



PLANNING COMMISSION

MEETING

Agenda

John P. Andrews, Commissioner
David Borger, Commissioner
Christine S. Caldwell, Commissioner
Jeffrey Johnson, Commissioner
Monica Marroquin, Commissioner

Robin Aspinall, Chair
Brian Staton, Vice Chair

Robert D. Dalquest, Development Services Director
Albert Maldonado, Deputy City Attorney

Wednesday, August 28, 2024

6:30 p.m.

City Council Chamber

City Hall, 460 N. Euclid Avenue

Residents may observe City meetings remotely via [livestream](#) on the City website, [YouTube](#), Spectrum Cable TV Channel 3, or Frontier Cable TV Channel 26.

Pages

1. CALL TO ORDER OF THE PLANNING COMMISSION REGULAR MEETING

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF MINUTES

4

Approve the Regular Meeting and Special Joint Airport Land Use Committee Meeting of June 26, 2024 and the Special Meeting Minutes of August 21, 2024. (Staff Person: Jamie Davidson)

5. COUNCIL ACTIONS

Presentation of City Council actions from the Regular Meetings of July 22, 2024 and August 12, 2024, and the Special Meeting on August 9, 2024. (Staff Person: Robert D. Dalquest)

6. FUTURE AGENDA ITEMS

Presentation of future Planning Commission agenda items. (Staff Person: Lorelee Farris)

7. 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 acting on items not listed on the agenda.

Individuals who demonstrate disruptive conduct during public meetings that prevent the legislative body from conducting its meeting in an orderly manner are guilty of a

misdemeanor as stated in PC403, disrupting a public meeting, and are subject to removal from the chamber or arrest.

8. PUBLIC HEARINGS

8.a CONSIDERATION OF CONDITINAL USE PERMIT NO. 23-0013, DEVELOPMENT PLAN REVIEW NO. 23-0014 AND ENVIRONMENTAL ASSESSMENT REVIEW NO. 23-0009

14

Project Description: A request to construct a wireless telecommunications facility for AT&T collocated on the rooftop of an existing building, within the 1st Avenue Overlay of the Old Town District in the Historic Downtown Upland Specific Plan (HDUSP) located at 123 E. 9th Street (APN: 1046-402-24).

CEQA Determination: The project is Categorically Exempt from environmental proceedings pursuant to *Article 19, Section 15301, Class 1 (Existing Facilities) of the California Environmental Quality Act*, since the proposed project involves the minor alteration of an existing private structure with the installation of new rooftop antennas, mechanical equipment, and screening.

Applicant: Smartlink Group c/o Jermaine Taylor on behalf of AT&T, 101 W. Mission Blvd., Ste 110-324, Pomona, CA 91766

Staff Planner: Jessica Anaya, Assistant Planner

Appeal Period: The Planning Commission's determination is final. An appeal period to contest this decision is from August 22, 2024 to September 3, 2024.

8.b CONSIDERATION OF CONDITIONAL USE PERMIT NO. 24-0007

63

Project Description: A request to establish the sales and consumption of beer and wine as part of a bona fide restaurant known as "The Taco Man" under a Type 41 (On-Sale Beer & Wine – Eating Place) Alcoholic Beverage Control license located within the Commercial/Residential (C/R-MU) District at 891 W. Foothill Boulevard (APN: 1045-602-22).

CEQA Determination: The project is Categorically Exempt from environmental proceedings pursuant to *Article 19, Section 15301, Class 1 (Existing Facilities) of the California Environmental Quality Act*, since the proposed project consists of a negligible change in use within an existing structure.

Applicant: The Taco Man Inc., 891 W. Foothill Boulevard, Upland, CA 91786

Staff Planner: Andrew Arellano, Assistant Planner

Appeal Period: The Planning Commission's determination is final. An appeal period to contest this decision is from August 22, 2024 to September 3, 2024.

9. BUSINESS ITEMS

9.a RESOLUTION AMENDING THE RULES AND PROCEDURES FOR THE UPLAND PLANNING COMMISSION

88

Recommended Action: Adopt a Resolution amending the rules and procedures of the Upland

Planning Commission. (Staff Person: Jamie Davidson)

CEQA Determination: Not a project

9.b WORKSHOP – DOWNTOWN UPLAND PARKING STRUCTURE

121

The workshop will include a presentation and discussion of the proposed Downtown Upland Parking Structure project located at the site of an existing City of Upland parking lot at the southeast corner of First Avenue and C Street (APNs: 1046-402-02, 1046-402-03, 1046-402-05, 1046-402-06, 1046-402-07, 1046-402-08).

No action will be taken at this time. The purpose of this workshop is to establish a conceptual design for a parking structure within Downtown Upland. After a conceptual design is established, the project will return to the Planning Commission for a recommendation to the City Council.

CEQA Determination: Not a project

Staff Planner: Joshua Winter, Senior Planner

10. PLANNING COMMISSION COMMENTS

11. ADJOURNMENT

The next regularly scheduled Planning Commission meeting is Wednesday, September 25, 2024.

NOTE: 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 City Clerk's Office at 909-931-4120. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADA Title II]

On August 22, 2024, a true and correct copy of this agenda was posted on the bulletin boards at 450 N. Euclid Avenue (Upland Public Library) and 460 N. Euclid Avenue (Upland City Hall) and the City website at www.uplandca.gov

**MINUTES OF A REGULAR MEETING OF THE UPLAND PLANNING COMMISSION AND
SPECIAL JOINT MEETING OF THE UPLAND AIRPORT LAND USE COMMITTEE**

**June 26, 2024
6:30 p.m.
City Council Chamber
City Hall, 460 N. Euclid Avenue**

Present: Chair Robin Aspinall, Vice Chair Brian Staton, Commissioner John P. Andrews, Commissioner Christine S. Caldwell, Commissioner Thomas Grahn, Commissioner Jeffrey Johnson, Commissioner Monica Marroquin

Staff Present: Development Services Director and Planning Commission Secretary Robert D. Dalquest, Planning Manager Lorelee Farris, Assistant Planner Andrew Arellano, Deputy City Attorney Albert Maldonado, Management Analyst Jamie Davidson

1. CALL TO ORDER OF THE PLANNING COMMISSION REGULAR MEETING

Chair Aspinall called the regular meeting of the Upland Planning Commission to order at 6:30 p.m. in the Council Chambers of the Upland City Hall.

2. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Vice Chair Staton.

3. ROLL CALL

Management Analyst Davidson conducted roll call.

4. APPROVAL OF MINUTES

Moved by: Commissioner Caldwell
Seconded by: Commissioner Andrews

To approve the Regular Meeting Minutes of May 22, 2024. Vice Chair Staton abstained.

Motion: Carried

5. COUNCIL ACTIONS

Development Services Director Dalquest indicated that the City Council met on May 28, 2024, June 10, 2024, and June 24, 2024, and stated there were no reportable actions.

6. FUTURE AGENDA ITEMS

Planning Manager Farris reported one potential agenda item includes a wireless telecommunication facility for a rooftop co-location within Downtown.

7. ORAL COMMUNICATIONS

Chair Aspinall opened oral communications. There being no speakers, Chair Aspinall closed oral communications.

8. PUBLIC HEARINGS

a. CONDITIONAL USE PERMIT NO. CUP-24-0005

Project Description: A request to establish a new wine lounge known as “Wine Me Up Social”, with the sales and consumption of beer and wine, under a Type 42 (On- & Off-Sale Beer & Wine Public Premises) Alcoholic Beverage Control license located within the Commercial District of the Upland Hills Country Club Specific Plan, at 1125 E. 16th street (APN: 1044-491-19).

CEQA Determination: This project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301, Existing Facilities, Class 1 (a), of the CEQA Guidelines, since the proposed project consists of a negligible change in use within an existing structure.

Applicant: Meera Chaney, 1125 E. 16th Street, Upland, CA 91786

Staff Planner: Andrew Arellano, Assistant Planner

Appeal Period: The Planning Commission’s determination is final. An appeal to contest this decision is from June 27, 2024 to July 7, 2024.

Assistant Planner Arellano presented the staff report along with a PowerPoint Presentation which are on file in the Development Services Department.

Staff answered questions posed by the Planning Commission regarding the existing use(s) on-site and whether the tenant space is currently vacant.

Chair Aspinall opened the public hearing.

Meera Chaney, Applicant, spoke about her business model and expressed her hope to open in October 2024.

Chair Aspinall asked the applicant if they are agreeable to the conditions of approval, to which Ms. Chaney agreed.

There being no speakers, Chair Aspinall closed the public hearing.

Moved by: Commissioner Marroquin

Seconded by: Commissioner Johnson

Find that this project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301, Existing Facilities, of the CEQA Guidelines, since the proposed project consists of a negligible change in use within an existing structure; and

Adopt a resolution making a determination of public convenience and necessity and approving Conditional Use Permit No. 24-0005 to establish a new wine lounge known as “Wine Me Up Social”, with the sales and consumption of beer and wine, under a Type 42 Alcoholic Beverage Control license located at 1125 E. 16th Street, Unit A-8.

Motion: Carried

9. OPEN SPECIAL JOINT AIRPORT LAND USE COMMITTEE MEETING

At 6:43 p.m., Chair Aspinall called to order the Special Joint Airport Land Use Committee meeting.

10. ROLL CALL OF THE AIRPORT LAND USE COMMITTEE

Management Analyst Davidson conducted roll call. Committee Member Campbell was present.

11. ALUC PUBLIC HEARINGS

a. CONDITIONAL USE PERMIT NO. 23-0005, AIRPORT LAND USE COMMITTEE REVIEW NO. ALUC-24-0001, AND ENVIRONMENTAL ASSESSMENT NO. EAR-23-0005

Project Description: A request to construct approve minor changes to previously approved plans for the Sports Bowl will have a total of eight playing fields, approximately 50,000 square feet of small single-story buildings with small footprints that provide support for the uses on-site, and up to 790 parking spaces and the development of lots 1, 2 and 3 of Upland Parcel Map 18989. The development area is approximately 66.5 acres in size, located at the southwest corner of Monte Vista Avenue and Foothill Boulevard, and the northwest corner of Monte Vista Avenue and Arrow Route (APNs: 1007-011-02, 03, 04, 05, 06, 07 (Upland), within the Public (PB) Zoning District. The City of Claremont is concurrently processing plans for development within the City of Claremont and includes the following applications on Assessor Parcel Numbers 8308-025-014, 015, 016.

The applications under review with the City of Upland include:

1. CONDITIONAL USE PERMIT NO. CUP-23-0005 – A request to approve minor changes to previously approved plans for the Roberts Campus Sports Bowl, a college sports facility associated with Claremont McKenna College.
2. AIRPORT LAND USE COMMITTEE REVIEW NO. ALUC-24-0001 – To ensure the project's compatibility with the Cable Airport Land Use Compatibility Plan.
3. ENVIRONMENTAL ASSESSMENT NO. EAR-23-0002 – To evaluate project compliance with the California Environmental Quality Act (CEQA).

CEQA Determination: An Addendum to the previously certified Environmental Impact Report (EIR) (SCH#2010021040) is appropriate and has been prepared for the project pursuant to the California Environmental Quality Act (Cal. Code Regs., Title 14, § 15162 and § 15164), as the minor changes included within the Proposed Project will not involve new significant environmental effects or a substantial increase in the severity of significant effects already identified in the Certified EIR, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program, adopted in May 2016.

Applicant: Claremont McKenna College, Bauer Center, 500 East Nine Street, Claremont, CA 91711.

Staff Planner: Lorelee Farris, Planning Manager

Appeal Period: The Planning Commission's determination is final. An appeal to contest this decision is from June 27, 2024 to July 7, 2024.

Chair Aspinall disclosed that the applicant, Claremont McKenna College, was her former employer. Upon consulting with the City Attorney, she confirmed she does not have a conflict of interest on this project.

Staff presented the staff report, along with a PowerPoint Presentation and a supplemental memorandum identifying proposed changes which are on file in the Development Services Department.

Staff answered questions posed by the Planning Commission regarding the extent of the noticing radius, which was 300 feet from the project site; potential benefits the project could bring to the City of Upland and its residents; confirmed the southernmost parcels, which abut Arrow Route, were not in the project scope and would be subject to separate entitlements at their time of development; the timing and extent of street improvements and undergrounding of utilities related to the project; clarified the turning movements allowed for the Monte Vista Avenue driveway; the requirements for shielded lighting on the sports fields that do not project light upward; street trees on Foothill Boulevard; and the applicant's timeline and phasing plan for construction.

Matthew Bibbins, applicant, addressed the ownership and entitlement history; prior uses of the site and recent changes to the project; spoke to their motivation to begin construction quickly; clarified the power line on Monte Vista Avenue that are adjacent to the property side would be included in Phase I; and spoke to the discussions they have been having with Chino Water Basin and have an agreed upon condition that protect the interest of both entities.

Aran Coakley, Bjarke Ingels Group Architects, addressed the landscaping and tiered grading approach to the project; indicated the phasing of the project is dependent on funding but clarified that Phase I will include the structured parking (in Claremont) and fields for baseball, softball, football and track and field; explained that Phase II will include soccer and the multi-purpose field; spoke to the height of the light poles for the sports field would be lower than Foothill Boulevard, due to the topography of the site; and addressed the fire access and emergency vehicle pathways within the site.

Aran Coakley answered questions posed by the Planning Commission regarding whether the golf area will be netted, to which it will; clarified that the multi-purpose fields would be intended for sports practice and will not have seating areas; the removal of the archery fields from the original entitlement; explained the subterranean pedestrian arcade under Claremont Boulevard between 9th Street and 6th Street that will provide connectivity to the Claremont McKenna College campus; noted that related staff parking would be made available in the parking structure (in Claremont); confirmed that there will be pedestrian pathways leading to the Foothill Boulevard parking lot in Phase II;

Matthew Bibbins indicated the parking lot on Monte Vista Avenue will be gated and is intended to be used for Claremont McKenna College staff and emergency personnel; noted that the street improvements on the corner of Foothill and Monte Vista will be done in Phase I; clarified the timing of improvements on Arrow Route which will defer to a future project proposal for those properties, when they have

one; explained the anticipated timing of phasing and the numerous variables that affect the timing of Phase II; explained that the intent of the sports park would be for the dedicated use of the Claremont McKenna College sports programs; addressed a question regarding liability insurance and conditions of approval for indemnification; indicated that the applicant anticipates a mixtures of both synthetic and natural turf used for various fields; noted that the golf aspect is intended for chipping practice and is does not include a driving range;

Kati Parker, Vice President of the Chino Basin Water Conservation District, spoke in support of the project with the incorporation of the additional conditions, and explained the importance of water recharge and the region's water supply.

Elizabeth Willis, General Manager of the Chino Basin Water Conservation District, spoke in support of the project and water-wise landscaping; expressed initial concern regarding the change in the design of the project related to stormwater facilities, agreed to the new condition of approval (Condition No. 10.15) on the project that was addressed in the supplemental memorandum.

Chair Aspinall asked the applicant if they are agreeable to the conditions of approval including the revised conditions and the applicant agreed.

Development Services Director Dalquest confirmed there is a standard indemnification condition that protects the City.

There being no additional speakers, Chair Aspinall closed the public hearing.

Moved by: Commissioner Andrews

Seconded by: Vice Chair Staton

That the Planning Commission approve an Addendum to the previously certified Environmental Impact Report (EIR) (SCH#2010021040) for the Claremont Colleges East Campus project pursuant to Section 21166 of the State Public Resources Code and Sections 15162 and 15164 of the California Environmental Quality Act Guidelines.

Motion: Carried

Moved by: Commissioner Andrews

Seconded by: Commissioner Caldwell

That the Airport Land Use Committee (ALUC) adopt a Resolution finding that the project, as proposed and subject to the conditions of approval, is compatible with the Cable Airport Land Use Compatibility Plan and Compatibility Zone B1, B2, and B3, as amended.

Motion: Carried

Moved by: Vice Chair Staton

Seconded by: Commissioner Caldwell

That the Planning Commission adopt a Resolution approving Airport Land Use Committee Review No. 24-0001, Conditional Use Permit No. 23-0005 and Environmental Assessment No. 23-0005 to approve changes to a previously approved entitlement for a Sports Park comprising a total of eight playing fields,

approximately 50,000 square feet of small single-story buildings with small footprints that provide support for the uses on-site, and up to 790 parking spaces and the development of lots 1, 2 and 3 of Upland Parcel Map 18989, located on approximately 66.5 acres in the Public/Institutional (PB/I) Zoning District at the southwest corner of Monte Vista Avenue and Foothill Boulevard, as amended.

Motion: Carried

12. CLOSE SPECIAL JOINT AIRPORT LAND USE COMMITTEE MEETING AND RECONVENE REGULAR PLANNING COMMISSION MEETING

At 8:14 p.m., Chair Aspinall closed the Special Joint Airport Land Use Committee meeting and reconvened the Regular Planning Commission meeting.

13. BUSINESS ITEMS

a. PRESENTATION TO OUTGOING PLANNING COMMISSIONER

Chair Aspinall presented a plaque to outgoing Planning Commissioner Thomas Grahm and thanked him for his service from June 2020 to June 2024 of which from August 2021 to August 2023 was in the capacity of Vice Chair.

Commissioner Caldwell thanked Commissioner Grahm for his service.

Commissioner Grahm thanked the Commission.

14. PLANNING COMMISSION COMMENTS

15. ADJOURNMENT

At 8:18 p.m., Chair Aspinall adjourned the meeting. The next regularly scheduled Planning Commission meeting is July 24, 2024.

Moved by: Robin Aspinall

Seconded by: Commissioner Grahm

Motion: Carried

Robert D. Dalquest, Secretary

MINUTES OF A SPECIAL MEETING OF THE UPLAND PLANNING COMMISSION

**August 21, 2024
6:30 p.m.
City Council Chamber
City Hall, 460 N. Euclid Avenue**

Present: Chair Robin Aspinall, Commissioner John P. Andrews, Commissioner David Borger, Commissioner Christine S. Caldwell, Commissioner Jeffrey Johnson, Commissioner Monica Marroquin

Absent: Vice Chair Brian Staton

Staff Present: Development Services Director and Planning Commission Secretary Robert D. Dalquest, Planning Manager Lorelee Farris, Senior Planner Joshua Winter, Management Analyst Jamie Davidson, Assistant City Attorney Abe-Galvan-Sanchez

1. CALL TO ORDER OF THE PLANNING COMMISSION SPECIAL MEETING

Chair Aspinall called the special meeting of the Upland Planning Commission to order at 6:32 p.m. in the Council Chambers of the Upland City Hall.

2. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Commissioner Caldwell.

3. ROLL CALL

Management Analyst Davidson conducted roll call. Vice Chair Staton was absent.

Chair Aspinall introduced new Planning Commissioner David Borger.

Commissioner Borger provided a brief background.

