- 20.4 The code-required Fire Sprinkler System notes shall include the following words: "AS AMENDED BY CBC CHAPTER 35."
- 20.5 Provide COMPLETE CGBC compliance on the final plans.
- 20.6 Provide a Photometric Plan showing compliance with CBC Sections 1008.2.1 and 1008.3.5 for walking surface illumination of the emergency egress and the path of travel from the building to the public way.

30.0 Police

- 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 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.
- 30.4 The Developer, builder, contractors, sub-contractors, and any other persons associated with this project shall adhere to the Upland Municipal Code (UMC) dealing with unnecessary noises under section 9.40.100. Furthermore, prior to the beginning of construction, a sign shall be posted at the entrance of the property educating everyone entering as to the authorized construction times and failure to comply with such requirements will result in an immediate citation for violating the aforementioned UMC section.
- 30.5 Units with front and rear drive access shall affix or paint address numbering/lettering in a conspicuous location, free from plant obstruction, and readily visible to emergency services personnel on both front and rear accesses.
- 30.6 Each building that has a flat roof shall be required to have the address

numbering painted on the roof, as close to the center of the roof as possible, and at least 15 feet (or as far as possible if less than 15 feet) from roof mounted equipment or exhaust stacks, to assist helicopter patrols in quick location of the building. Numbering must be at least 12 inches wide, 48 inches tall, and be painted in contrast to the background on which it is affixed.

- 30.7 Prior to occupancy all private streets, parking areas, parking lots, and driveways shall be dedicated for off-road traffic, fire lane, soliciting, handicap, and loitering enforcement. The applicant must submit a written request to the City Clerk asking that a resolution from the City Council allow Police Enforcement of the above violations on the property. Once the resolution has been obtained, a sign shall be erected/posted at all access points stating the above listed locations and violations have been dedicated for enforcement by the Upland Police Department.
- 30.8 Prior to occupancy, the Police Department will conduct an on-site inspection of the property, checking proper lighting has been installed throughout the property, proper locks on exterior doors and doors leading to the interior are in place and functioning properly. In addition, the Police Department will check that proper addressing/lettering has been installed.
- 30.9 Hinges for outwardly swinging doors or hatchway covers shall be equipped with non-removable hinge pins or a mechanical interlock system to prevent removal of the door from the exterior by removal of the hinge pins.
- 30.10 All hatchways shall be secured from the interior of the building with a sliding bolt or bar mechanism.
- 30.11 If the hatchway cover is of a wooden material, it shall be reinforced with at least 16-gauge U.S. sheet steel, or its equivalent, on the interior face of the cover and shall be attached with screws no more than six inches apart around the entire perimeter of the interior face cover.
- 30.12 If security gates are desired at any access points to the project, the Police Department and Fire Department will be provided access by the Knox Submaster System. If gates are not electronically operated, a "KNOX" padlock may be substituted for electrically operated override systems.
- 30.13 All fencing and gates shall meet the approval of the Fire Department and the Police Department.
- 30.14 Building design and window placement shall facilitate high visibility to the public and police patrol vehicles as well as enabling employees to make periodic visual inspections of the premises.
- 30.15 The applicant shall submit for review by the Police Department the design and

specifications for all proposed lighting fixtures proposed for the buildings, drive aisles, parkways, parking areas, pathways, and surrounding areas within the development. The fixtures shall be reviewed for quality, aesthetics, illumination values, sustainability values such as LED and shall be decoratively and architecturally consistent with the building design. The number, location, height, style and design shall be reviewed and approved by the Police Department prior to issuance of building permits.

- 30.16 Submit a Photometric Study providing a minimum of two foot candle all around the structure and surveillance cameras all around the perimeter, common areas, and throughout the parking area, with the ability or resolution to make license plates discernable.
- 30.17 All exterior doors shall be equipped with a lighting device capable of providing a minimum of two foot-candle of light at ground level.
- 30.18 All exterior lighting lower than 12 feet from the ground level shall be enclosed in vandal-resistant covers.
- 30.19 Lighting shall be required in all area of public access.
- 30.20 All exterior lighting shall be oriented inward onto the project so as not to interfere with adjacent residential areas or vehicular traffic on adjacent public streets.
- 30.21 Public parking areas and access thereto shall be provided with a maintained minimum of 2 foot candle power of light on the parking surface, from dusk to dawn, or as modified by the Chief of Police, based on documented proof that meeting the 2 foot candle power standard is impractical. Lighting shall be provided through the use of photo cells; use of low pressure sodium fixtures and bulbs is prohibited.
- 30.22 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.
- 30.23 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), UMC10.72.010." 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.
- 30.24 Signs shall comply with all City of Upland sign requirements (UMC 17.15 et seq.). No more than 50% 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).