Planning Manager Farris announced the future Planning Commission meeting on August 28, 2024 is anticipated to have four (4) items; a conditional use permit for alcoholic beverage (beer and wine) sales associated with a sit down restaurant, a conditional use permit for co-located wireless communication facilities on the rooftop of an existing building in the Downtown area, a workshop on the proposed Downtown parking structure, and the rules and procedures of the Upland Planning Commission.

4. PUBLIC HEARING

a. GENERAL PLAN AMENDMENT NO. GPA-24-0002 FOR THE RE-ADOPTION OF THE 2021-2029 HOUSING ELEMENT.

Project Description: Consideration of a recommendation to the City Council of the City of Upland for a General Plan Amendment to re-adopt the 2021-2029 Housing Element pursuant to Article 10.6 of the Planning and Zoning Laws. The Housing Element was previously adopted on October 24, 2022, after which additional comments were received by the California Department of Housing and

Community Development after their review resulting in necessary modifications made to the Housing Element document. The Housing Element is one of seven mandatory elements of the City's General Plan, and it is required by state law to be updated every eight years. The Housing Element includes analyses of the community's housing needs, opportunities and constraints, as well as policies and programs to facilitate the construction, rehabilitation, and preservation of housing for all economic segments of the community.

After conducting a public hearing, the Planning Commission is requested to approve a Resolution of the Planning Commission of the City of Upland recommending the City Council adopt General Plan Amendment No. GPA-24-0002.

CEQA Determination: The Project is exempt from the CEQA Guidelines 14 Cal. Code. Regs Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Project may have a significant effect on the environment as set forth in Section 21080.17 of the Public Resources Code." The Project is further exempt pursuant to 14 Cal. Code. Regs Section 15162(a) of the CEQA Guidelines. Further, to the extent the Regional Housing Needs determinations are made, the Project is further exempt from the CEQA Guidelines 14 Cal. Code. Regs Section 15283, which provides, "CEQA does not apply to regional housing needs determinations made by the Department of Housing and Community Development, a council of governments, or a city or county pursuant to Section 65584 of the Government Code."

Applicant: City of Upland, 460 North Euclid Avenue, Upland, CA 91786

Staff Planner: Joshua Winter, Senior Planner

Appeal Period: There is no appeal period, the Planning Commission's decision is a recommendation to the City Council.

Senior Planner Winter provided a brief history of the 2021-2029 Housing Element and introduced consultants Dan Wery and Shannon Liska of Michael Baker International.

Consultants Dan Wery and Shannon Liska gave an overview of the changes within the Housing Element and highlighted the next steps in the process, along with a PowerPoint Presentation, which is on file in the Development Services Department.

Staff and consultants answered questions posed by the Planning Commission regarding clarification on whether the housing mobility program (Program 23) is based on lot size zoning; how many ADU's are allowable on a single lot currently and would be allowed with implementation of this program; when a lot coverage requirement applies to ADUs; clarification on the process and timing for the zoning changes; clarification as to what happens after 2029, for the 7th Cycle Housing Element, after the last identifiable areas in the city are exhausted to meet the RHNA for the 6th Cycle Housing Element; and clarification on the upzoning and rezoning terms.

Chair Aspinall opened the public hearing.

Craig Handlow, resident, identified his property as being located within an area shown in the Housing Site Inventory, near Vista Place and 9th Street, and sought

clarification on the residential density increase that would be processed as part of the subsequent rezoning and upzoning actions that would be processed; mentioned there are some residents in the area who are willing to sell their properties for future residential development.

Senior Planner Winter indicated the area near Vista Place and 9th Street would be looking to increase the density from 20 units per acre to 40 units per acre, not including any applicable density bonus requests under state law.

Development Services Director Dalquest spoke to the upzoning in the area as well as plans to propose a Transit-Oriented overlay zone, stating it is within a quarter mile of Montclair transit center.

Stephanie Penski, resident, spoke in favor of the high density upzoning in the area since it is close to public transit; referenced an increase in higher density residential around the transit center within Montclair and Claremont, and mentioned there are 9-10 neighbors who are willing to sell to residential developers.

There being no additional public speakers, Chair Aspinall closed the public hearing.

Staff and consultants answered additional questions posed by the Planning Commission regarding whether the City would consider high-density development along the Foothill corridor, in which Development Services Director Dalquest mentioned the zoning changed along Foothill Boulevard in 2015 to mixed-use which allows this type of development; referenced the sites along Foothill Boulevard that were also on the housing site inventory; and whether there were square footage requirements for residential units that would be built within areas that would be rezoned or upzoned and whether those projects would come before the Planning Commission.

Moved by: Commissioner Andrews

Seconded by: Commissioner Caldwell

Recommendation to the City Council and find that General Plan Amendment No. GPA-24-0002 is exempt from the CEQA Guidelines 14 Cal. Code. Regs Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Project may have a significant effect on the environment as set forth in Section 21080.17 of the Public Resources Code. The Project is further exempt pursuant to 14 Cal. Code. Regs Section 15162(a) of the CEQA Guidelines. Further, to the extent the Regional Housing Needs determinations are made, the Project is further exempt from the CEQA Guidelines 14 Cal. Code. Regs Section 15283, which provides, "CEQA does not apply to regional housing needs determinations made by the Department of Housing and Community Development, a council of governments, or a city or county pursuant to Section 65584 of the Government Code."; and

Adopt a Resolution recommending to the City Council they approve General Plan Amendment No. 24-0002 for the 2021-2029 Housing Element, General Plan Amendment No. 24-0001 for the 2021-2029 Housing Element. Vice Chair Staton was absent.

Motion: Carried

5. PLANNING COMMISSION COMMENTS

Commissioner Caldwell welcomed David Borger to the Planning Commission.

6. ADJOURNMENT

At 7:17 p.m., Chair Aspinall adjourned the meeting. The next regularly scheduled Planning Commission meeting is August 28, 2024.

Moved by: Commissioner Marroquin

Seconded by: Commissioner Caldwell

Motion to adjourn. Vice Chair Staton was absent.

Motion: Carried

Robert D. Dalquest, Secretary



Planning Commission *Staff Report*

CITY OF UPLAND
"The City of Gracious Living"

DATE: August 28, 2024

TO: PLANNING COMMISSIONERS

FROM: ROBERT D. DALQUEST, DEVELOPMENT SERVICES DIRECTOR

PREPARED BY: JESSICA ANAYA, ASSISTANT PLANNER

SUBJECT: CONSIDERATION OF CONDITINAL USE PERMIT NO. 23-0013, DEVELOPMENT PLAN REVIEW NO. 23-0014 AND ENVIRONMENTAL ASSESSMENT REVIEW NO. 23-0009 TO CONSTRUCT A WIRELESS TELECOMMUNICATIONS FACILITY FOR AT&T COLLOCATED ON THE ROOFTOP OF AN EXISTING THREE-STORY BUILD

RECOMMENDED MOTION

If the Planning Commission concurs with Staff's recommendation, the following motions are recommended:

- "I move to determine the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301 [Existing Facilities, Class 1] of the CEQA Guidelines, since the proposed project involves the minor alteration of an existing private structure."
- "I move to adopt a Resolution approving Conditional Use Permit No. 23-0013, Development Plan Review No. 23-0014 and Environmental Assessment Review No. 23-0009 subject to the required findings and subject to the conditions of approval contained in the Resolution (See Exhibit A – Draft Resolution)."

REQUEST/PROJECT DESCRIPTION

The applicant is seeking approval of Conditional Use Permit No. 23-0013 to allow a new wireless telecommunications facility for AT&T at 123 E. 9th Street. The wireless facility is a collocation on the rooftop of an existing three-story office building. The proposed project will consist of installing antennas on three (3) corners of the existing building, cabinets that would be located on the middle of the rooftop and extend the parapet by five (5) feet on the three (3) corners of the building and contain materials that will match the existing building to screen the equipment. The wireless telecommunications facility will have its own lease area on the rooftop, approximately 477 square feet in area.

SYNOPSIS

Table 1

Applicant:	Smartlink Group on behalf of AT&T
Representative:	Jermaine Taylor
Property Owner:	Upland Inn, LLC

Property Location:	123 E. 9 th St. (APN:1046-402-24)			
Existing General Plan Land Use Designation:	Specific Plan (Historic Downtown Upland Specific Plan)			
Existing Zoning Classification:	Old Town District of the Historic Downtown Upland Specific Plan (HDUSP)			
Site Size:	12,236 square feet			
Leasing Space	Approximately 477 square feet			
Access:	9 th Street and 1 st Avenue			
Surrounding Land Uses:				
	Direction	Land Use	General Plan	Zone
	North	City Parking Lot	Specific Plan (HDUSP)	HDUSP - Old Town District, 1 st Avenue Overlay
	East	Office	Specific Plan (HDUSP)	HDUSP - Old Town District, Historic Core Overlay
	South	Retail, Restaurants	Specific Plan (HDUSP)	HDUSP - Old Town District, 1 st Avenue Overlay
	West	Commercial (Tea Room, Offices)	Specific Plan (HDUSP)	HDUSP - Old Town District, 1 st Avenue Overlay
	See Exhibit B – Vicinity Map			
Previous Applications/Entitlements:	Conditional Use Permit No. 03-21 (T-Mobile Wireless Telecommunications Facility)			

AUTHORIZATION/GUIDELINES

Upland Municipal Code (UMC) Section 17.44.040 authorizes the Planning Commission to review and take action on Conditional Use Permits for a new wireless facility.

BACKGROUND

On July 25, 1985, Conditional Use Permit No. CUP-84-21: Modification #2 (Resolution No. 3065), was approved to allow the development of the three (3) story building with a height of 46 feet. When constructed, the building's roof deck was built at 37 feet and the parapet extended to 42 feet. On July 21, 2004, Conditional Use Permit No. CUP-03-21 (Resolution No. 4462), was approved to allow a wireless telecommunication facility on the rooftop of the existing building and extend the parapet an additional six (6) feet only in the area the equipment would be installed. When the telecommunication facility was added, the parapet was only extended five (5) increase, which increased the building height to 47 feet.

The applicant requested to collocate the new wireless telecommunication facility on the rooftop of the existing building. The collocation was considered a substantial change as defined by the FCC in 47 C.F.R. Section 1.40001(b)(7), in which it states that, “The proposed collocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site.” The proposed locations of the new antennas and associated equipment will be located outside the lease boundaries of the existing wireless telecommunication facility on the rooftop of the building. Therefore, the reason for a new Conditional Use Permit is required to allow another wireless telecommunication facility on the rooftop of the existing building, which uses the same method of concealment behind a Fiber-Reinforced Polymer (FRP) screen segment within the building parapet, designed with the same brick pattern and color as the existing building. This type of screen allows for the aesthetic screening of the antennas so that they are not visible from the street, while allowing them to be electromagnetically transparent, making them invisible to cellular signals to ensure minimal signal loss.

Technical Review Committee

The Technical Review Committee reviewed the project and recommended approval, subject to conditions of approval that have been incorporated into the draft resolution. The conditions of approval will ensure that the use operates within the requirements of the Upland Municipal Code and Historic Downtown Upland Specific Plan and will remain compatible with the surrounding land uses.

Public Notice

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

1. On August 15, 2024, a Notice of Public Hearing was mailed to all property owners within 300 feet of the project site. This resulted in a total of 17 property owners being noticed.
2. The Public Hearing Notice was posted in 2 physical locations (Upland City Hall and Upland Library) on August 15, 2024.
3. The Public Hearing Notice was published in the Inland Valley Daily Bulletin on August 16, 2024.

ANALYSIS

General Plan and Zoning

The project is within the Specific Plan (SP) General Plan Designation (Historic Downtown Upland Specific Plan). The project site is located within First Avenue Overlay of the Old Town District within the Historic Downtown Upland Specific Plan. (See Exhibit C – General Plan Map and Zoning Map). According to the General Plan and zoning district, this designation supports a variety of commercial uses, and wireless communication facilities. The addition of a wireless communication facility will be consistent with the Specific Plan, as the use will enhance the telecommunication coverage. The project shows consideration for the following General Plan goals and/or policies as shown in Table 2 below:

Table 2

General Plan Goal/Policy	Consistency
Policy PFS-15.1 Access and Availability. Work with utility and service providers to ensure access to and availability of utilities and telecommunication facilities for households,	Adding a new wireless communication facility will provide sufficient coverage for AT&T customers. It will ensure that their customers have accessible and available services to communicate wirelessly.

businesses, institutions, and public agencies throughout the City.	
Policy PFS-15.3 Adequate Internet Facilities and Service. Work with service providers to retrofit areas of the City that are not served by current telecommunication and fiber-optic communication technologies.	The new wireless facility for AT&T will be collocating with another telecommunication provider. Therefore, it will provide additional wireless services to a market that was under served in the surrounding area of the project site that the existing wireless facility didn't provide.
Goal PFS-2 A community protected by fire prevention and emergency response services.	Having reliable access to wireless connection can benefit the community in times of need when emergency services are required.

Site Plan/Location

The project site located at the northeast corner of East 9th Street and North First Avenue. All the wireless equipment will be located on the rooftop of the existing building, where they will be screened by the parapet wall, utilizing an FRP screen. No additional square footage will be added to the building, nor will the height of the building be increased beyond its existing maximum height. The cabinet equipment will be located within an approximately 477 square foot lease area on the rooftop. The antennas will be on the northwest, southwest and southeast corners of the building, using approximately 110 square feet at each corner.

Table 5-1 of the Historic Downtown Upland Specific Plan lists Wireless Telecommunication Facilities as a permitted use, pursuant to the standards contained in in the Upland Municipal Code. Chapter 17.40 provides location and configuration preferences, as well as design and development standards for Wireless Telecommunications Facilities.

Locational Preferences

Pursuant to Section 17.40.060(C), the order of preference for the configuration for wireless telecommunications facilities lists colocations with existing facilities, as the most preferred, followed by roof-mounted facilities. The proposed wireless telecommunications facility complies with both of these most preferred options, allowing roof-mounted antennas on an existing building where they are co-located with existing facilities.

Section 17.40.060(E) states that the preferred options for accessory equipment for wireless telecommunications facilities shall be either underground, within a building or structure, on a screened roof top area or structure, or in a rear yard not readily visible from surrounding properties. As the proposed facility is located on the roof of an existing building, the accessory equipment will comply with these preferences by being located on a screen roof top area, where not visible from the street.

While Section 17.040.080(B) states that wireless communications facilities shall not be located within 1,500 of another wireless communication facilities, this provision does not apply to locations that are co-located with another facility. The Upland Municipal Code places a high priority on co-locating wireless telecommunications facilities together in order to minimize the number of separate locations and facilities throughout the city and group such facilities together wherever feasible. The proposed wireless telecommunications facility represents a colocation, in this respect, because it is grouped on the same rooftop as another wireless telecommunication facilities; each within their own separate lease areas.

Propagation Maps

Based on the propagation maps provided by the applicant, there is inadequate service in the area for AT&T and the proposed telecommunication facility will fill a coverage gap (See Exhibit D – Propagation Maps). Based on the applicant's survey of the surrounding areas, no other feasible locations were identified within

the downtown area, as surrounding locations did not meet the carrier's needs, or property owners were not interested in leasing to the carrier. The subject site allows for a rooftop facility on one of the tallest buildings in the downtown area, where it can be collocated with another facility.

Design and Development Standards

The wireless telecommunications facility has been designed and located to comply with the design and development standards contained within Section 17.40.070 and 17.40.080 of the Upland Municipal Code. The facility will be designed so that the equipment will not be visible or noticeable from the public right-of-way and will have a negligible noise impact. The addition of the new wireless facility will not impact traffic safety and given its location on the rooftop of a building, it will not reduce or interfere with parking requirements. The design employs screening and camouflage design techniques through the incorporation of Fiber-Reinforced Polymer (FRP) that will be painted and textured to camouflage with the existing brick building. These will be used on three corners of the building as part of the parapet wall (the northwest, southwest and southeast corners of the building). Implementation of this screening will increase the parapet wall in these locations to the same height as the existing parapet screen walls used to screen the existing T-Mobile antennas. This will allow the building to maintain the existing maximum height of the building of 47 feet in order to provide a consistent and uniform appearance. The method of screening will not increase the bulk of the building nor alter the character of the building. By placing the equipment is on the rooftop, it will minimize the potential cause for vandalism as only authorize personal will be allowed on the rooftop area, which is not open to the public. (See Exhibit E – Photo Sims and Exhibit F - Plans)

ENVIRONMENTAL ASSESSMENT

This project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301, Existing Facilities, Class 1, of the California Environmental Quality Act, since the proposed project involves the minor alteration of an existing structure.

REQUIRED FINDINGS

In order to approve the project, the Planning Commission is required to make certain findings. Section 1 of the Draft Resolution contains recommended findings for the Conditional Use Permit for the Planning Commission's consideration.

RECOMMENDED ACTION

The Planning Division recommends that the Planning Commission:

1. Find that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301, Existing Facilities, Class 1, of the California Environmental Quality Act, since the proposed project involves the minor alteration of an existing private structure.
2. Adopt a resolution approving Conditional Use Permit No. 24-0001, Development Plan Review No. 23-0014 and Environmental Assessment Review No. 23-009 to propose a new wireless telecommunications facility (AT&T) on the rooftop of an existing building, within the Old Town District of the Historic Downtown Upland Specific Plan, located at 123 E. 9th Street (APN: 1046-402-24), subject to the required findings and subject to the conditions of approval contained in the Resolution.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UPLAND, CALIFORNIA APPROVING AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15301, CLASS 1, EXISTING FACILITIES, THE PROPOSED PROJECT INVOLVES THE MINOR ALTERATION OF AN EXISTING PRIVATE STRUCTURE, AND APPROVING CONDITIONAL USE PERMIT NO. 23-0013, DEVELOPMENT PLAN REVIEW NO. DPR-23-0014 ENVIRONMENTAL ASSESSMENT REVIEW NO. EAR-23-0009 TO CONSTRUCT A WIRELESS TELECOMMUNICATIONS FACILITY FOR AT&T COLLOCATED ON THE ROOFTOP OF AN EXISTING BUILDING, WITHIN THE 1ST AVENUE OVERLAY OF THE OLD TOWN DISTRICT IN THE HISTORIC DOWNTOWN UPLAND SPECIFIC PLAN (HDUSP) LOCATED AT 123 E. 9TH STREET (APN: 1046-402-24).

Intent of the Parties and Findings

WHEREAS, Smartlink Group c/o Jermaine Taylor on behalf of AT&T (Applicant) has filed applications requesting approval of the Project; and

WHEREAS, The project site has a General Plan land use designation of Specific Plan and is within the Old Town District of the Historic Downtown Upland Specific Plan; and

WHEREAS, The Planning Division required the applicant to submit for a Conditional Use Permit and Development Plan Review in accordance Upland Municipal Code 17.40.040 (A); and

WHEREAS, the Planning Commission, before it may approve a Conditional Use Permit and Development Plan Review, must make findings by resolution, as hereinafter provided, that the evidence presented shows that all of the findings referenced in Section 1 of this Resolution can be made.

WHEREAS, Upland Municipal Code Section 17.43.050(E) requires that if one or more permit applications are 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 Planning Commission, therefore the Planning Commission shall make a decision; and

WHEREAS, Upland Municipal Code Section 17.44.040(C) provides that the Planning Commission shall serve as the review authority for Conditional Use Permits; and

WHEREAS, Upland Municipal Code Section 17.44.040(F) provides that the Planning Commission, before it may approve a Conditional Use Permit, must make findings by resolution, as hereinafter provided, that the evidence presented shows that all of the findings referenced in Section 1 of this Resolution can be made; and

WHEREAS, Upland Municipal Code Section 17.44 provides that the Planning Commission may attach conditions to the approval of the project as needed to ensure compliance with the Zoning Code, other City Ordinances, the General Plan, and any other applicable community or specific plan; 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 has determined that the project qualifies for a Categorical Exemption from the provisions of California Environmental Quality Act (CEQA), pursuant to Article 19, Section 15301, Existing Facilities, since the proposed project involves the minor alteration of an existing private structure; and

WHEREAS, The City of Upland Planning Division on August 15, 2024, posted two (2) true and correct copies of the legal notice at the Upland City Hall Bulletin Board and at the Upland Public Library in accordance with the Upland Municipal Code Section 17.46.020; and

WHEREAS, The City of Upland Planning Division on August 15, 2024, 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 August 16, 2024, published a legal notice in the Inland Valley Daily Bulletin, a local paper of general circulation, indicating the date and time of the public hearing in compliance with state law concerning the Project; and

WHEREAS, The City of Upland Planning Commission conducted a duly noticed public hearing on August 28, 2024, at which time it received public testimony concerning the Project, and considered the CEQA for the proposed project.

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

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

- A. The above Recitals are true and correct and are incorporated herein by this reference.
- B. The project is consistent with the following General Plan Policies:
 - 1. Policy PFS-15.1 Access and Availability. Work with utility and service providers to ensure access to and availability of utilities and telecommunication facilities for households, businesses, institutions, and public agencies throughout the City.

Fact: Adding a new wireless communication facility will provide sufficient coverage for AT&T customers. It will ensure that their customers have accessible and available services to communicate wirelessly.

2. Policy PFS-15.3 Adequate Internet Facilities and Service. Work with service providers to retrofit areas of the City that are not served by current telecommunication and fiber-optic communication technologies.

Fact: The new wireless facility for AT&T will be collocating with another telecommunication provider. Therefore, it will provide additional wireless services to a market that was under served in the surrounding area of the project site that the existing wireless facility didn't provide.

3. Goal PFS-2 A community protected by fire prevention and emergency response services

Fact: Having reliable access to wireless connection can benefit the community in times of need when emergency services are required.

- C. Per Upland Municipal Code Section 17.44.040(F), the review and decision-making authority may approve an application for a conditional use permit only if the proposed project complies with applicable standards in the Zoning Ordinance, other City ordinances, the General Plan, and any other applicable community or specific plans, and as supported by all of the following findings:

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

Evidence: The proposed site location will be compatible with the surrounding sites since it provides expanded wireless service in a coverage gap area as demonstrated by propagation maps. The wireless equipment will be located on the rooftop of the existing three-story building, and the facility will utilize a 477 square lease area on the roof top. There will be a negligible change to building, as screening utilized will be painted and textured to match the building and will be similar to screening used on the existing wireless telecommunications facility (T-Mobile). The parapet will be extending an additional five (5) feet for a total of 47 feet height on the three (3) corners of the building, utilizing Fiber-Reinforced Polymer (FRP) panels that will match the exterior brick design of the existing building to screen the equipment.

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 proposed use is physically suitable since the wireless equipment will be located on the roof and it will not be visible to the public to see, as screening will be used that is treated to match existing

building materials. The addition to the parapet will be limited to the three corners of the building that will be used for antennas and will be designed in a way to match the height and screening method of the existing wireless telecommunication facility and the color, texture, and design of the brick exterior. The parking and the circulation on the property will remain unchanged, which still can provide provision of public and emergency vehicle access and public services and utilities.

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: No evidence exists to suggest that the proposed use will be detrimental to or endanger the public health, safety, or general welfare. The facility will increase safety and welfare by providing better connectivity to emergency services, as a result of better coverage in the area where a demonstrated coverage gap exists.

- D. Per Upland Municipal Code Section 17.44.030(H) the review and decision-making authority may approve an application for a Development Plan Review application 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 design and layout of the proposed project will not interfere with the use and enjoyment of existing and future neighboring properties and structures.

Evidence: The design and layout will not interfere with the existing and future uses of the surrounding sites, since the proposed location of the wireless equipment will be on the rooftop of the existing building. The rooftop of the building is not open to the public and will only allow authorized personnel to access the roof. The equipment will not be visible to the public. The overall design of the brick building will be unchanged and screening used will be painted and textures to match the existing facade.

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

Evidence: The proposed architectural design utilizes high quality materials, as evidenced by other facilities utilizing the same materials. On the corners where the height will be increased, the proposed material will consist of fiberglass reinforced plastic (FRP) screening that will be painted and textured to the existing building.

3. Finding: 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.

Evidence: Since the proposed project is on the rooftop of the existing building, additional landscape is not required on site. The existing on-site landscaping will remain as-is. However, conditions of approval have been provided to replace landscaping if it is damaged during construction.

4. Finding: 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.

Evidence: All operations related to the proposed project will take place completely within the rooftop area of the building. The use will have little to no impact on noise, odor, vibration, or other similar impacts to the existing uses within the multi-tenant building. Additionally, Conditions of Approval are included that will ensure the use will not be detrimental to the public health, safety, or welfare of the neighborhood of the proposed use.

- E. Per Upland Municipal Code Section 17.40.120(H), where a wireless telecommunication facility requires a conditional use permit, the reviewing authority shall not approve any application unless, in addition to the findings generally applicable to all conditional use permits, all of the following additional findings are made:

1. Finding: The proposed facility complies with all applicable provisions of this chapter.

Evidence: The facility maintains compliance with the provisions of UMC 17.40 as analyzed in the staff report.

2. Finding: The proposed facility has been designed and located to achieve compatibility with the community to the maximum extent reasonably feasible.

Evidence: The proposed wireless telecommunications facility has been located and designed to be compatible with the surrounding sites since it will be on the rooftop of the existing three-story building, co-located next to an existing wireless telecommunications facility, and screened to match the color, design, and texture of the building. The facility will have approximately 477 square feet of lease space on the rooftop of the building.

3. Finding: The applicant has submitted a statement of its willingness to allow other carriers to collocate on the proposed wireless telecommunications facility wherever technically and economically feasible and where collocation would not harm community compatibility.

Evidence: The new wireless telecommunication facility is collocating with an existing approved wireless facility which is also on the rooftop of the existing building, within its own separate lease area. Any further co-location on the roof of the building will be subject to property owner authorization and necessary City approvals.

4. Finding: Noise generated by equipment will not be excessive, annoying nor be detrimental to the public health, safety, and welfare and will not exceed the standards set forth in this chapter.

Evidence: The wireless facility is required to comply with the City's noise ordinance. The applicant has also submitted a noise analysis showing the operational noise from the equipment will be under 75 dB(a) limit.

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 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 General Conditions

- 10.1 All Ordinances, Policy Resolutions, and Standards of the City in effect at the time this project is approved shall be complied with as a condition of this approval.
- 10.2 The project shall comply with development standards and guidelines prescribed within the Upland Municipal Code.
- 10.3 Prior to issuance of future permits, all development plans shall be subject to plan check with the Planning Division, Building Division, Engineering Division, Public Works Department and Fire Department.
- 10.4 All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash, and debris at all times. Dead, damaged, and/or missing landscaping shall be replaced/replanted, subject to the satisfaction of the Planning Division.
- 10.5 To the maximum extent permitted by law, Applicant must defend, indemnify, and hold City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City ("Indemnitees") harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Applicant's activities in connection with Conditional Use Permit No. CUP-23-0013 and Development Plan Review No. DPR-23-0003 ("Project") on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Applicant's contractors, agents, tenants, employees or any other

persons acting on Applicant's behalf, which relate to the development and/or construction of the Project. This indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this approval, or any other supporting document relating to the Project, the City will promptly notify the Applicant of the claim, action, or proceedings and will fully cooperate in the defense of the matter. Once notified, the Applicant must indemnify, defend, and hold harmless the Indemnitees, and each of them, with respect to all liability, costs and expenses incurred by, and/or awarded against, the City or any of the Indemnitees in relation to such action. Within 15 days' notice from the City of any such action, Applicant shall provide to City a cash deposit to cover legal fees, costs, and expenses incurred by City in connection with defense of any legal action in an initial amount to be reasonably determined by the City Attorney. City may draw funds from the deposit for such fees, costs, and expenses. Within 5 business days of each and every notice from City that the deposit has fallen below the initial amount, Applicant shall replenish the deposit each and every time in order for City's legal team to continue working on the matter. City shall only refund to Developer any unexpended funds from the deposit within 30 days of: (i) a final, non-appealable decision by a court of competent jurisdiction resolving the legal action; or (ii) full and complete settlement of legal action. The City shall have the right to select legal counsel of its choice that the Applicant reasonably approves. The parties hereby agree to cooperate in defending such action. The City will not voluntarily assist in any such third-party challenge(s) or take any position adverse to the Applicant in connection with such third-party challenge(s). In consideration for approval of the Project, this condition shall remain in effect if the entitlement(s) related to this Project is rescinded or revoked, whether at the request of the Applicant.

- 10.6 Within 15 days of receiving the approval the Property Owner or Project Applicant shall submit to the Development Services Department written evidence of agreement with all conditions of this approval before the approval becomes effective. (UMC 17.45.030)
- 10.7 Expansion of project beyond the scope and nature of the project, which would increase the projected scale of the project, shall not be permitted except upon application for and approval of modification to this approval.
- 10.8 Any improvement, building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained, or any use of any building or land which is conducted, operated or maintained contrary to the provisions of the Zoning Ordinance, or contrary to any detailed statement, plan, or condition of approval, approved in accordance with the provisions of the Zoning Ordinance shall be and the same is declared

to be a violation of the Zoning Ordinance and is unlawful and a public nuisance.

- 10.9 Termination of approval if either: (1) development has not been diligently commenced and actively pursued to completion thereafter within a two (2) year period from the date of approval (i.e. August 28, 2026); or, (2) if the use approved hereunder is discontinued for a period of one hundred and eighty days or longer; or, (3) non-compliance with any provision of the Upland Municipal (UMC) not specifically waived in compliance with City procedures.

20.0 Planning Division Conditions

- 20.1 The project shall be developed in accordance with the architecture, materials, and colors depicted on the approved elevations and plans on file with the Development Services Department. Prior to the issuance of building permits, the applicant shall include, on the plans submitted for plan check, a detailed materials sheet detailing all proposed materials for the facility. All materials shall match the materials on the approved entitlement plans to the satisfaction of the Development Services Director prior to the issuance of permits. Any requests for material changes shall be made to the Development Services Director, who may approve the change if the modifications are minor in nature, but may refer the changes to the Planning Commissions at their discretion.
- 20.2 Any landscaping damaged during construction of the project shall be repaired or replaced by the applicant prior to final inspection approval on the building permit.
- 20.3 Before the permittee submits any application for a building permit or other permits required by the Upland Municipal Code, the permittee must incorporate the wireless telecommunication facility resolution, all conditions associated with the wireless telecommunications facility permit and the approved plans and any photo simulations (the "approved plans") into the project plans. The permittee must construct, install and operate the wireless telecommunications facility in strict compliance with the approved plans. The permittee shall submit an as built drawing within 90 days after installation of the facility.
- 20.4 The permittee shall submit and maintain current at all times basic contact and site information on a form to be supplied by the City. The permittee shall notify the City of any changes to the information submitted within seven days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to, the following:
- a. Identity, including the name, address and 24-hour local or toll free contact phone number of the permittee, the owner, the operator, and the agent or person responsible for the maintenance of the facility.

- b. The legal status of the owner of the wireless telecommunications facility, including official identification numbers and FCC certification,
 - c. Name, address, and telephone number of the property owner if different than the permittee.
- 20.5 At all times, all required notices and signs shall be posted on the site as required by the FCC and California Public Utilities Commission, and as approved by the City. The location and dimensions of a sign bearing the emergency contact name and telephone number shall be posted pursuant to the approved plans.
- 20.6 At all times, the permittee shall ensure that the facility complies with the most current regulatory and operational standards including, but not limited to, radio frequency emissions standards adopted by the FCC and antenna height standards adopted by the Federal Aviation Administration. The City shall retain a consultant, at the sole expense of the permittee, to perform testing demonstrating compliance with current regulatory and operational standards. Tests shall occur upon commencement of operations and annually thereafter.
- 20.7 If the Director determines there is good cause to believe that the facility may emit radio frequency emissions that are likely to exceed FCC standards, the Director may require the permittee to submit a technically sufficient written report certified by a qualified radio frequency emissions engineer, certifying that the facility is in compliance with such FCC standards.
- 20.8 Permittee shall pay for and provide a performance bond, which shall be in effect until the facilities are fully and completely removed and the site reasonably returned to its original condition, to cover permittee's obligations under these conditions of approval and the Upland Municipal Code. The bond coverage shall include, but not be limited to, removal of the facility and maintenance obligations. The amount of the performance bond shall be set by the Director in an amount rationally related to the obligations covered by the bond.
- 20.9 All conditions of approval shall be binding as to the applicant and all successors in interest to permittee.
- 20.10 The telecommunications facility must comply at all times with the following operation and maintenance standards. All necessary repairs and restoration shall be completed by the permittee, owner, or operator within 48 hours:
 - a. After discovery of the need by the permittee, owner, operator or any designated maintenance agent; or
 - b. After permittee, owner, operator, or any designated maintenance agent receives notification from a resident or the Director.

- 20.11 The facility, including, but not limited to, accessory equipment, cabinets, and the facility site shall be maintained in good condition, including ensuring the facilities are reasonably free of:
- a. General dirt and grease;
 - b. Chipped, faded, peeling, and cracked paint;
 - c. Rust and corrosion;
 - d. Cracks, dents, and discoloration;
 - e. Missing, discolored, or damaged artificial foliage or other camouflage;
 - f. Graffiti, bills, stickers, advertisements, litter and debris;
 - g. Broken and misshapen structural parts; and
 - h. Any damage from any cause.
- 20.12 The permittee shall replace its facilities, after obtaining all required permits, if maintenance or repair is not sufficient to return the facility to the condition it was in at the time of installation.
- 20.13 The facility shall be operated and maintained at all times in compliance with applicable Federal regulations, including FCC radio frequency emissions standards.
- 20.14 The facility shall be operated and maintained to comply at all times with the noise regulations of this chapter and shall be operated and maintained in a manner that will minimize noise impacts to surrounding residents. Except for emergency repairs, any testing and maintenance activities that will be audible beyond the property line shall only occur between the hours of 7:00 a.m. and 5:00 p.m. on Monday through Friday, excluding holidays, unless alternative hours are approved by the Director. Backup generators, if permitted, shall only be operated during periods of power outages or for testing.
- 20.15 The applicant, owner or operator of a facility shall routinely inspect each site to ensure compliance with the standards set forth in this section and the conditions of approval. Damaged or deteriorating structures shall be repaired immediately.
- 20.16 The applicant shall comply with the following Best Management Practices for noise management during construction.
- a. Re-route truck traffic away from residential streets, if possible. Select streets with fewest homes, if no alternatives are available.
 - b. Locate equipment on the construction lot as far away from noise sensitive receivers as possible.
 - c. Combine noisy operations to occur in the same time period. The total noise will not increase significantly, and the duration of the noise impact will be less.

- d. It is unlawful for any person to engage in or permit the erection (including excavation), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues, and which permit may be renewed for periods of three days or less while the emergency continues. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m., and if he or she shall further determine that loss or inconvenience would result to any party in interest, he or she may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.
- e. Use specially quieted equipment when possible, such as quieted and enclosed air compressors, residential or critical grade mufflers on all engines.
- f. Stationary equipment will be located as far away from sensitive receptors as possible. Loud, disrupting construction activities in noise sensitive areas will be conducted during hours that are least disturbing to adjacent and nearby residents.
- g. If noise above the stated regulation will be generated for long periods of time, construct barriers to block the line of sight to noise sensitive receivers.

30.0 Police Department

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

- 30.4 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.
- 30.5 If any community issues arise, such as noise, odors, parking, environmental hazards, traffic congestion, crime, etc., the owner/operator shall be responsible for immediate implementation of measures to address the issues, including additional restrictions on the intensity of the use, to the satisfaction of the Development Services Director and/or the Chief of Police.
- 30.6 Provide UPD with contact information of the Project Manager and Superintendent in charge of the project.
- 30.7 Violation of any of the aforementioned conditions may result in modification or revocation of the permit, subject to the process outlined within Section 17.45.100 of the Upland Municipal Code.
- 30.8 Adhere to all local, state, and federal laws. Violation of any local, state or federal laws will result in revocation of this permit and/or criminal prosecution.

40.0 Building and Safety

- 40.1 Provide structural calculations and details for attachment of the FRP panels to the existing parapet. New FRP panels must have the same fire-resistive construction rating as existing exterior walls.

50.0 Review/Compliance

- 50.1 The Planning Commission may review the use 90 days, 180 days, and on an annual basis following the date of final inspection, or as needed at the discretion of the Development Services Director, to determine whether the applicant and operators are operating the use in a manner that is compatible with the community. The Planning Commission may establish additional conditions of approval that are necessary to eliminate any issues that arise from the operation of the use that adversely impact the public health, welfare, and safety, or may direct staff to initiate revocation proceedings. The conditional use permit may be revoked if the permittee, his agents or assigns, or employee(s) of the establishment, or any other person connected or associated with the permittee or his business establishment, or any person who is exercising managerial authority of the business establishment has:
 - a. Violated any rule, regulation, or condition of approval adopted by the Planning Commission relating to the conditional use permit or contained in the Upland Municipal Code, or state or federal regulations. Violation of any provision of the Upland Municipal Code (UMC) or the conditions of approval set forth in this resolution, shall be deemed to constitute an infraction of the Upland Municipal Code,

and shall be subject to the applicable fines and penalties, including the possibility of revocation of this permit.

- b. Conducted the operation permitted hereunder in a manner contrary to the peace, health, safety, and general welfare of the public, or in a manner which either generates or contributes to noise and/or health/sanitation nuisances, or which results in undesirable activities that negatively affects adjacent properties or creates an increased demand for public services.

Section 3. CEQA. This project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301 [Existing Facilities, Class 1] of the CEQA Guidelines, since the proposed project involves the minor alteration of an existing structure.

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

Section 5. SEVERABILITY. If any section, subsection, subdivision, sentence, or clause or phrase in this Resolution or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Resolution or any part thereof. The Planning Commission hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

Section 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.