- 30.25 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 businesses entrances, the building itself: and the rear perimeter of the building. The surveillance shall also cover all areas of the parking lot.
- 30.26 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.
- 30.27 The applicant shall be responsible for maintaining the area adjacent to the premises over which they have control free of litter.
- 30.28 Applicant shall comply with 6404.S (b) of the Labor Code, which prohibits smoking within any place of employment.
- 30.29 All landscaping must adhere to the 2' 6' rule (all ground cover landscaping must be maintained no higher than 2' from ground level and all lower tree canopy must be maintained no lower than 6' in height from the ground level).
- 30.30 If business deliveries/vehicles create a traffic hazard or ongoing traffic problem for law enforcement, the police department reserves the right to impose a traffic plan to alleviate the problem-including modification of the roadway being affected. Failure to adhere to the traffic will result in the revocation of the AUP/SP.
- 30.31 All delivery vehicles, vans, trucks and semi's must adhere to the City of Upland's Truck Route.
- 30.32 All trucks, vans, and semi's shall not double park or idle on Foothill Blvd. or Central Avenue.
- 30.33 Any vehicles not parked legally may be cited and/or towed if it is in violation of the California Vehicle Code and/or Upland Municipal Code.
- 30.34 Violation of any of the aforementioned conditions, will result in immediate revocation of the SP.

40.0 Fire

- 40.1 Building plans shall be submitted to the Fire Department for review and approval.
- 40.2 Prior to combustibles being placed on the project site an approved all-weather fire apparatus access surface and operable fire hydrants with acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy.
- 40.3 The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.
- 40.4 You will be required to produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied. This requirement shall be completed prior to combination inspection by Building and Safety.
- 40.5 Prior to building permits being issued to any new structure, the primary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions, including width, vertical clearance and turnouts.
- 40.6 Prior to building permits being issued to any new structure, the secondary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions including width, vertical clearance and turnouts.
- 40.7 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.
- 40.8 Where an automatic electric security gate is used, an approved Fire Department override switch (Knox ®) is required.
- 40.9 An automatic fire sprinkler system complying with NFPA 13 and Fire Department standards is required. The fire sprinkler contractor shall submit plans to the San Bernardino County Fire Department with hydraulic calculations and manufacturers specification sheets for review 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.
- 40.10 Commercial and industrial developments in excess of 100,000 sq. ft. shall have the street address installed on the building with numbers that are a minimum twelve (12) inches in height and with a one and one half (1 ½) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances.
- 40.11 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.

50.0 Public Works

STREET AND TRAFFIC SIGNAL IMPROVEMENTS

- 50.1 All deficient public improvements shall be upgraded to current City Standards and to the satisfaction of the Public Works Director.
- 50.2 Asphalt paving that is damaged during the construction shall be replaced to the City's satisfaction.
- 50.3 Existing driveways shall be reconstructed and/or new driveways constructed in accordance with commercial standards as indicated on Engineering Standard Drawing Number CU-P-4 Type "B."
- 50.4 All public improvements (interior streets, drainage facilities, landscaped areas, etc.) shown on the plans and/or tentative map shall be constructed to City Standards. Interior street improvements shall include, but are not limited to, curb and gutter, AC pavement, drive approaches, sidewalks, streetlights, and street trees.
- 50.5 Full standard street improvements are required for W 13th St from the project site to N Benson Avenue. This includes: construction of roadway grading and paving, curb and gutter, the installation of sidewalk, parkway trees and street lights, all roadway striping, pavement markings, traffic signing, traffic signals, and other improvements to the satisfaction of the Public Works Director.
- 50.6 The developer must modify the median on 13th St to allow left turn into the driveway at the Northeast corner of the site. This must be completed to the satisfaction of the Public Works director prior to occupancy.
- 50.7 All public street and/or alley right-of-way improvements and the location of driveways shall require the approval of the Public Works Director.
- 50.8 In accordance with California Building Code, Title 24 and the requirements of the Americans with Disabilities Act (ADA), handicap facilities shall be constructed and existing facilities shall be reconstructed within the project limits, as necessary, in locations specified by the Director of Public Works/City Engineer and the Development Services Director
- 50.9 Developer must complete the following traffic signal and street improvements at the intersection of **Foothill Blvd & Benson Ave**, to the satisfaction of the Public Works Director, prior to occupancy:

- a. Replace battery back-up system, batteries only.
- b. Install new 2070 controller to replace existing 2070 Econolite spare.
- c. Replace HPSV safety lights with new LED lights.
- d. Install count-down PED heads with audible chirpers.
- e. Verify Opticom receivers are functional and replace as necessary.
- f. Grind 2.5-inch deep and provide 2.5-inch deep Asphalt Concrete overlay for the entire intersection and a minimum of 200-feet beyond intersection of all four approaches. Use 3/4-inch aggregate or larger mix to the pavement finish surface. Re-stripe with thermoplastic.

50.10 Developer must complete the following traffic signal and street improvements at the intersection of **Foothill Blvd & Central Ave**, to the satisfaction of the Public Works Director, prior to occupancy:

- a. New 332 cabinet with battery back-up.
- b. 2070 controller with Iteris processor cards, extension modules, 10-inch color monitor, etc. Install Iteris Vantage Vector video detection cameras for east, west, and north approaches.
- c. Wireless radio adapter for signal communications with Foothill/Dewey and Foothill/Monte Vista for coordinated timing.
- d. Replace northeast corner signal pole. Large dent at base of pole.
- e. Replace HPSV safety lights with new LED lights.
- f. Install count-down PED heads with audible chirpers.
- g. Verify Opticom receivers are functional and replace as necessary.
- h. Grind 2.5-inch deep and provide 2.5-inch deep Asphalt Concrete overlay for the entire intersection and a minimum of 200-feet beyond intersection of all four approaches. Use 3/4-inch aggregate or larger mix to the pavement finish surface. Re-stripe with thermoplastic.

50.11 Developer must complete the following street improvements on **Foothill Blvd** to the satisfaction of the Public Works Director, prior to occupancy:

- a. Grind north half of Foothill Blvd, centerline to north curb and gutter, between Benson Avenue and Central Avenue to a depth of 2.5-inch deep and provide 2.5-inch deep Asphalt Concrete overlay paving. Use 3/4-inch aggregate to the pavement finish surface. Re-stripe with thermoplastic.
- b. Construct 6-inch raised concrete median on Foothill Blvd. at the two center access locations for the project, sufficient in length to prohibit left in and left out traffic movement at the westerly access and prohibit left out at the easterly access.

50.12 Developer must complete the following traffic signal and street improvements at the intersection of **Central Ave & 11th St**, to the satisfaction of the Public Works Director, prior to occupancy:

- a. Replace battery back-up system, batteries only.
- b. Install new 2070 controller with Iteris processor cards, extension modules, 10 inch color monitor, etc. Existing intersection is running on an antiquated 170 controller.
- c. Replace existing video detection cameras with new Iteris video detection cameras.
- d. Replace HPSV safety lights with new LED lights.
- e. Install count-down PED heads with audible chirpers.
- f. Verify Opticom receivers are functional and replace as necessary.
- g. Grind 2.5-inch deep and provide 2.5-inch deep Asphalt Concrete overlay for the entire intersection and a minimum of 200-feet beyond intersection of the northbound and southbound approaches. Use 3/4-inch aggregate or larger mix to the pavement finish surface. Re-stripe with thermoplastic.

50.13 Developer must complete the following traffic signal and street improvements at the intersection of **Central Ave & Arrow Hwy**, to the satisfaction of the Public Works Director, prior to occupancy:

- a. Replace battery back-up system, batteries only.
- b. Replace existing video detection cameras with new Iteris video detection cameras, processor cards, extension modules, 10 inch color monitor, etc.
- c. Replace HPSV safety lights with new LED lights.
- d. Install count-down PED heads with audible chirpers.
- e. Verify Opticom receivers are functional and replace as necessary.
- f. Grind 2.5-inch deep and provide 2.5-inch deep Asphalt Concrete overlay for the entire intersection and a minimum of 200-feet beyond intersection of the northbound and southbound approaches. Use 3/4-inch aggregate or larger mix to the pavement finish surface. Re-stripe with thermoplastic.