Section 7. EFFECTIVE DATE. This Resolution shall become effective ten (10) days after its passage and adoption unless appealed prior to that time.

PASSED, APPROVED and ADOPTED this 28th day of August, 2024.

Robin Aspinall, CHAIR

ATTEST:

Robert D. Dalquest, SECRETARY

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of Upland at a regular adjourned meeting thereof held on the 28th day of August, 2024, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Robert D. Dalquest, SECRETARY

EXHIBIT B: VICINITY

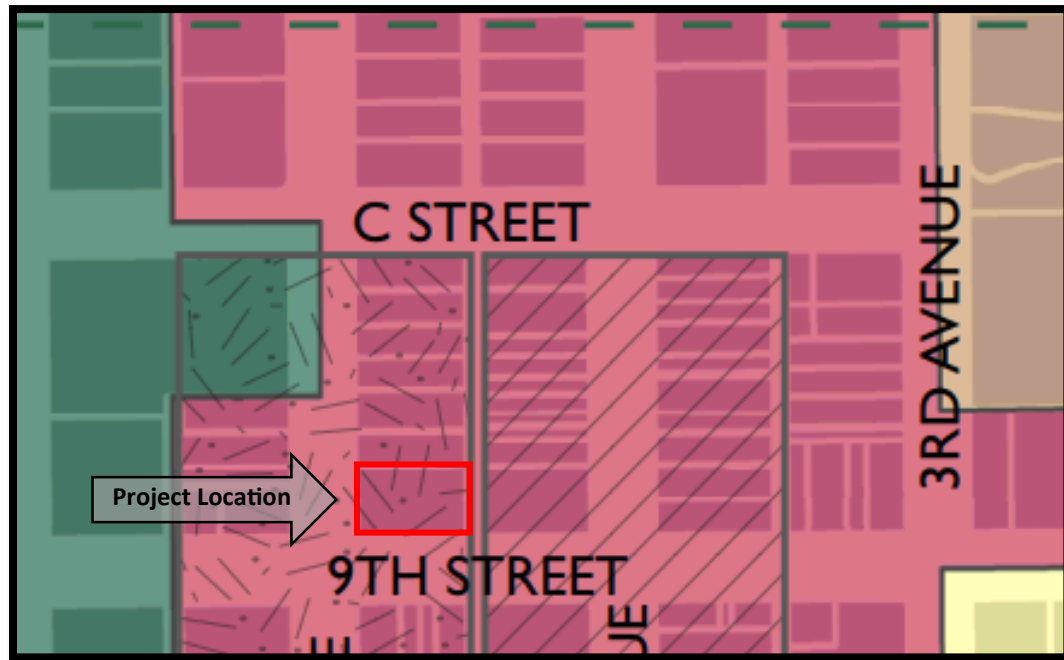


EXHIBIT C: GENERAL PLAN AND ZONING DESIGNATION

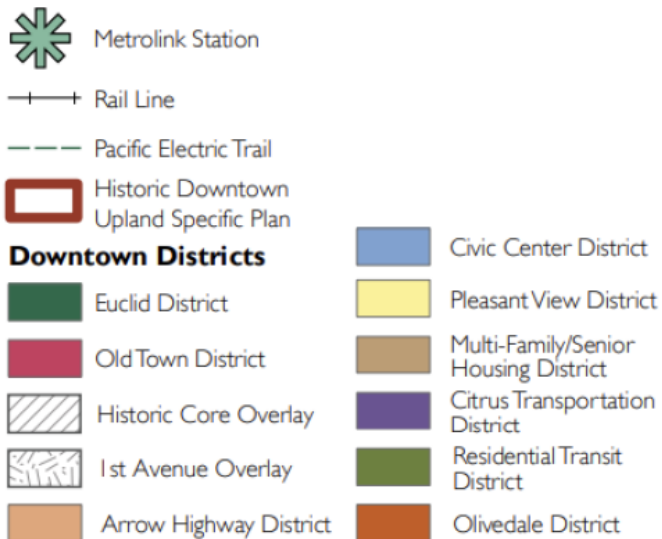
General Plan Designation: Specific Plan (Historic Downtown Upland Specific Plan)



Zoning Designation: Historic Core Overlay of the Old Town District within the Historic Downtown Upland Specific Plan



Lender



Site Justification Coverage Maps

Market Name : Southern California Market

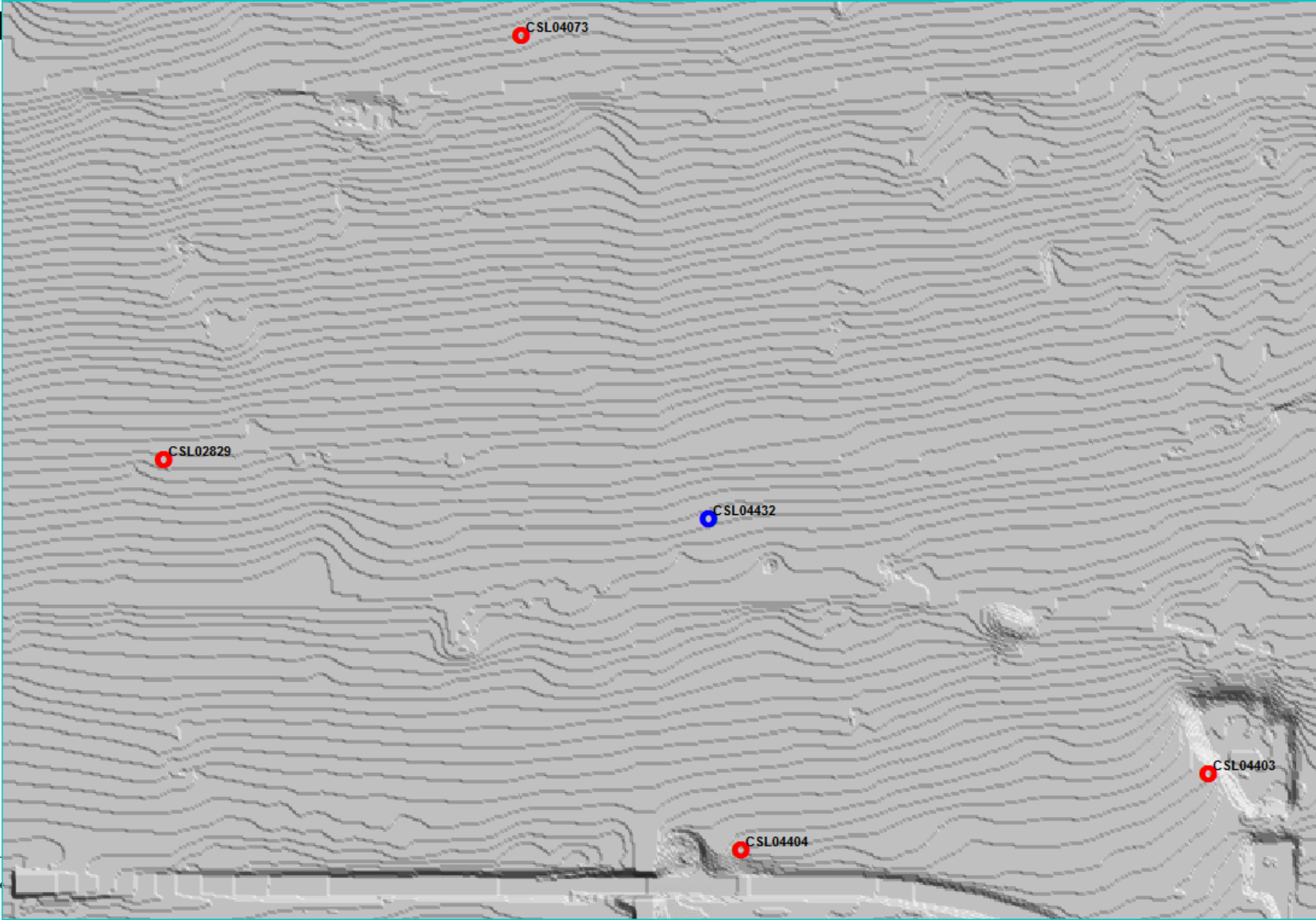
Site ID : CSL04432

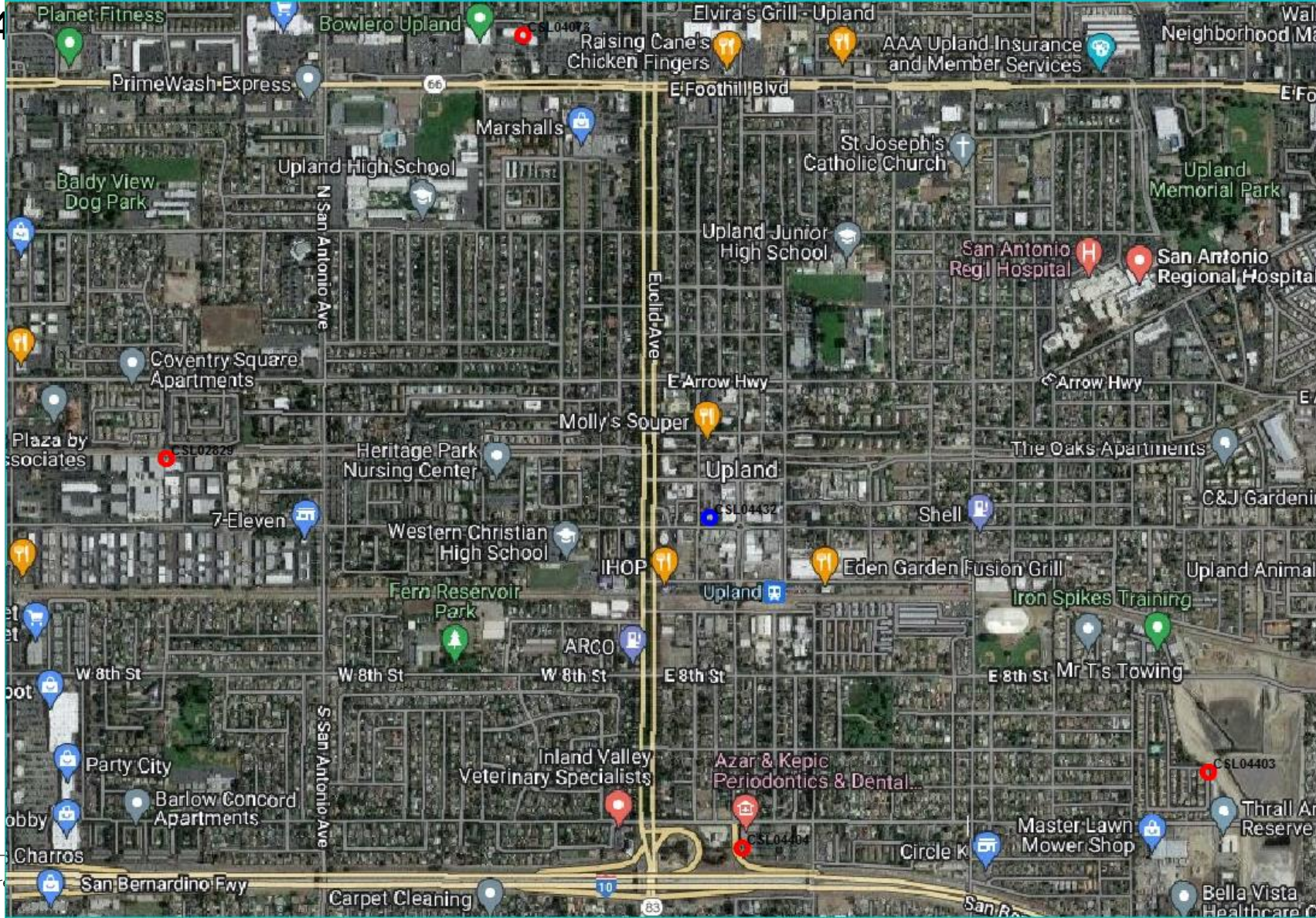
Site Address : 123 East Ninth Street, Upland, CA 91786

ATOLL Completion Date: March 15, 2023

Assumptions

- ❖ Propagation of the Site Coverage Plots are based on our current Atoll RF Design Tool that shows the preferred design of the AT&T 4G-LTE Network Coverage.
- ❖ The propagation referenced in this package is based on Proposed LTE Coverage of AT&T users in the surrounding buildings, in-vehicles and at-street level.
- ❖ For your reference, the scale shown ranges from Good to Poor Coverage with gradual changes in coverage showing Best Coverage to Marginal and Poor Signal Levels.
- ❖ The Coverage Plots shown in the following slides are based on the following criteria:
 - Existing LTE Coverage Before the Referenced Site: Assuming all the planned neighboring sites are approved by the jurisdiction and On-Air and the Referenced Site is Off-Air, the propagation is displayed with the legends provided.
 - Planned LTE Coverage With the Referenced Site: Assuming all the planned neighboring sites along with the Referenced Site are now approved by the jurisdiction and now On-Air, the propagation is displayed with the legends provided.
 - Standalone Coverage of the Referenced Site: Assuming all the planned neighboring sites approved by the jurisdiction are Off-Air and only the Referenced Site is On-Air, the propagation is displayed with the legends provided.



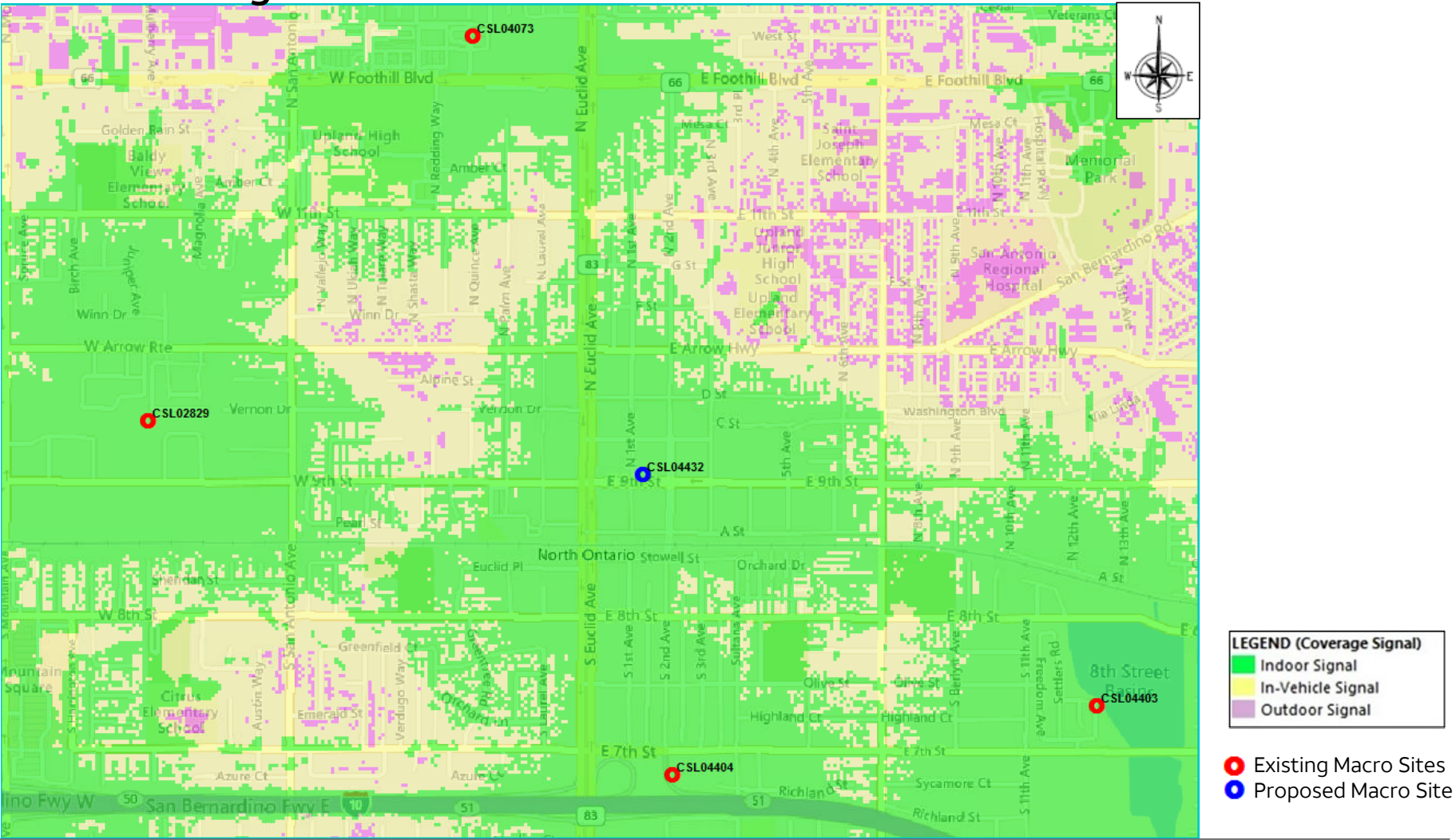


The map displays the San Antonio area with various streets and landmarks. The locations of the four CSX stations are marked with colored dots and labels:

- CSL04073** (Red dot) is located near the intersection of W Foothill Blvd and N Euclid Ave.
- CSL02829** (Red dot) is located near the intersection of W Arrow Rte and N Euclid Ave.
- CSL04432** (Blue dot) is located near the intersection of E 9th St and N Euclid Ave.
- CSL04403** (Red dot) is located near the intersection of E 8th St and N Euclid Ave.