50.14 Developer must complete the following traffic signal improvements at the intersection of **Benson Ave & 13th St**, to the satisfaction of the Public Works Director, prior to occupancy:

- a. Install battery back-up system, batteries only.
- b. Replace existing loop detection with Iteris video detection cameras, processor cards, extension modules, 10 inch color monitor, etc.
- c. Install count-down PED heads with audible chirpers.

- d. Replace HPSV safety lights with new LED lights.
- e. Verify Opticom receivers are functional and replace as necessary.

50.15 Developer must complete the following traffic signal improvements at the intersection of **Benson Ave & Fire Station No. 163**, to the satisfaction of the Public Works Director, prior to occupancy:

- a. Replace HPSV safety lights with new LED lights.
- b. Verify Opticom receivers are functional and replace as necessary.

50.16 Developer must complete the following traffic signal improvements at the intersection of **Benson Ave & 15th St**, to the satisfaction of the Public Works Director, prior to occupancy:

- a. Install battery back-up system.
- b. Replace HPSV safety lights with new LED lights.
- c. Install count-down PED heads with audible chirpers.
- d. Verify Opticom receivers are functional and replace as necessary.

50.17 Developer must complete the following traffic signal and street improvements at the intersection of **Benson Ave & 16th St (Baseline Road)**, to the satisfaction of the Public Works Director, prior to occupancy:

- a. Replace battery back-up system, batteries only.
- b. Replace HPSV safety lights with new LED lights.
- c. Install count-down PED heads with audible chirpers.
- d. Verify Opticom receivers are functional and replace as necessary.
- e. Modify north and south bound lanes and turning movements to accommodate dual left turns north bound. This may require removal of curb and relocation traffic signal pole and street lights and appurtenance (pull boxes) to widen roadway to the west of existing curb line to approximately 500 feet south of intersection. Restripe road as required with thermoplastic channelizing lines and pavement legends. Upgrade the signal head system as needed to reflect dual left system.

50.18 All public street and/or alley right-of-way improvements and the location of driveways shall require the approval of the Public Works Director.

50.19 In accordance with California Building Code, Title 24 and the requirements of the Americans with Disabilities Act (ADA), handicap facilities shall be constructed and existing facilities shall be reconstructed within the project limits, as necessary, in locations specified by the Director of Public Works/City Engineer and the Development Services Director.

UTILITY (WATER – SEWER – ENVIRONMENTAL)

Utility General

- 50.20 The Owner/Developer is responsible for research on private utility lines (Gas, Edison, Telephone, Cable, Irrigation, etc.) to ensure there are no conflicts with the site.
- 50.21 All existing on-site utility lines that conflict with this project shall be relocated, removed, or sealed to the satisfaction of the Public Works Director.

Undergrounding

- 50.22 All parcel/lots within this tract shall be served by underground utilities. All utility plans (Edison, gas, telephone, cable TV, among others) shall be submitted to the Public Works Department for review and approval prior to the issuance of any permits for utility work within public right-of-way or public easements.
- 50.23 The existing overhead utilities (including telephone, cable and SCE distribution lines) on the project side of Foothill Blvd shall be undergrounded from Central Avenue to the first pole west of Benson Avenue, prior to public improvement acceptance or occupancy release, whichever occurs first, and to the satisfaction of the Public Works Director. All services crossing Foothill Blvd shall be undergrounded at the same time.

Environmental

- 50.24 This project is subject to the General Construction Permit for Storm Water Discharges. The Owner/Developer is required to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) for construction activities. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and be available at the job site at all times. A copy of the Waste Discharger's Identification Number (WDID) from the SWRCB shall be provided to the City before the issuance of grading or building permits.
- 50.25 All projects that are required to prepare a SWPPP must file a letter with the SWRCB stating that the construction activity is complete. A copy of this letter must be on file with the City of Upland before occupancy is granted.
- 50.26 This project involves warehouse developments where the tenants are unknown at the time of the construction. Before the issuance of Certificates of Use and Occupancy; or the issuance of a Building Permit for individual tenant improvements; or a Construction Permit for a tank or pipeline, the uses shall be identified. For specified uses where the proposed improvements will store, generate, or handle hazardous materials in quantities that will require

permitting and inspection, once operational. The Owner/Developer shall propose chemical management plans and measures (including, but not limited to, storage, emergency response employee training, spill contingencies and disposal) to the satisfaction of the County/City Building Official.

50.27 The Owner/Developer shall obtain approval from the Public Works Director for a Non-Domestic Wastewater Discharge Permit in accordance with Section 7600 of the Upland Municipal Code. The Owner/Developer shall also:

a) Provide an appropriate pretreatment facility that meets the Standards of the City of Upland that includes sewer inspection manholes.

Sewer

50.28 All proposed on-site sewer, water, and drainage facilities shall be private system(s) maintained by the property owner unless otherwise approved by the City as public system(s).

50.29 City staff will inspect all newly installed sewer mains with the TV camera before acceptance of the line for public improvements.

50.30 Extend any sanitary sewer and water line facilities as necessary to serve the entire development, including the payment of any sewer and water connection fees as determined by the Public Works Director.

Water

50.31 All new and upgraded developments shall meet the requirements of Chapter 7 "Municipal Water System," Article VII, of the Upland Municipal Code. This Code pertains to water system connection fees, water additive fees, and the transfer of water stock to the City of Upland.

50.32 The provision of fire protection water systems, hydrants, and appropriate easements shall be in conformance with the Upland Fire and Public Works Department Standards.

50.33 Public on-site protection hydrant(s) and water systems shall be installed in accordance with the Upland Fire and Public Works Department Standards.

50.34 All landscape meter(s) and approved Backflow Device(s) shall be installed and inspected, in accordance with the Public Works Department Standards.

50.35 All water facilities shall be installed outside any driveways and drive approaches, and shall be in accordance with the Public Works Department Standards.

GRADING - STORM DRAIN - EROSION CONTROL

- 50.36 Storm drain system(s) shall be constructed in accordance with the City's Master Plan applicable to the project site and to the satisfaction of the Public Works Director.
- 50.37 A hydrology/hydraulics analysis is required to the satisfaction of the Public Works Director. Any offsite drainage, which may impact this development, or additional drainage created by this development, shall be addressed in accordance with the mitigation measures required in the hydrology report before issuance of any permits.
- 50.38 All drainage shall be directed on-site at the points so indicated upon the subject map/plan (any deviation will require resubmittal to the Technical Review Committee for approval).
- 50.39 Location, direction, and devices for conveying site drainage directed to a street shall be subject to review and approval by the Public Works Director.
- 50.40 Temporary drainage controls may be required during construction phases as directed by the Public Works Director.
- 50.41 All catch basins and Storm Drain Inlet Facilities shall be stenciled with the appropriate "No Dumping" message as supplied by the Public Works Department, Environmental Division.
- 50.42 Grading plan shall be prepared and shall conform to the requirements of California Building Code (CBC), latest edition. Said grading plan shall propose all applicable recommendations contained in the project's geotechnical report.
- 50.43 An erosion control plan shall be required as directed by the Public Works Director, prior to grading permit.
- 50.44 No permanent building construction shall commence until rough grading is certified and a building permit issued by the Building Division.
- 50.45 Owner/Developer shall submit design and calculations and obtain permit and inspection for all development perimeter and retaining walls from the Department of Building and Safety.
- 50.46 Control of dust shall be by sprinkling of water, use of approved dust preventatives, modifications of operations or any other means acceptable to the Engineer, City of Upland, the Regional Water Quality Control Board (RWQCB), the AQMD, and any Health or Environmental Control Agency having jurisdiction over the facility. The Engineer shall have the authority to suspend

all construction operations if, in their opinion, the Contractor fails to adequately provide for dust control.

LANDSCAPING

50.47 All landscape and irrigation systems, located in the public parkways, shall be connected to a water supply system that is metered to the property owner.

50.48 The project frontage shall be fully landscaped, including an automatic irrigation system in accordance with a plan subject to review and approval by the Community Development Director and the Public Works Director.