Major highways shown include I-10 (San Bernardino Fwy E), I-37 (W Loop W), and I-83 (N Loop N). Local streets include W Foothill Blvd, W Arrow Rte, W 8th St, W 9th St, W 10th St, W 11th St, W 12th St, W 13th St, W 14th St, W 15th St, W 16th St, W 17th St, W 18th St, W 19th St, W 20th St, W 21st St, W 22nd St, W 23rd St, W 24th St, W 25th St, W 26th St, W 27th St, W 28th St, W 29th St, W 30th St, W 31st St, W 32nd St, W 33rd St, W 34th St, W 35th St, W 36th St, W 37th St, W 38th St, W 39th St, W 40th St, W 41st St, W 42nd St, W 43rd St, W 44th St, W 45th St, W 46th St, W 47th St, W 48th St, W 49th St, W 50th St, W 51st St, W 52nd St, W 53rd St, W 54th St, W 55th St, W 56th St, W 57th St, W 58th St, W 59th St, W 60th St, W 61st St, W 62nd St, W 63rd St, W 64th St, W 65th St, W 66th St, W 67th St, W 68th St, W 69th St, W 70th St, W 71st St, W 72nd St, W 73rd St, W 74th St, W 75th St, W 76th St, W 77th St, W 78th St, W 79th St, W 80th St, W 81st St, W 82nd St, W 83rd St, W 84th St, W 85th St, W 86th St, W 87th St, W 88th St, W 89th St, W 90th St, W 91st St, W 92nd St, W 93rd St, W 94th St, W 95th St, W 96th St, W 97th St, W 98th St, W 99th St, W 100th St, W 101st St, W 102nd St, W 103rd St, W 104th St, W 105th St, W 106th St, W 107th St, W 108th St, W 109th St, W 110th St, W 111st St, W 112nd St, W 113rd St, W 114th St, W 115th St, W 116th St, W 117th St, W 118th St, W 119th St, W 120th St, W 121st St, W 122nd St, W 123rd St, W 124th St, W 125th St, W 126th St, W 127th St, W 128th St, W 129th St, W 130th St, W 131st St, W 132nd St, W 133rd St, W 134th St, W 135th St, W 136th St, W 137th St, W 138th St, W 139th St, W 140th St, W 141st St, W 142nd St, W 143rd St, W 144th St, W 145th St, W 146th St, W 147th St, W 148th St, W 149th St, W 150th St, W 151st St, W 152nd St, W 153rd St, W 154th St, W 155th St, W 156th St, W 157th St, W 158th St, W 159th St, W 160th St, W 161st St, W 162nd St, W 163rd St, W 164th St, W 165th St, W 166th St, W 167th St, W 168th St, W 169th St, W 170th St, W 171st St, W 172nd St, W 173rd St, W 174th St, W 175th St, W 176th St, W 177th St, W 178th St, W 179th St, W 180th St, W 181st St, W 182nd St, W 183rd St, W 184th St, W 185th St, W 186th St, W 187th St, W 188th St, W 189th St, W 190th St, W 191st St, W 192nd St, W 193rd St, W 194th St, W 195th St, W 196th St, W 197th St, W 198th St, W 199th St, W 200th St, W 201st St, W 202nd St, W 203rd St, W 204th St, W 205th St, W 206th St, W 207th St, W 208th St, W 209th St, W 210th St, W 211st St, W 212nd St, W 213rd St, W 214th St, W 215th St, W 216th St, W 217th St, W 218th St, W 219th St, W 220th St, W 221st St, W 222nd St, W 223rd St, W 224th St, W 225th St, W 226th St, W 227th St, W 228th St, W 229th St, W 230th St, W 231st St, W 232nd St, W 233rd St, W 234th St, W 235th St, W 236th St, W 237th St, W 238th St, W 239th St, W 240th St, W 241st St, W 242nd St, W 243rd St, W 244th St, W 245th St, W 246th St, W 247th St, W 248th St, W 249th St, W 250th St, W 251st St, W 252nd St, W 253rd St, W 254th St, W 255th St, W 256th St, W 257th St, W 258th St, W 259th St, W 260th St, W 261st St, W 262nd St, W 263rd St, W 264th St, W 265th St, W 266th St, W 267th St, W 268th St, W 269th St, W 270th St, W 271st St, W 272nd St, W 273rd St, W 274th St, W 275th St, W 276th St, W 277th St, W 278th St, W 279th St, W 280th St, W 281st St, W 282nd St, W 283rd St, W 284th St, W 285th St, W 286th St, W 287th St, W 288th St, W 289th St, W 290th St, W 291st St, W 292nd St, W 293rd St, W 294th St, W 295th St, W 296th St, W 297th St, W 298th St, W 299th St, W 300th St, W 301st St, W 302nd St, W 303rd St, W 304th St, W 305th St, W 306th St, W 307th St, W 308th St, W 309th St, W 310th St, W 311st St, W 312nd St, W 313rd St, W 314th St, W 315th St, W 316th St, W 317th St, W 318th St, W 319th St, W 320th St, W 321st St, W 322nd St, W 323rd St, W 324th St, W 325th St, W 326th St, W 327th St, W 328th St, W 329th St, W 330th St, W 331st St, W 332nd St, W 333rd St, W 334th St, W 335th St, W 336th St, W 337th St, W 338th St, W 339th St, W 340th St, W 341st St, W 342nd St, W 343rd St, W 344th St, W 345th St, W 346th St, W 347th St, W 348th St, W 349th St, W 350th St, W 351st St, W 352nd St, W 353rd St, W 354th St, W 355th St, W 356th St, W 357th St, W 358th St, W 359th St, W 360th St, W 361st St, W 362nd St, W 363rd St, W 364th St, W 365th St, W 366th St, W 367th St, W 368th St, W 369th St, W 370th St, W 371st St, W 372nd St, W 373rd St, W 374th St, W 375th St, W 376th St, W 377th St, W 378th St, W 379th St, W 380th St, W 381st St, W 382nd St, W 383rd St, W 384th St, W 385th St, W 386th St, W 387th St, W 388th St, W 389th St, W 390th St, W 391st St, W 392nd St, W 393rd St, W 394th St, W 395th St, W 396th St, W 397th St, W 398th St, W 399th St, W 400th St, W 401st St, W 402nd St, W 403rd St, W 404th St, W 405th St, W 406th St, W 407th St, W 408th St, W 409th St, W 410th St, W 411st St, W 412nd St, W 413rd St, W 414th St, W 415th St, W 416th St, W 417th St, W 418th St, W 419th St, W 420th St, W 421st St, W 422nd St, W 423rd St, W 424th St, W 425th St, W 426th St, W 427th St, W 428th St, W 429th St, W 430th St, W 431st St, W 432nd St, W 433rd St, W 434th St, W 435th St, W 436th St, W 437th St, W 438th St, W 439th St, W 440th St, W 441st St, W 442nd St, W 443rd St, W 444th St, W 445th St, W 446th St, W 447th St, W 448th St, W 449th St, W 450th St, W 451st St, W 452nd St, W 453rd St, W 454th St, W 455th St, W 456th St, W 457th St, W 458th St, W 459th St, W 460th St, W 461st St, W 462nd St, W 463rd St, W 464th St, W 465th St, W 466th St, W 467th St, W 468th St, W 469th St, W 470th St, W 471st St, W 472nd St, W 473rd St, W 474th St, W 475th St, W 476th St, W 477th St, W 478th St, W 479th St, W 480th St, W 481st St, W 482nd St, W 483rd St, W 484th St, W 485th St, W 486th St, W 487th St, W 488th St, W

Planned LTE Coverage With Site CSL04432



The map displays the following locations and features:

- CSU Locations:**
 - CSL04073:** Located near the intersection of N San Antonio Ave and W Foothill Blvd.
 - CSL02829:** Located near the intersection of W Arrow Rte and Vernon Dr.
 - CSL04432:** Located near the intersection of N Euclid Ave and E 9th St.
 - CSL04403:** Located near the intersection of E 8th St and S 11th Ave.
- Major Roads:**
 - North-South: N San Antonio Ave, N Euclid Ave, S San Antonio Ave, S Euclid Ave.
 - East-West: E Foothill Blvd, W Arrow Rte, W 11th St, W 9th St, W 8th St, E 7th St, E 8th St.
 - Other: E Foothill Blvd, W Arrow Rte, San Bernardino Rd, E Arrow Hwy, Washington Blvd, Via Linda.
- Landmarks and Schools:**
 - Schools:** Upland High School, Upland Junior High School, Upland Elementary School, Baldy View Elementary School, Saint Joseph Elementary School, Citrus Elementary School.
 - Hospital:** San Antonio Regional Hospital.
 - Park:** Memorial Park.
- Other Features:**
 - Compass rose in the top right corner.
 - Highway shields for 66, 83, 51, and 50.

Coverage Legend

Indoor Signal: In general, the areas shown in dark green should have the strongest signal strength and be sufficient for most in-building coverage. However, in-building coverage can and will be adversely affected by the thickness/construction type of walls, or your location in the building (i.e., in the basement, in the middle of the building with multiple walls, etc.)

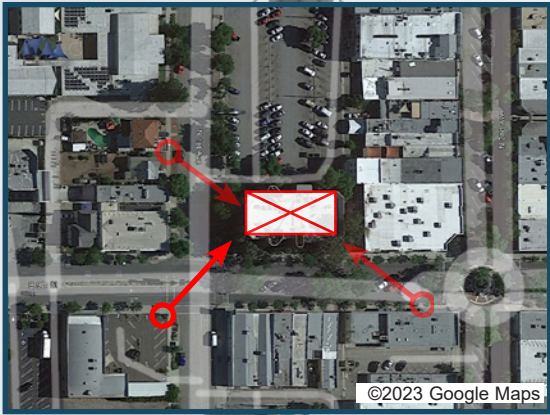
In-Vehicle Signal: The areas shown in the yellow should be sufficient for on-street or in-the-open coverage, most in-vehicle coverage and possibly some in-building coverage.

Outdoor Signal: The areas shown in the purple should have sufficient signal strength for on-street or in-the-open coverage but may not have it for in-vehicle coverage or indoor signal coverage.



AT&T

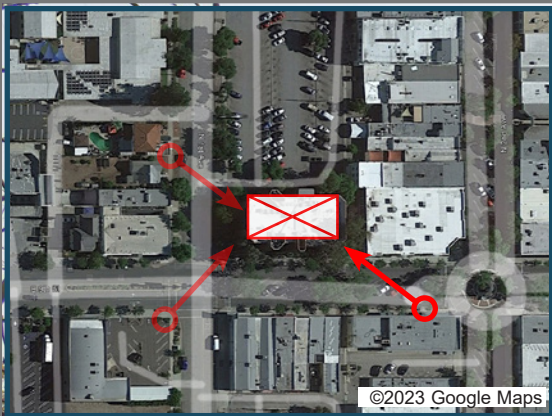
VIEW 1



EXISTING



PROPOSED LOOKING NORTHEAST FROM 9TH STREET

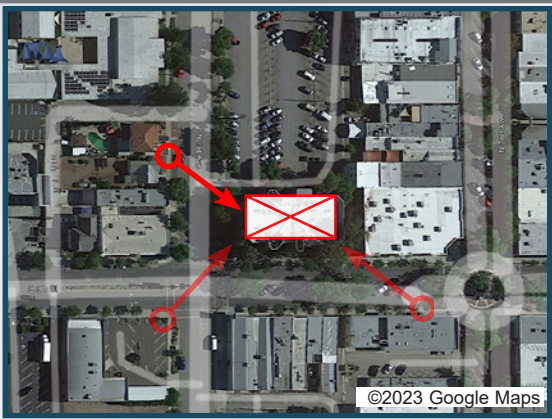


EXISTING



PROPOSED

LOOKING NORTHWEST FROM 9TH STREET



EXISTING



PROPOSED LOOKING SOUTHEAST FROM 1ST AVENUE

PACE #: MRL05094213, USID: 315676, PTN #: 3551A12TDY, FA #: 15770433

PROPERTY OWNER: UPLAND INN LLC
123 E. 9TH ST.
UPLAND, CA 91786

APPLICANT ADDRESS: AT&T MOBILITY
1452 EDINGER AVE.
TUSTIN, CA 92780

APPLICANT REPRESENTATIVE: SMARTLINK
ADDRESS: 1997 ANNAPOLIS EXCHANGE PKWY., SUITE 200
ANNAPOLIS, MD 21401

PROPOSED ANTENNA SECTOR "A"

LATITUDE (NAD 83): N 34° 05' 46.59" (34.096275°)
LONGITUDE(NAD 83): W 117° 38' 56.80" (-117.649111°)

PROPOSED ANTENNA SECTOR "B"

LATITUDE (NAD 83): N 34° 05' 46.65" (34.096292°)
LONGITUDE(NAD 83): W 117° 38' 58.11" (-117.649475°)

PROPOSED ANTENNA SECTOR "C"

LATITUDE (NAD 83): N 34° 05' 47.07" (34.096408°)
LONGITUDE(NAD 83): W 117° 38' 58.13" (-117.649481°)

PROPOSED EQUIPMENT LEASE AREA

LATITUDE (NAD 83): N 34° 05' 46.84" (34.096344°)
LONGITUDE(NAD 83): W 117° 38' 57.41" (-117.649281°)

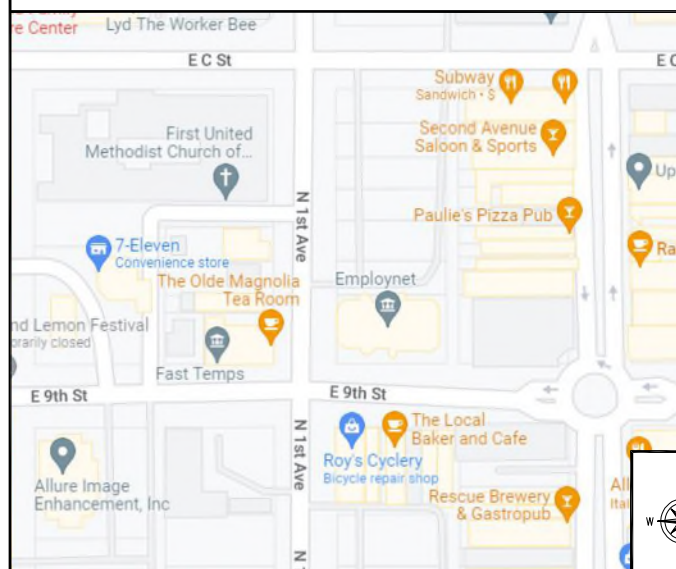
GROUND ELEVATION: 1229.86' AMSL
APN #: 1046-402-24-0-000

ZONING JURISDICTION: CITY OF UPLAND

CURRENT ZONING: SP - SPECIFIC PLAN

<p><u>AT&T PROJECT MANAGER:</u> AT&T MOBILITY SERVICES LLC CONTACT: CHRISTIE PRICE PHONE: (714) 476-3479 EMAIL: ch0897@att.com</p>	<p><u>A/E MANAGER:</u> CELLSITE CONCEPTS 16885 VIA DEL CAMPO CT., SUITE 318 SAN DIEGO, CA 92127 CONTACT: SEV FRANCISCO PHONE: (858) 432-4112 EMAIL: sfrancisco@cellsite.net</p>
<p><u>SMARTLINK PROJECT MANAGER:</u> SMARTLINK CONTACT: MOISES ACEVES PHONE: (760) 799-6670 EMAIL: moises.aceves@smartlinkgroup.com</p>	<p><u>SITE ACQUISITION:</u> SMARTLINK CONTACT: JERMAINE TAYLOR EMAIL: jttelecoms@gmail.com PHONE: (909) 917-1727</p>
<p><u>LAND USE PLANNER:</u> SMARTLINK CONTACT: JERMAINE TAYLOR EMAIL: jttelecoms@gmail.com PHONE: (909) 917-1727</p>	<p><u>CONSTRUCTION MANAGER:</u> AT&T MOBILITY SERVICES LLC CONTACT: GREG EATON PHONE: (310) 753-0691 EMAIL: ge2767@att.com</p>

SUBCONTRACTOR SHALL VERIFY ALL PLANS, EXISTING DIMENSIONS & FIELD CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.



First United Methodist Church of...

Both of You

The Olive Magdala Tea Room

Fast Temps

Skin And Body By Jennifer
Cell: 573-1110
Originally \$150

Paulie's Pizza Pub

Second Avenue Saloon & Sports

The Local Baker and Cafe
group buy on Saturdays

Rescue Brewery & Local Tap

2nd Ave

E 9th St

E 9th St

E 9th St

Irish Forster Remnant Makeup & Skincare

N 1st Ave

7-Eleven convenience store

Compass rose in bottom left corner.

1. START OUT GOING SOUTHEAST ON EDINGER AVE TOWARD RED HILL AVE.
2. TURN LEFT ONTO RED HILL AVE.
3. TURN LEFT ONTO NEWPORT AVE.
4. TURN RIGHT AND TAKE RAMP ONTO CA-55 N (COSTA MESA FWY).
5. TAKE EXIT 10B TOWARD SANTA ANA ONTO I-5 N (SANTA ANA FWY).
6. TAKE EXIT 107A TOWARD POMONA ONTO CA-57 N (ORANGE FWY).
7. KEEP RIGHT ONTO CA-57 N (ORANGE FWY).
8. TAKE EXIT 21 TOWARD SAN BERNARDINO ONTO I-10 (SAN BERNARDINO FWY).
9. TAKE EXIT 51 TOWARD CA-83/EUCLID AVE/ONTARIO/UPLAND.
10. TURN LEFT ONTO S EUCLID AVE (CA-83).
11. TURN RIGHT ONTO S 9TH ST.
12. MAKE A U-TURN AT N 2ND AVE ONTO E 9TH ST.
13. DESTINATION IS AT 123 E 9TH ST., UPLAND, CA 91786-6016

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES.

- CALIFORNIA ADMINISTRATIVE CODE (INCL TITLE 24 & 25)
- 2022 CALIFORNIA BUILDING CODE
- 2022 CALIFORNIA MECHANICAL CODE
- 2022 CALIFORNIA PLUMBING CODE
- 2022 CALIFORNIA ELECTRICAL CODE
- 2022 LOCAL BUILDING CODE
- BUILDING OFFICIALS & CODE ADMINISTRATORS (BOCA)
- CITY/COUNTY ORDINANCES
- ANSI/TIA-222-H
- LIFE SAFETY CODE NFPA-101

THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS REQUIREMENTS ARE NOT REQUIRED IN ACCORDANCE WITH THE 2022 CALIFORNIA BUILDING CODE. A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OR EFFECT ON DRAINAGE; NO SANITARY SEWER SERVICE, POTABLE WATER, OR TRASH DISPOSAL IS REQUIRED AND NO COMMERCIAL SIGNAGE IS NEW.

THE TELECOMMUNICATIONS EQUIPMENT SPACE SHOWN ON THESE PLANS IS NOT CUSTOMARILY OCCUPIED. WORK TO BE PERFORMED IN THIS FACILITY CANNOT REASONABLY BE PERFORMED BY PERSONS WITH A SEVERE IMPAIRMENT: MOBILITY, SIGHT, AND/OR HEARING. THEREFORE, PER 2022 CALIFORNIA BUILDING CODE SECTION 110583.4, AND/OR 11B-203.5 OF 2022 CALIFORNIA BUILDING CODE, EXCEPTION 1, THIS FACILITY SHALL BE EXEMPTED FROM ALL TITLE 24 ACCESS REQUIREMENTS.

AT&T MOBILITY PROPOSES TO CONSTRUCT AN UNMANNED WIRELESS COMMUNICATION FACILITY. THE SCOPE WILL CONSIST OF THE FOLLOWING:

ANTENNA LEVEL:

- PROPOSED FRP ANTENNA SCREEN FOR ON BUILDING ROOFTOP. PAINTED TO MATCH EXISTING BUILDING
- PROPOSED (10) PANEL ANTENNAS MOUNTED BEHIND FRP SCREEN.
- PROPOSED (16) RRU's MOUNTED BEHIND PANEL ANTENNAS.
- PROPOSED (3) DC9 SURGE SUPPRESSION (NEMA) UNITS MOUNTED NEAR RRU's. (1 PER SECTOR)
- PROPOSED (9) 1"ø DC POWER TRUNKS ROUTED WITHIN PROPOSED CABLE TRAY ON ROOFTOP.
- PROPOSED (3) 3/8"ø FIBER TRUNKS ROUTED WITHIN PROPOSED CABLE TRAY ON ROOFTOP.