50.49 Any landscaping plans that include work in public rights-of-way shall include a note stating: "A permit shall be obtained from the Public Works Director's Office prior to any work commencing in the public street parkway. The approved Civil Engineering street plans shall be assumed correct if they conflict with these plans."

50.50 The Owner/Developer is responsible for one-half the cost of the 14-foot wide landscaped barrier island along the entire project frontage. The landscaped barrier island includes specially designed concrete curbing, an automatic underground irrigation system, rockwork, shrubs, and trees.

50.51 The median island at the center of 13th St shall be fully landscaped with a treatment to include low maintenance landscaping and an automatic irrigation system. Center medians shall be metered to and maintained by the City of Upland. Submit a landscape plan for plan check and approval to the Public Works Department Land Development Division prior to the issuance of a permit.

50.52 The Owner/Developer shall provide for maintenance of the landscape areas located along the project frontage that includes, parkways and the median island located between the Foothill Boulevard Service Road and the north side of Foothill Boulevard. Any areas currently maintained by the City shall be converted to private maintenance for landscaping and irrigation. The Owner/Developer shall be required to have a meter and controller, separate from the City maintained areas.

OTHER AGENCY

50.53 Approval and/or permits may be required from the following agencies:

- a. California Regional Water Quality Control Board, Santa Ana Region for an NPDES Permit or Clearance Letter.
- b. Federal Aviation Administration

STUDIES – REPORTS

50.54 A Geotechnical Report (no older than one year) shall be submitted for review before the issuance of a grading permit. Reports older than one year are not accepted.

GENERAL ENGINEERING

50.55 Owner is required to arrange for a PRE-CONSTRUCTION MEETING with the Public Works Department 72 hours in advance before any permitted work can commence.

50.56 Public and private improvement plans and grading plans shall be submitted for plan check to the Public Works Department as a complete package. A complete package includes street, sewer, water, grading, drainage, easement dedications, composite utility plans and any appropriate reports and back up documents. Incomplete submittals shall be rejected.

50.57 All plans (including Landscaping Plans) depicting any work to be plan checked by Development Services shall be prepared on 24"x36", 4 mil mylars on City Standard title block. This includes street, sewer, water grading, storm drain, grading, erosion control, private street design, and landscape plans. No "cut and paste," "sticky-backs," "zip-a-tone," "Kroy lettering," or other tape will be permitted on final originals.

50.58 As-built plans (including street, sewer, water, and storm drain and grading plans) shall be submitted prior to occupancy release. Electronic drawing files on compact disc or USB drive shall be submitted to the City for file in the format acceptable by the City prior to occupancy release.

50.59 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.

50.60 No certificate of Occupancy, or any other final clearance needed prior to occupancy, shall be given until all other conditions are complied with.

MISCELLANEOUS CONDITIONS

Lot Line Adjustment or Lot Merger

50.61 The approval of this project is subject to, and contingent upon, the recordation of a Lot Merger.

50.62 Prior to recordation, the Owner/Developer shall submit two copies of the "before and after" legal descriptions for each parcel/lot for plan check by the Public Works Department.

Section 4. Decision.

Based on the testimony received by the Planning Commission and the background and findings set forth above, the Planning Commission recommends that the City Council of the City of Upland approve Site Plan No. 19-09 and Design Review No. 19-17.

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 February, 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 February, 2020, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Robert D. Dalquest, SECRETARY



MEMORANDUM

DATE: FEBRUARY 26, 2020

TO: PLANNING COMMISSION CHAIR
PLANNING COMMISSION VICE CHAIR
PLANNING COMMISSION MEMBERS

FROM: ROBERT D. DALQUEST, DIRECTOR OF DEVELOPMENT SERVICES
JOSHUA WINTER, ASSOCIATE PLANNER

RE: ADOPTION OF A RESOLUTION WITH FINDINGS IN SUPPORT OF THE
PLANNING COMMISSION'S RECOMMENDATION TO THE CITY COUNCIL
REGARDING THE VILLA SERENA SPECIFIC PLAN.

On January 22, 2020, the Planning Commission voted to recommend that the City Council deny the proposed Villa Serena Specific Plan, inclusive of the Mitigated Negative Declaration, Specific Plan No. SPR-18-02, General Plan Amendment No. GPA-18-04, Zone Change No. ZC-18-04, Tentative Tract No. 20245 (TT-18-03), Site Plan No. SP-18-10, Design Review No. DR-18-14 located on the north side of 15th Street, east of Campus Avenue, west of Grove Avenue. In order to finalize this recommendation, the Planning Commission must adopt written findings. Staff has accordingly prepared the attached draft Resolution including proposed findings based on the Commissioner's comments for the Planning Commission's consideration and action.

Attachments

- A. Resolution to recommend that the City Council deny the Mitigated Negative Declaration, Specific Plan No. SPR-18-02, General Plan Amendment No. GPA-18-04, Zone Change No. ZC-18-04, Tentative Tract No. 20245 (TT-18-03), Site Plan No. SP-18-10, Design Review No. DR-18-14 for the Villa Serena Specific Plan.

Attachment A

Resolution to recommend that the City Council deny the Mitigated Negative Declaration, Specific Plan No. SPR-18-02, General Plan Amendment No. GPA-18-04, Zone Change No. ZC-18-04, Tentative Tract No. 20245 (TT-18-03), Site Plan No. SP-18-10, Design Review No. DR-18-14 for the Villa Serena Specific Plan.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UPLAND RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF UPLAND DENY THE MITIGATED NEGATIVE DECLARATION, SPECIFIC PLAN NO. SPR-18-02, GENERAL PLAN AMENDMENT NO. GPA-18-04, ZONE CHANGE NO. ZC-18-04, TENTATIVE TRACT NO. 20245 (TT-18-03), SITE PLAN NO. SP-18-10, DESIGN REVIEW NO. DR-18-14 FOR A RESIDENTIAL SPECIFIC PLAN FOR A GATED RESIDENTIAL COMMUNITY THAT CONSISTS OF 65 SINGLE-FAMILY DETACHED RESIDENTIAL UNITS AT A DENSITY OF 7.1 DWELLING UNITS PER ACRE AND ON-SITE ACTIVE AND PASSIVE RECREATIONAL AMENITIES TO BE PROVIDED WITHIN THE COMMON AREA OPEN SPACE ON AN EXISTING 9.2-ACRE PORTION OF THE 15TH STREET FLOOD CONTROL DETENTION BASIN WITH MODIFICATIONS TO THE REMAINDER DETENTION BASIN.

Intent of the Parties and Findings

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

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

WHEREAS, FH II LLC. (Applicant) has filed applications requesting approval of the Project;

WHEREAS, Upland Municipal Code Section 17.43.050 E. requires that if one or more permit application is submitted concurrently for a single proposed project, each application shall be acted upon concurrently by the highest review authority. In this case, the highest review authority is the City Council, therefore the Planning Commission shall make a recommendation to the City Council;

WHEREAS, In accordance with CEQA Guidelines Section 15073, a Notice of Intent and Notice of Availability was issued for the Draft Initial Study (IS) and Mitigated Negative Declaration (MND) for a 20-day public review and comment period beginning on November 13, 2019 through December 2, 2019;

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

WHEREAS, On December 11, 2019 at 6:30 p.m. and January 22, 2020 at 6:30 p.m. the Planning Commission conducted a public hearing for the project, and heard and considered both oral and written evidence; and

WHEREAS, On February 26, 2020 at 6:30 p.m. the Planning Commission considered the Resolution Recommending denial of the project as a Business Item on the Agenda.

NOW, THEREFORE, the Planning Commission hereby finds, determines and resolves and recommends as follows:

Section 1. FINDINGS. The Planning Commission hereby makes the following findings and determinations in connection with the recommendation for denial of the Project:

- A. The above Recitals are true and correct.
- B. The Planning Commission recommends that the City Council deny the project based on the comments from the public concerning traffic, density, aesthetics, biological resources and modifications to the existing basin.

Section 2. DETERMINATION. In light of the evidence presented at the hearing on this application, and based on the findings set forth above, the Planning Commission hereby does not find the requirements necessary for the approval of the Project and recommends the City Council deny the project.

Section 3. 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 4. CERTIFICATION. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this Resolution, and shall cause this Resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

PASSED, APPROVED and ADOPTED this 26th day of February, 2020.

Robin Aspinnall, 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 26th day of February, 2020, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Robert D. Dalquest, SECRETARY