EQUIPMENT LEVEL:

- PROPOSED (2) PURCELL CABINETS (STACKED) ON EXISTING EQUIPMENT PLATFORM.
- PROPOSED (1) DC POWER PLANT ON EXISTING EQUIPMENT PLATFORM.
- PROPOSED (1) BATTERY CABINET ON EXISTING EQUIPMENT PLATFORM.
- PROPOSED (4) DC12 SURGE SUPPRESSION UNITS MOUNTED ON H-FRAME. (STACKED)
- PROPOSED (4) FIBER MANAGERMENTS BOXES MOUNTED ON H-FRAME. (STACKED)
- PROPOSED (1) GPS ANTENNA MOUNTED ON PROPOSED H-FRAME POST.
- PROPOSED (1) PTLG CABINET MOUNTED ON PROPOSED H-FRAME.
- PROPOSED (1) TELCO BOX AND CIENA BOX MOUNTED ON PROPOSED H-FRAME.
- PROPOSED (1) ELEC. METER WITHIN (E) METER BANK INSIDE (E) ELECTRICAL ROOM AT GROUND LEVEL.
- PROPOSED (1) CAMLOK GENERATOR CONNECTOR AND MTS AT GROUND LEVEL.

SHEET NO.:	SHEET TITLE
T-1	TITLE SHEET
LS-1	TOPOGRAPHIC SURVEY
LS-2	TOPOGRAPHIC SURVEY
A-1	SITE PLAN
A-2	ROOF PLAN
A-3	EQUIPMENT LAYOUT AND ANTENNA PLAN
A-4	ELEVATIONS
A-5	ELEVATIONS

	PRINT NAME	SIGNATURE	DATE
AT&T RF:	_____	_____	_____
AT&T PM:	_____	_____	_____
AT&T CM:	_____	_____	_____
SMARTLINK PM:	_____	_____	_____
SMARTLINK ZM:	_____	_____	_____
SMARTLINK SAQ:	_____	_____	_____
SMARTLINK CM:	_____	_____	_____



2	01/12/2024	PLANNING COMMENTS
1	05/05/2023	REVISED PER LATEST RFDS
0	02/21/2023	100% ZD'S
A	12/21/2022	90% ZD'S FOR REVIEW
REV	DATE	DESCRIPTION

ISSUED DATE: 01/12/2024

ISSUED FOR: PLANNING SUBMITTAL

LICENSURE: _____

PROJECT INFORMATION: _____

CSL04432

UPTOWN

123 E. 9TH ST.,
UPLAND, CA 91786

DRAWN BY:	AMA
CHECKED BY:	SVF

SHEET TITLE: _____

TITLE SHEET

SHEET NUMBER: T-1



APN
104-640-224
SITE ADDRESS
123 EAST 9TH ST., UPLAND, CA 91786

TITLE REPORT
TITLE REPORT WAS PREPARED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY WITH ORDER NUMBER 92019511-920-CMM-CMB AND GUARANTEE NUMBER CA-SFXFC-IMP-81G28-1-22-92019511 DATED NOVEMBER 10, 2022.

BASIS OF BEARING
BEARINGS SHOWN HEREON ARE BASED UPON U.S. STATE PLANE NAD83 COORDINATE SYSTEM CALIFORNIA STATE PLANE COORDINATE ZONE FIVE, DETERMINED BY GPS OBSERVATIONS.

BENCHMARK
ELEVATIONS ARE BASED ON CRTN (CSRC) NETWORK BROADCAST COORDINATES.

FLOODZONE
SITE IS LOCATED IN FLOOD ZONE "X" AS PER F.I.R.M. MAP NO. 06071C8607H EFFECTIVE DATE 08/28/2008.

LEGAL DESCRIPTION
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF UPLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1 OF PARCEL MAP NO. 9194, IN THE CITY OF UPLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 101, PAGE 47 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 1046-402-24-0-000

SCHEDULE B (EXCEPTIONS)

- ITEMS A & C ARE TAX RELATED
ITEM B IS LIENS RELATED
ITEM 2 IS REDEVELOPMENT RELATED
ITEM 3 IS LEASE RELATED
ITEMS 4, 5 & 8 ARE AGREEMENT RELATED
ITEM 7 IS DEED RELATED

EASEMENTS:

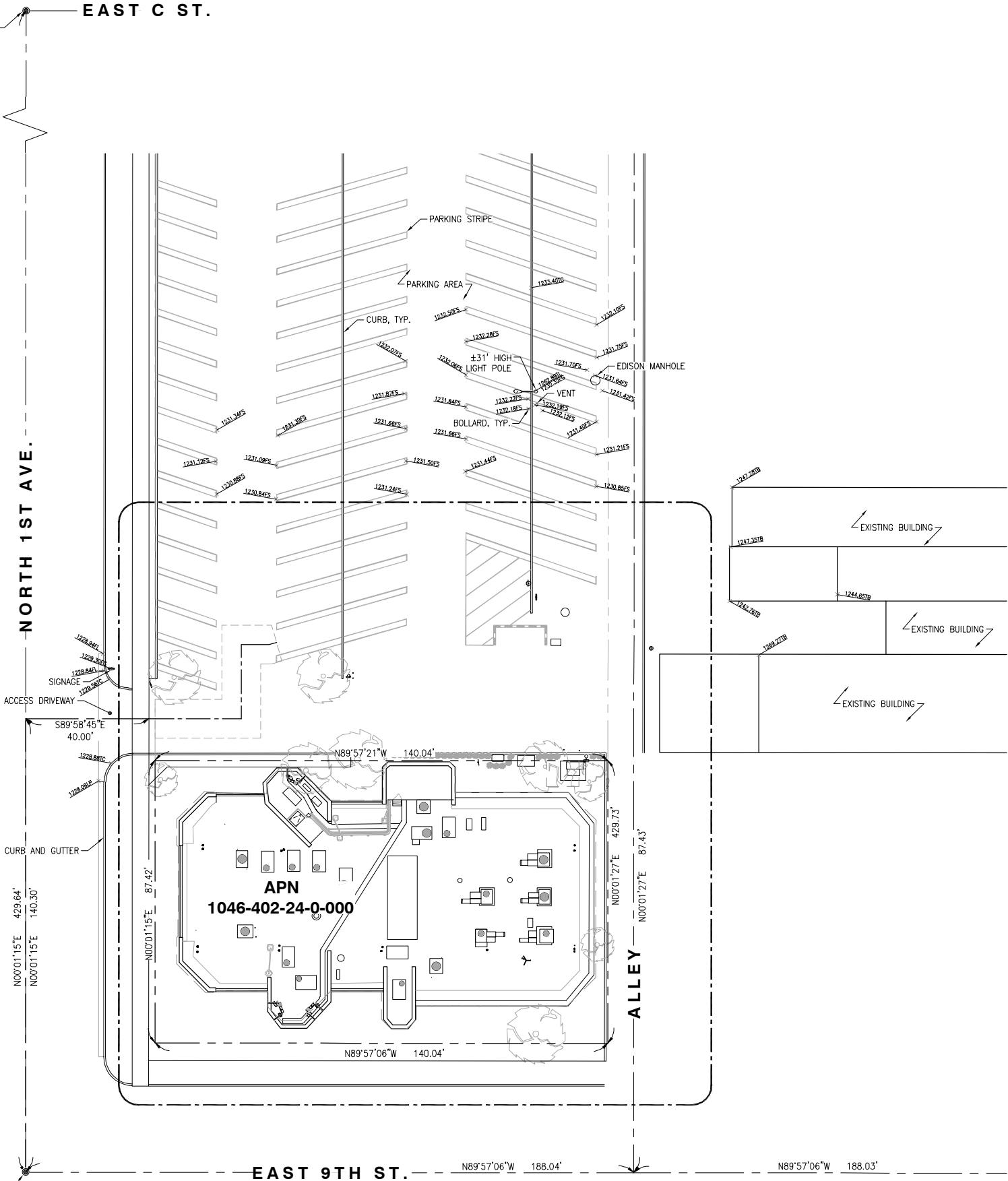
- EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY, A CORPORATION
PURPOSE: PUBLIC UTILITIES
RECORDING DATE: MAY 15, 1986
RECORDING NO: AS INSTRUMENT NO. 86-127378 OF OFFICIAL RECORDS
AFFECTS: PORTIONS OF THE LAND, THE EXACT LOCATION OF WHICH CAN BE DETERMINED BY EXAMINATION OF THE ABOVE-MENTIONED INSTRUMENT, WHICH CONTAINS A COMPLETE LEGAL DESCRIPTION OF THE AFFECTED PORTIONS OF SAID LAND
- MATTERS CONTAINED IN THAT CERTAIN DOCUMENT
ENTITLED: MEMORANDUM OF GRANT OF EASEMENTS AND ASSIGNMENT OF LEASE RIGHTS
DATED: AUGUST 28, 2013
EXECUTED BY: HUNTCO INDUSTRIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY AND CROWN CASTLE AS LLC, A DELAWARE LIMITED LIABILITY COMPANY
RECORDING DATE: DECEMBER 17, 2013
RECORDING NO: AS INSTRUMENT NO. 2013-0538699 OF OFFICIAL RECORDS
REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

PROPERTY LINES DERIVED FROM
PARCEL MAP NO. 9194 BK. 101 PG. 47

DATED DECEMBER 27, 1985

FD. SPIKE AND WASHER SEE PARCEL
MAP NO. 9194 BK. 101 PG. 47

FD. SPIKE AND WASHER STAMPED "LS 5553"
SEE PARCEL MAP NO. 9194 BK. 101 PG. 47

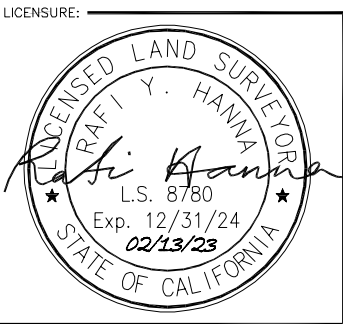


16885 VIA DEL CAMPO CT., SUITE 318
SAN DIEGO, CA 92127
tel: (858) 432-4112 / (858) 432-4257

REV	DATE	DESCRIPTION
2	02/13/2023	FINAL SURVEY
1	12/12/2022	PRELIMINARY SURVEY

ISSUED - DATE:
FEBRUARY 13, 2023

ISSUED FOR:
FINAL SURVEY



PROJECT INFORMATION:
CSL04432
UPTOWN
123 EAST 9TH ST.,
UPLAND, CA 91786

DRAWN BY: MJG
CHECKED BY: RH

SHEET TITLE:
TOPOGRAPHIC
SURVEY

SHEET NUMBER:
LS-1

- NOTES:
1. THIS IS NOT A BOUNDARY SURVEY. THIS IS A SPECIALIZED TOPOGRAPHIC MAP. THE PROPERTY LINES AND EASEMENTS SHOWN HEREON ARE FROM RECORD INFORMATION AS NOTED HEREON. CELLSITE CONCEPTS TRANSLATED THE TOPOGRAPHIC SURVEY TO RECORD INFORMATION USING FOUND MONUMENTS SHOWN HEREON. THE LOCATION OF PROPERTY LINES SHOWN HEREON ARE APPROXIMATE AND FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT TO BE RELIED UPON AS THE ACTUAL BOUNDARY LINES.
 2. ANY CHANGES MADE TO THE INFORMATION ON THIS PLAN, WITHOUT THE WRITTEN CONSENT OF CELLSITE CONCEPTS, RELIEVES CELLSITE CONCEPTS OF ANY AND ALL LIABILITY.
 3. THE HEIGHTS AND ELEVATIONS FOR THE TREES, BUSHES AND OTHER LIVING PLANTS SHOWN HEREON, SHOULD BE CONSIDERED APPROXIMATE (+/-) AND ONLY FOR THE DATE OF THIS SURVEY. THEY ARE PROVIDED AS A GENERAL REFERENCE AND SHOULD NOT BE USED FOR DESIGN PURPOSES.
 4. WRITTEN DIMENSIONS SHALL TAKE PREFERENCE OVER SCALED & SHALL BE VERIFIED ON THE JOB SITE. ANY DISCREPANCY SHALL BE BROUGHT TO THE NOTICE OF THE SURVEYOR PRIOR TO COMMENCEMENT OF ANY WORK.
 5. FIELD SURVEY COMPLETED ON NOVEMBER 29, 2022.

12 FEET WIDE NON-EXCLUSIVE ACCESS ROUTE CENTERLINE DESCRIPTION:

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF UPLAND, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 1 OF PARCEL MAP NO. 9194, IN THE CITY OF UPLAND, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 101, PAGE 47 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

A STRIP OF LAND FOR THE PURPOSE OF ACCESS ROUTE FOR THE LAND REFERRED TO HEREIN SITUATED IN THE CITY OF UPLAND, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

AN TWELVE (12.00) FEET IN WIDTH ROUTE FOR THE PURPOSE OF ACCESS ROUTE, LYING SIX (6.00) FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE TO WIT:

COMMENCING ON A FOUND SPIKE AND WASHER STAMPED "L.S. 5553" ALONG THE CENTERLINE INTERSECTION OF EAST 9TH STREET AND NORTH 1ST AVENUE AS SHOWN ON THAT MAP FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN BERNARDINO ON DECEMBER 27, 1985 IN PARCEL MAP NO. 9194, BOOK 101, PAGE 47; THENCE NORTHEASTERLY ALONG SAID CENTERLINE OF NORTH 1ST AVENUE, NORTH 00°01'15" EAST A DISTANCE OF 140.30 FEET; THENCE SOUTHEASTERLY LEAVING THE SAID CENTERLINE OF NORTH 1ST AVENUE, SOUTH 89°58'45" EAST A DISTANCE OF 40.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID NORTH 1ST AVENUE, BEING THE TRUE POINT OF BEGINNING OF THIS CENTERLINE ROUTE.

THENCE NORTH 89°59'45" EAST A DISTANCE OF 28.58 FEET;
THENCE NORTH 00°05'27" WEST A DISTANCE OF 22.88 FEET;
THENCE SOUTH 89°57'17" EAST A DISTANCE OF 8.51 FEET;
THENCE NORTH 72°47'07" EAST A DISTANCE OF 2.52 FEET TO THE TERMINUS POINT OF THIS CENTERLINE ROUTE DESCRIPTION.

THE SIDE LINES OF SAID TWELVE (12.00) FEET WIDE ACCESS ROUTE IS TO BE EXTENDED AND/OR SHORTENED TO TERMINATE IN THE LANDS OF THE GRANTOR AND SHALL BE JOINED AT ALL ANGLE POINTS.

SUBJECT TO ALL EASEMENTS AND/OR RIGHT-OF-WAY RECORDS.

TIE LINE TABLE		
NO.	LENGTH	BEARING
T1	40.00'	S89°58'45"E

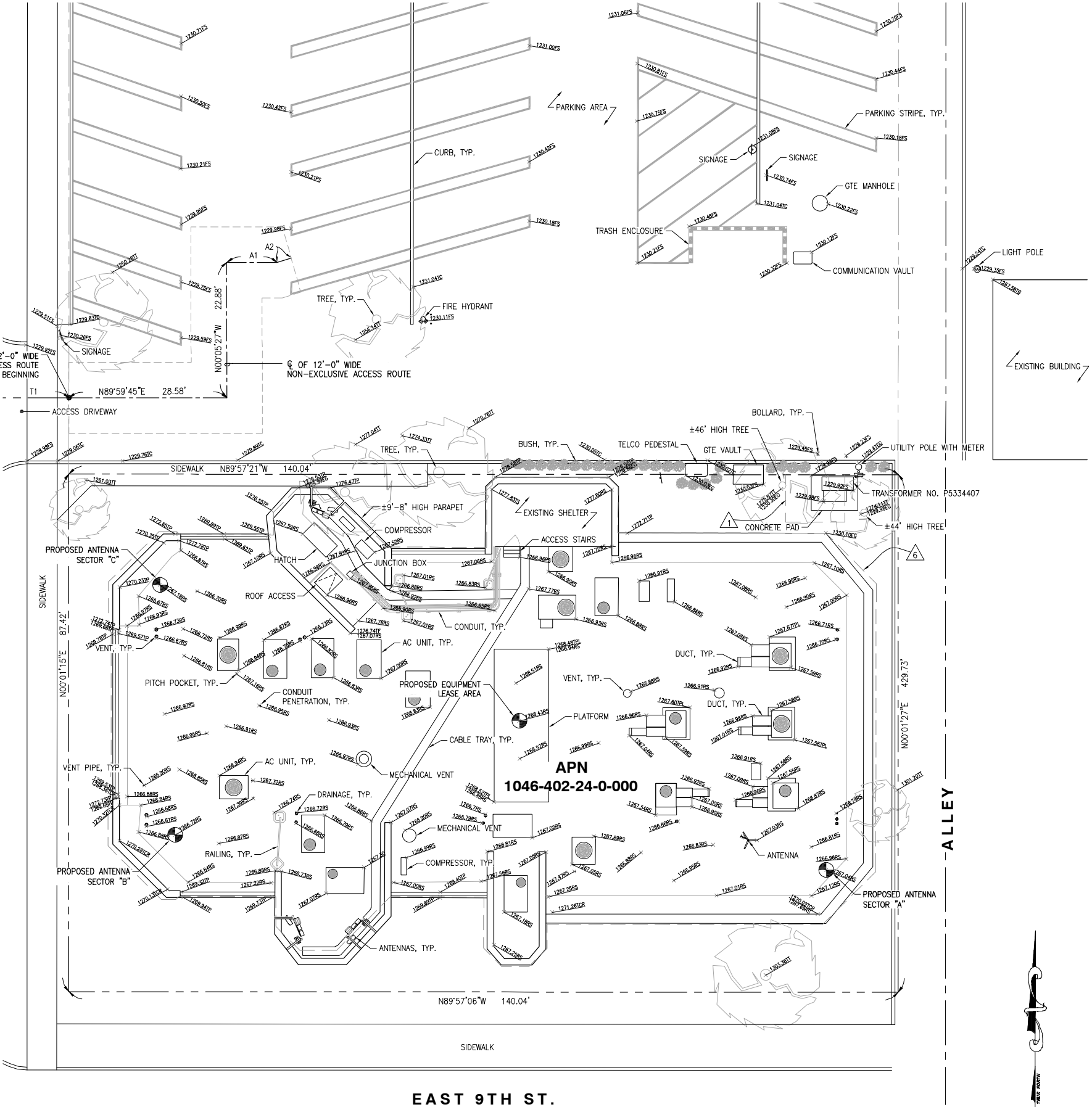
ACCESS ROUTE LINE TABLE		
NO.	LENGTH	BEARING
A1	8.51'	S89°57'17"E
A2	2.52'	N72°47'07"E

LEGEND

---	CENTER LINE
---	EASEMENT LINE
---	CMU WALL
EG	EXISTING GRADE
FS	FINISH SURFACE
RS	ROOF SURFACE
TC	TOP OF CURB
TT	TOP OF TREE
TS	TOP OF SHELTER
TPL	TOP OF PLATFORM
TCR	TOP OF CRICKET
TP	TOP OF PARAPET
---	EXISTING SIGNAGE
○	UTILITY POLE
⊗	FIRE HYDRANT
🌳	TREE
🌿	BUSH

COORDINATES

PROPOSED ANTENNA SECTOR "A"	
⊗	LATITUDE: 34°05'46.59"N (34.096275)
	LONGITUDE: 117°38'56.80"W (-117.649111)
PROPOSED ANTENNA SECTOR "B"	
⊗	LATITUDE: 34°05'46.65"N (34.096292)
	LONGITUDE: 117°38'58.11"W (-117.649475)
PROPOSED ANTENNA SECTOR "C"	
⊗	LATITUDE: 34°05'47.07"N (34.096408)
	LONGITUDE: 117°38'58.13"W (-117.649481)
PROPOSED EQUIPMENT LEASE AREA	
⊗	LATITUDE: 34°05'46.84"N (34.096344)
	LONGITUDE: 117°38'57.41"W (-117.649281)



REV	DATE	DESCRIPTION
2	02/13/2023	FINAL SURVEY
1	12/12/2022	PRELIMINARY SURVEY

ISSUED - DATE: **FEBRUARY 13, 2023**

ISSUED FOR: **FINAL SURVEY**



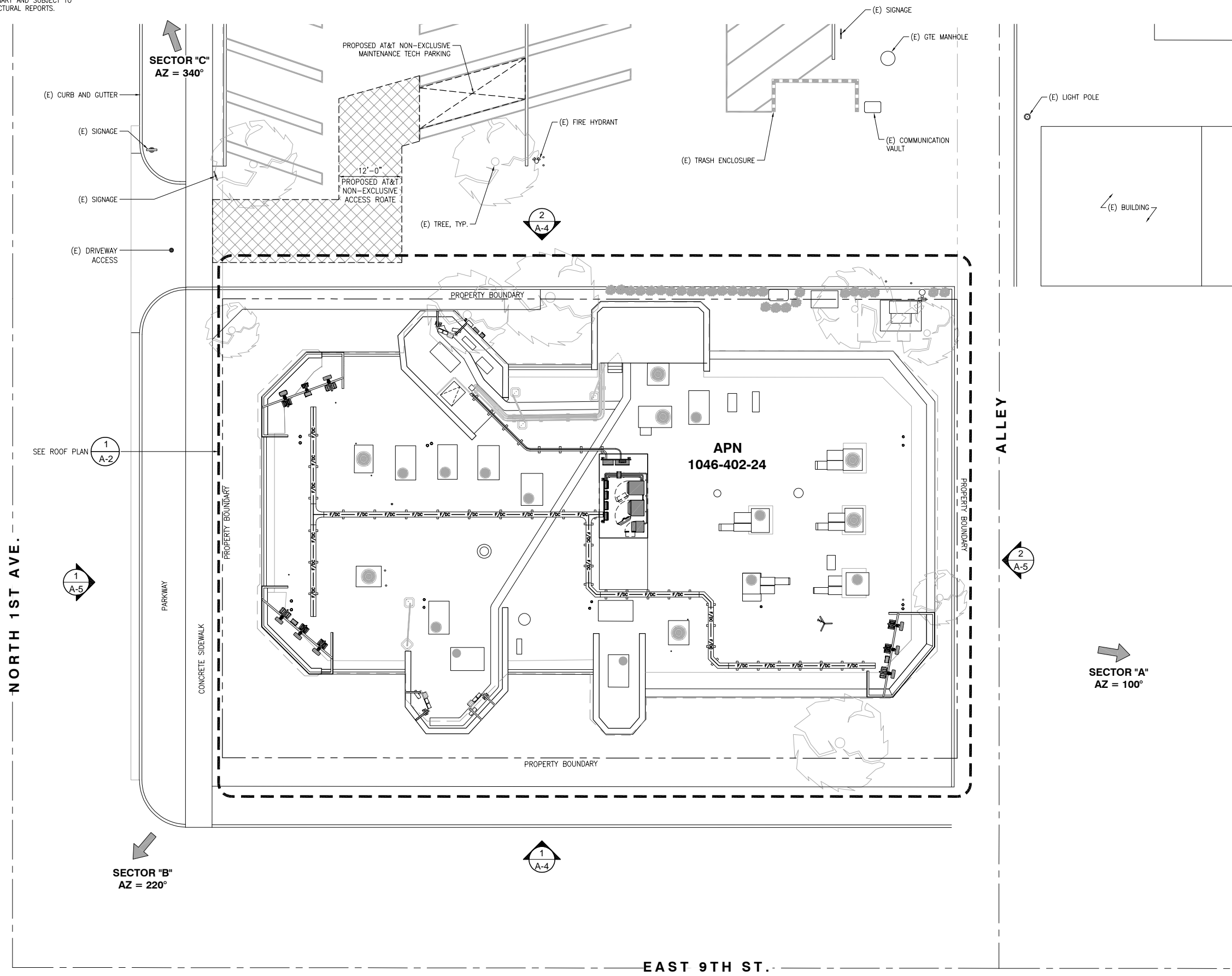
PROJECT INFORMATION:
CSL04432
UPTOWN
123 EAST 9TH ST.,
UPLAND, CA 91786

DRAWN BY: MJG
CHECKED BY: RH

SHEET TITLE: **TOPOGRAPHIC SURVEY**

SHEET NUMBER: **LS-2**

- NOTES:
1. NO EXISTING PARKING STALLS ARE BEING ADDED OR REMOVED AS PART OF THE NEW INSTALLATION.
 2. THE NEW LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FULL STRUCTURAL REPORTS.



REV	DATE	DESCRIPTION
2	01/12/2024	PLANNING COMMENTS
1	05/05/2023	REVISED PER LATEST RFDS
0	02/21/2023	100% ZD'S
A	12/21/2022	90% ZD'S FOR REVIEW

ISSUED DATE: 01/12/2024

ISSUED FOR: PLANNING SUBMITTAL

LICENSURE:

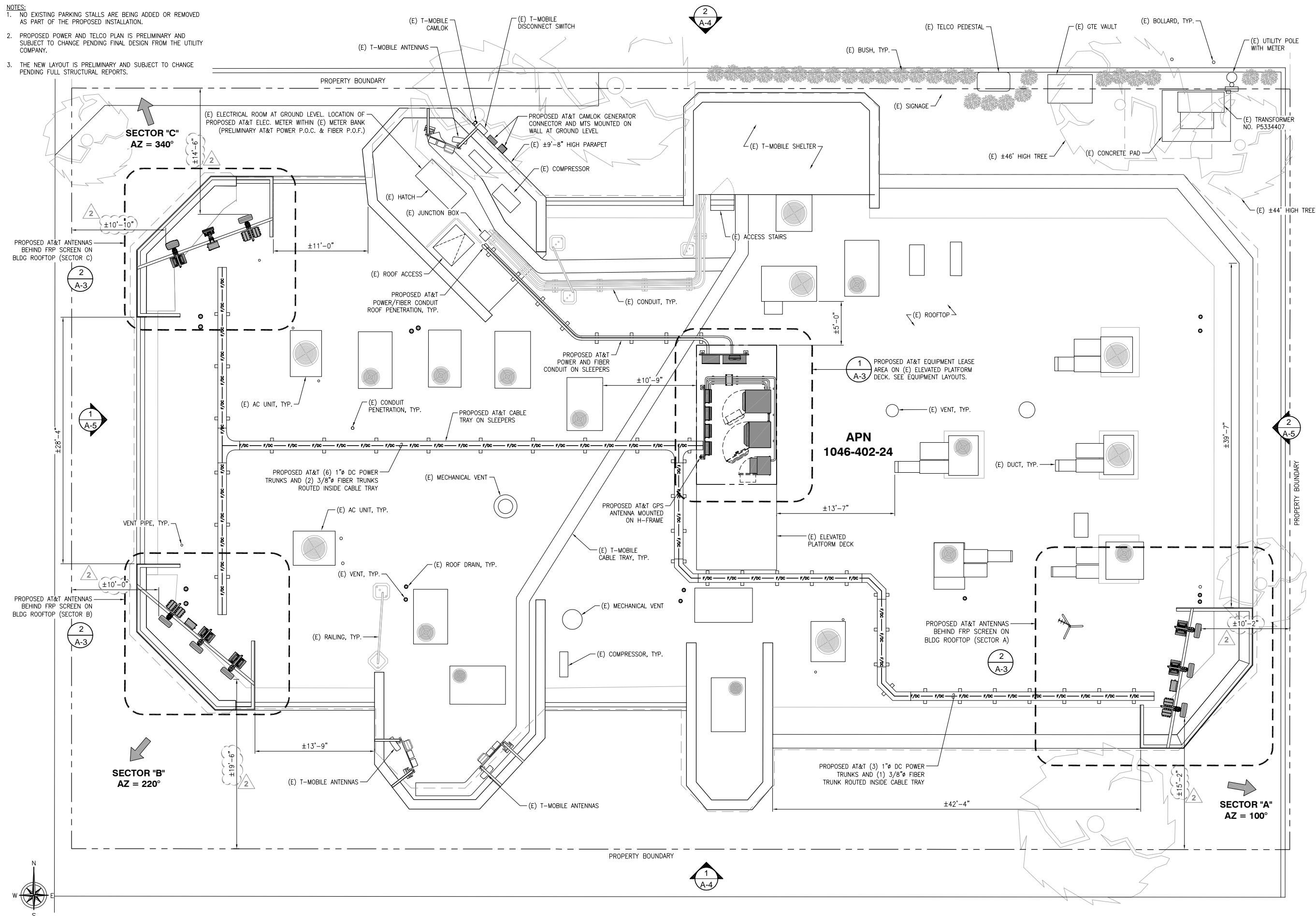
PROJECT INFORMATION:
CSL04432
UPTOWN
123 E. 9TH ST.,
UPLAND, CA 91786

DRAWN BY: AMA
CHECKED BY: SVF

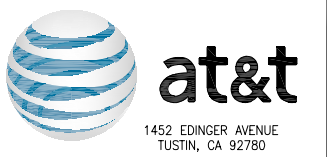
SHEET TITLE: SITE PLAN

SHEET NUMBER: A-1

- NOTES:
1. NO EXISTING PARKING STALLS ARE BEING ADDED OR REMOVED AS PART OF THE PROPOSED INSTALLATION.
 2. PROPOSED POWER AND TELCO PLAN IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FINAL DESIGN FROM THE UTILITY COMPANY.
 3. THE NEW LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FULL STRUCTURAL REPORTS.



ROOF PLAN



REV	DATE	DESCRIPTION
2	01/12/2024	PLANNING COMMENTS
1	05/05/2023	REVISED PER LATEST RFDS
0	02/21/2023	100% ZD'S
A	12/21/2022	90% ZD'S FOR REVIEW

ISSUED DATE: 01/12/2024

ISSUED FOR: PLANNING SUBMITTAL

LICENSURE:

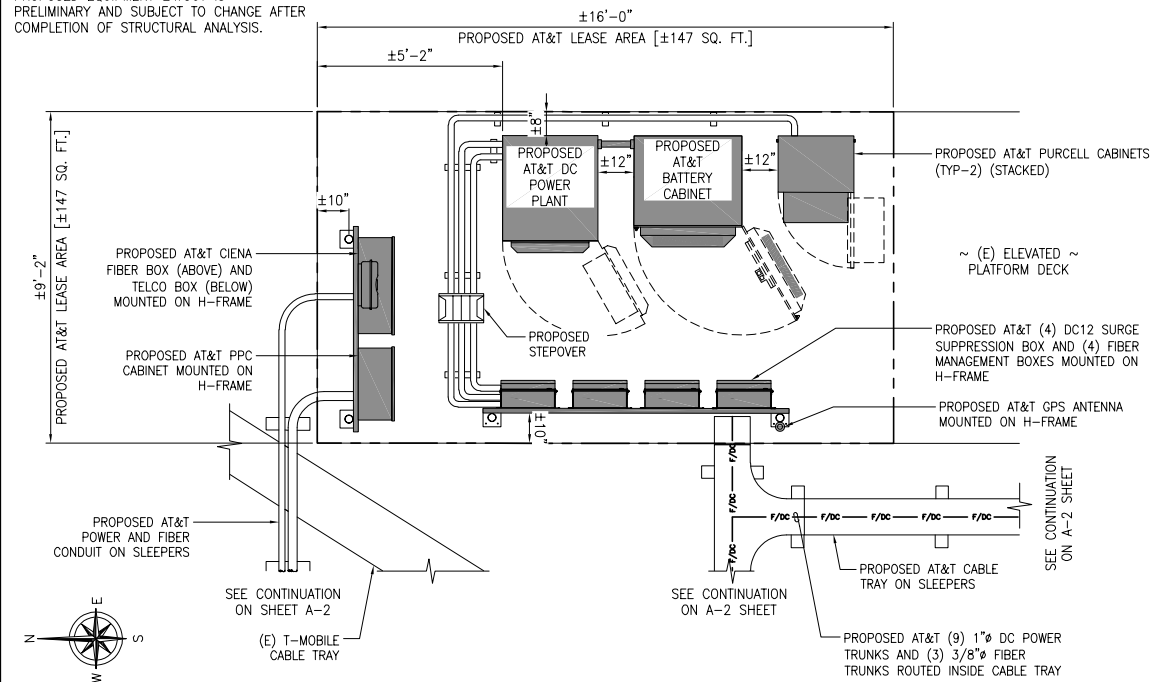
PROJECT INFORMATION:
CSL04432
UPTOWN
123 E. 9TH ST.,
UPLAND, CA 91786

DRAWN BY: AMA
CHECKED BY: SVF

SHEET TITLE: ROOF PLAN

SHEET NUMBER: A-2

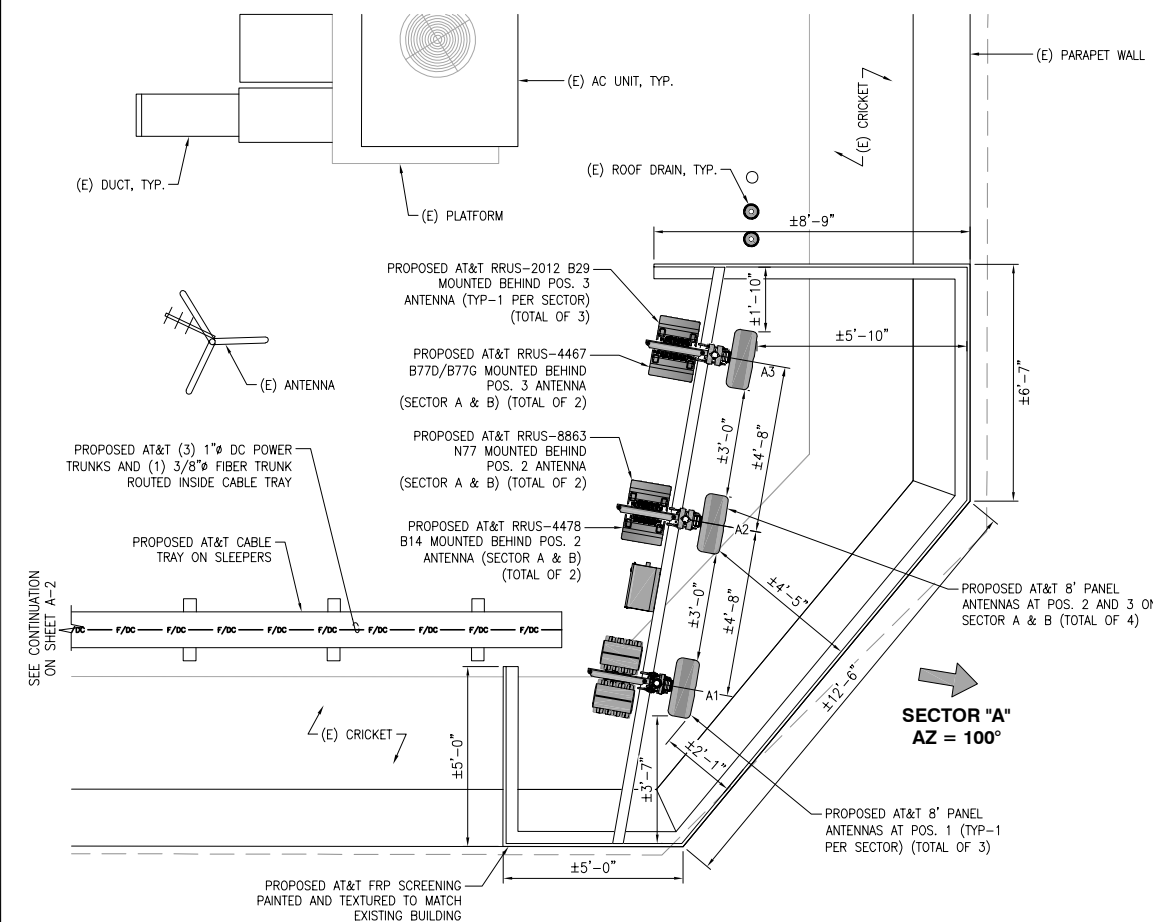
PROPOSED EQUIPMENT LAYOUT IS
PRELIMINARY AND SUBJECT TO CHANGE AFTER
COMPLETION OF STRUCTURAL ANALYSIS.



24"x36" SCALE: $\frac{3}{8}" = 1'-0"$
 11"x17" SCALE: $\frac{3}{16}" = 1'-0"$

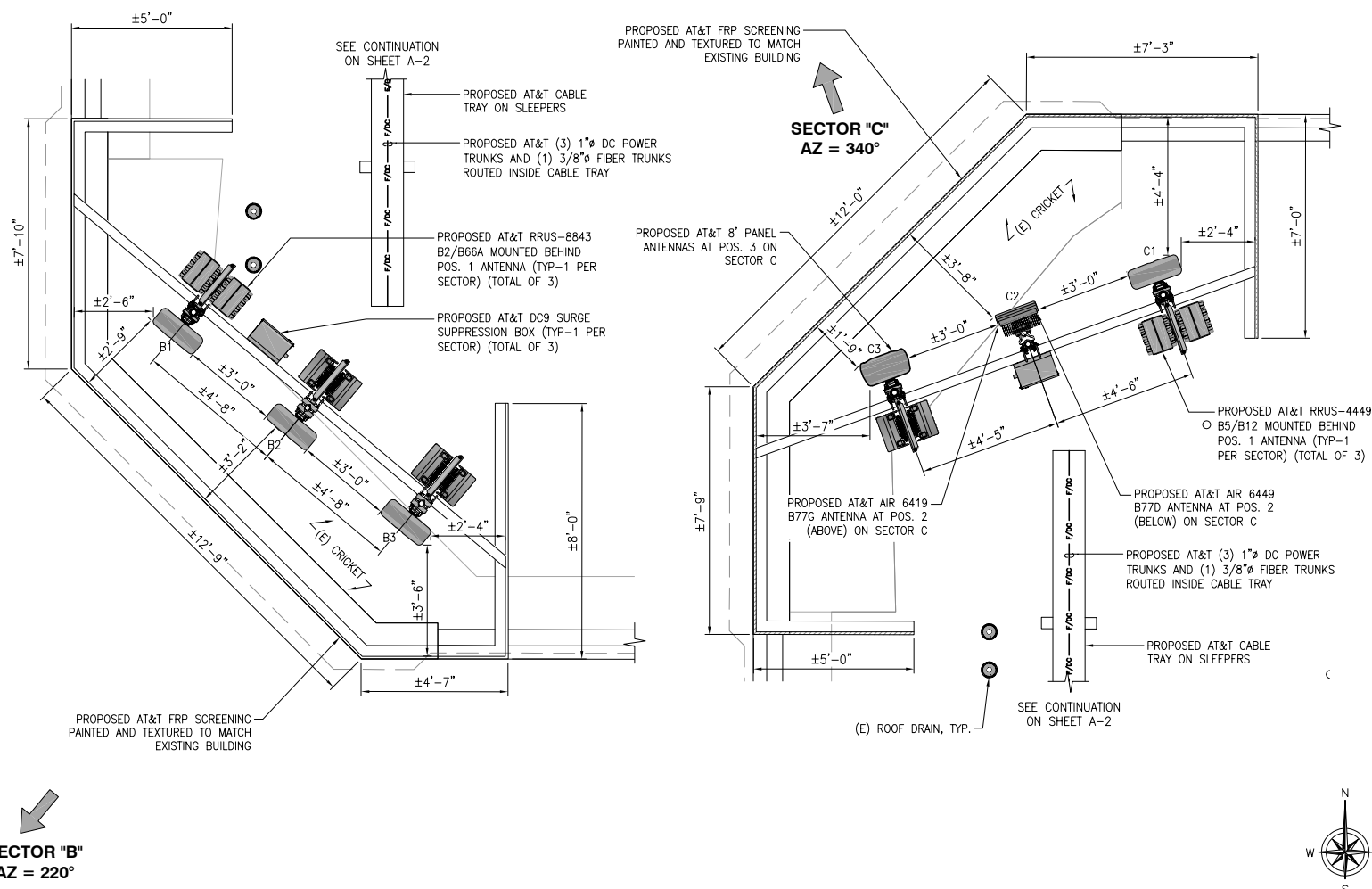
A horizontal graphic scale bar with alternating black and white segments. Below the bar, the segments are labeled from left to right as 2', 1', 0", and 2'.

PROPOSED ANTENNA LAYOUTS ARE PRELIMINARY
AND SUBJECT TO CHANGE AFTER COMPLETION
OF STRUCTURAL ANALYSIS.



SECTOR "B"
AZ = 220°

PROPOSED ANTENNA SCHEDULE													
	ANTENNA POSITION	STATUS	RAD CENTER	TECHNOLOGY	ANTENNA MAKE/MODEL	AZIMUTH	ANTENNA COUNT	FILTER COUNT	TMA COUNT	TRANSMISSION LENGTH	TRANSMISSION TYPE(S)	RRUS MAKE/MODEL	RRUS COUNT
ALPHA SECTOR	A1	PROPOSED	±43°-0"	LTE 700B17/B5/1900/5G 850	COMMSCOPE NNH4-65C-R6-V3 96.0°HX19.6°WX7.8°D	100°	1	-	-	±95°-0"	(3) 1°φ DC POWER TRUNKS AND (1) 3/8"φ FIBER TRUNK	ERICSSON RRUS 4449 B5/B12	1
	A2	PROPOSED	±43°-0"	LTE 700B14/2100 5C C-BAND	COMMSCOPE NNH4S4-65C-R7 96.0°HX19.6°WX7.8°D	100°	1	-	-	±95°-0"		ERICSSON RRUS 8843 B2/B66A	1
	A3	PROPOSED	±43°-0"	LTE 700B29/2300 5G 60d	COMMSCOPE NNH4S4-65C-R7 96.0°HX19.6°WX7.8°D	100°	1	-	-	±95°-0"	ERICSSON RRUS 4478 B14	1	
BETA SECTOR	B1	PROPOSED	±43°-0"	LTE 700B17/B5/1900/5G 850	COMMSCOPE NNH4-65C-R6-V3 96.0°HX19.6°WX7.8°D	220°	1	-	-	±85°-0"	(3) 1°φ DC POWER TRUNKS AND (1) 3/8"φ FIBER TRUNK	ERICSSON RRUS 8863 N77	1
	B2	PROPOSED	±43°-0"	LTE 700B14/2100 5C C-BAND	COMMSCOPE NNH4S4-65C-R7 96.0°HX19.6°WX7.8°D	220°	1	-	-	±85°-0"		ERICSSON RRUS 2012 B29	1
	B3	PROPOSED	±43°-0"	LTE 700B29/2300 5G 60d	COMMSCOPE NNH4S4-65C-R7 96.0°HX19.6°WX7.8°D	220°	1	-	-	±85°-0"		ERICSSON RRUS 4467 B77D/B77G	1
GAMMA SECTOR	C1	PROPOSED	±43°-0"	LTE 700/850/1900	COMMSCOPE NNH4-65C-R6-V3 96.0°HX19.6°WX7.8°D	340°	1	-	-	±85°-0"	(3) 1°φ DC POWER TRUNKS AND (1) 3/8"φ FIBER TRUNK	ERICSSON RRUS 4449 B5/B12	1
	C2	PROPOSED	±45°-10"	C-BAND DOD	ERICSSON AIR 6419 B77G 28.3°HX16.1°WX7.9°D	340°	1	-	-	±85°-0"		ERICSSON RRUS 8843 B2/B66A	1
	C2	PROPOSED	±42°-4"	C-BAND	ERICSSON AIR 6449 B77D 31°HX15.9°WX8.7°D	340°	1	-	-	±85°-0"		ERICSSON AIR 6419 B77G	1
	C3	PROPOSED	±43°-0"	LTE 700FN 700DE	QUINTEL QD8612-7 96°HX18.1°WX9.9°D	340°	1	-	-	±85°-0"		ERICSSON RRUS 4478 B14	1
												ERICSSON RRUS 2012 B29	1



24"x36" SCALE: $\frac{3}{8}" = 1'-0"$
 11"x17" SCALE: $\frac{3}{16}" = 1'-0"$



2	01/12/2024	PLANNING COMMENTS
1	05/05/2023	REVISED PER LATEST RFDS
0	02/21/2023	100% ZD'S
A	12/21/2022	90% ZD'S FOR REVIEW
REV	DATE	DESCRIPTION

ISSUED DATE: 01/12/2024

ISSUED FOR: _____

PLANNING SUBMITTAL

LICENSURE: _____

PROJECT INFORMATION: _____

CSL04432

UPTOWN

123 E. 9TH ST.,
UPLAND, CA 91786

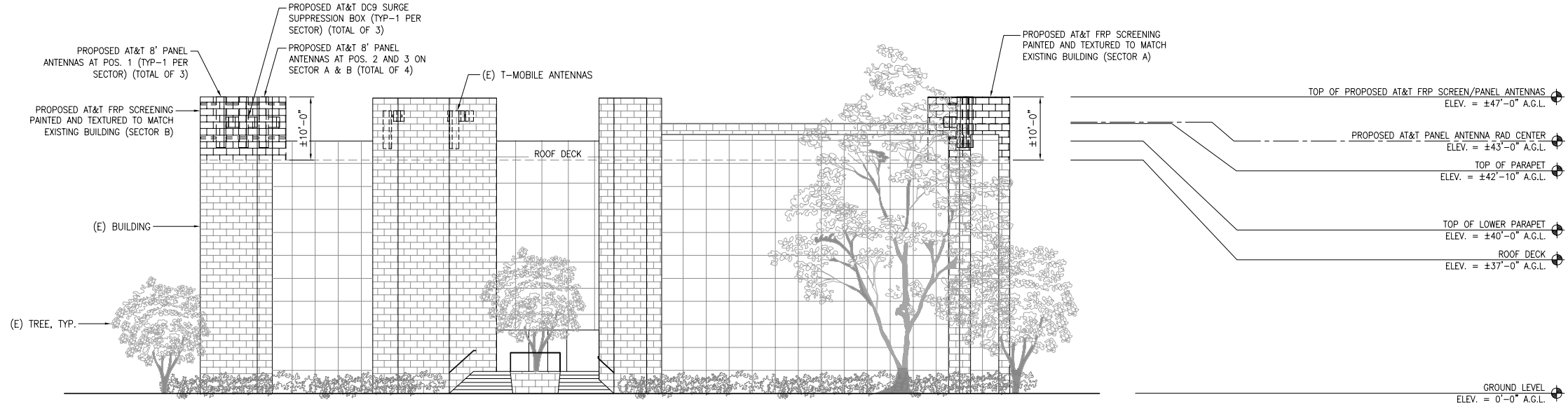
DRAWN BY:	AMA
CHECKED BY:	SVF

SHEET TITLE: EQUIPMENT LAYOUT
AND ANTENNA PLAN

SHEET NUMBER: **A-3**

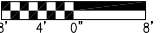
NOTES:

PROPOSED ANTENNA LAYOUTS ARE PRELIMINARY
AND SUBJECT TO CHANGE AFTER COMPLETION
OF STRUCTURAL ANALYSIS.

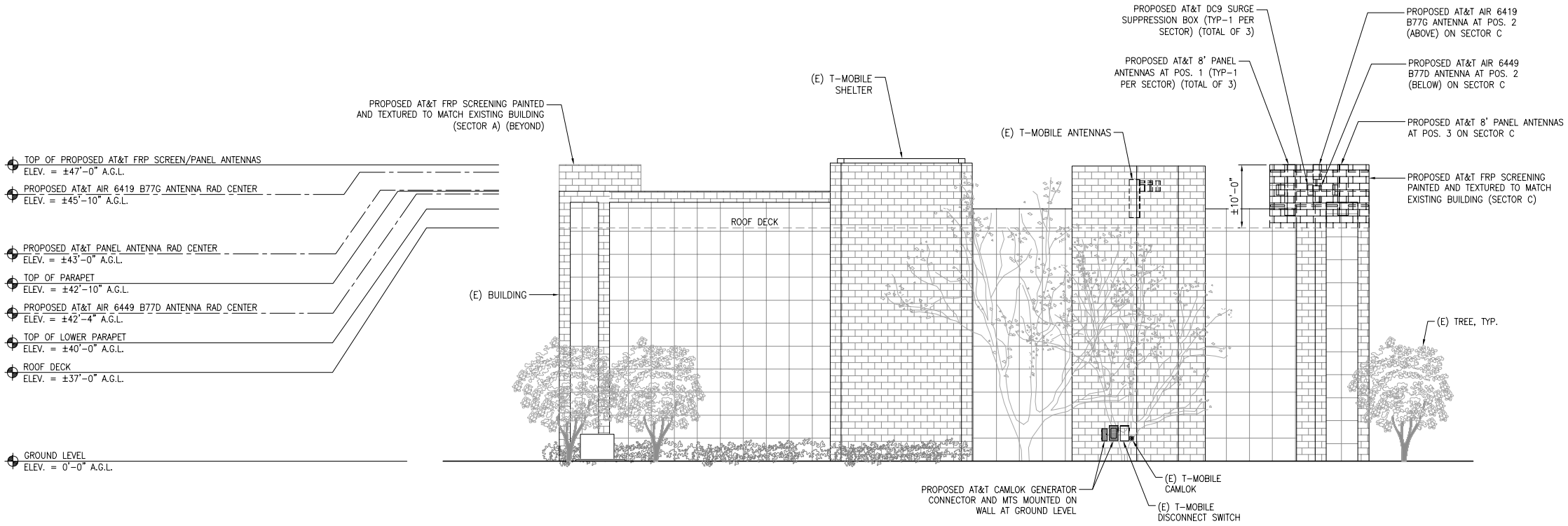


PROPOSED SOUTH ELEVATION

24"x36" SCALE: 3/32" = 1'-0"
11"x17" SCALE: 3/64" = 1'-0"



1



PROPOSED NORTH ELEVATION

24"x36" SCALE: 3/32" = 1'-0"
11"x17" SCALE: 3/64" = 1'-0"



2



REV	DATE	DESCRIPTION
2	01/12/2024	PLANNING COMMENTS
1	05/05/2023	REVISED PER LATEST RFDS
0	02/21/2023	100% ZD'S
A	12/21/2022	90% ZD'S FOR REVIEW

ISSUED DATE: 01/12/2024

ISSUED FOR: PLANNING SUBMITTAL

LICENSURE:

PROJECT INFORMATION:
CSL04432
UPTOWN
123 E. 9TH ST.,
UPLAND, CA 91786

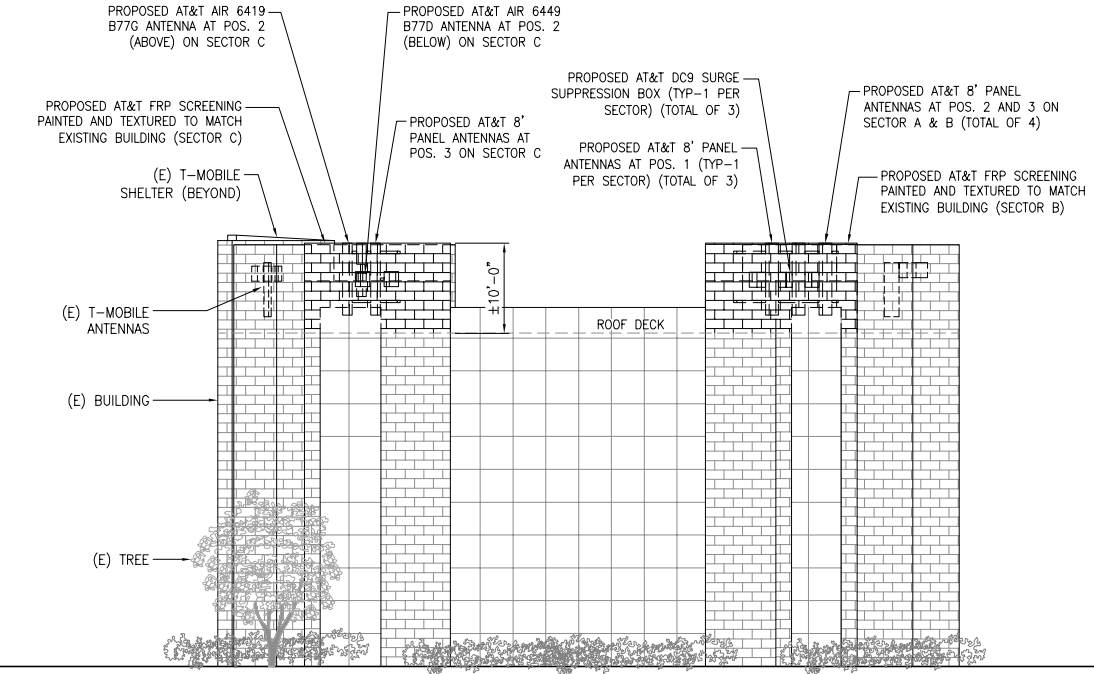
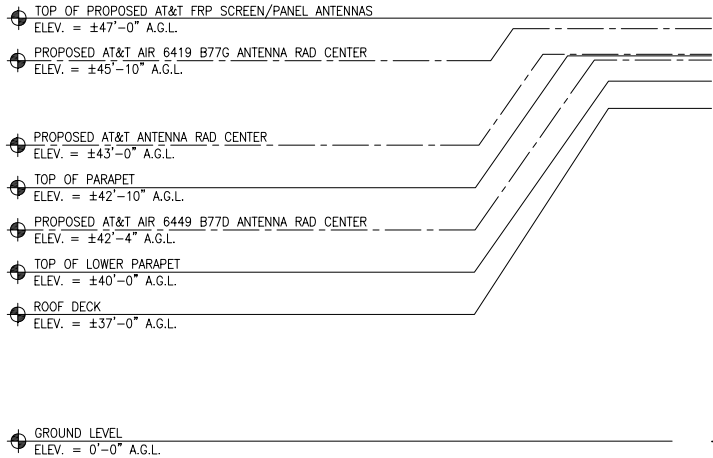
DRAWN BY: AMA
CHECKED BY: SVF

SHEET TITLE: ELEVATIONS

SHEET NUMBER: A-4

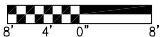
NOTES:

PROPOSED ANTENNA LAYOUTS ARE PRELIMINARY
AND SUBJECT TO CHANGE AFTER COMPLETION
OF STRUCTURAL ANALYSIS.

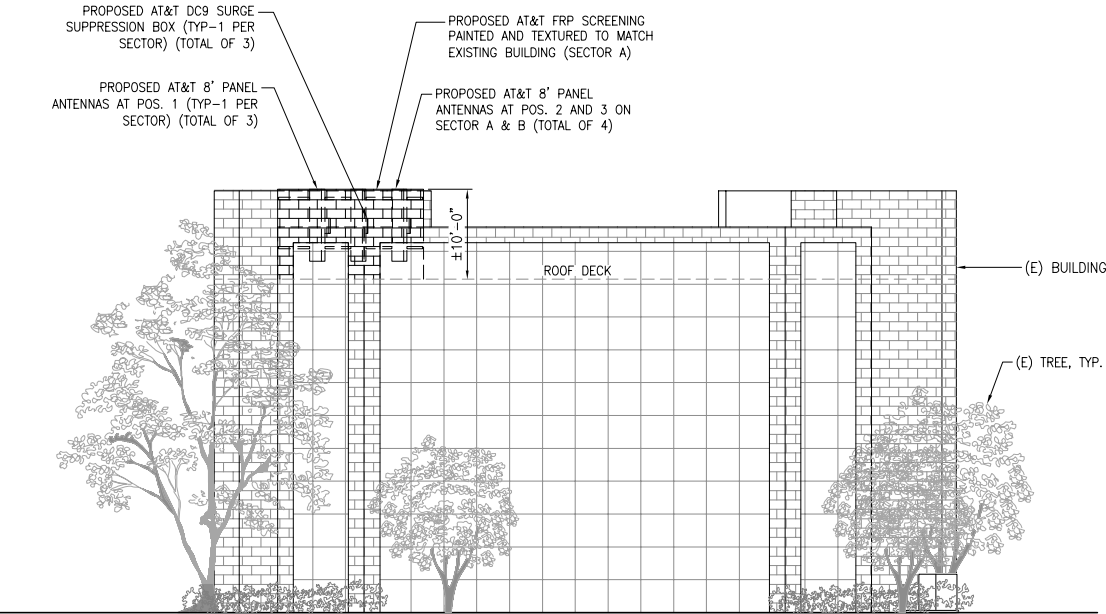
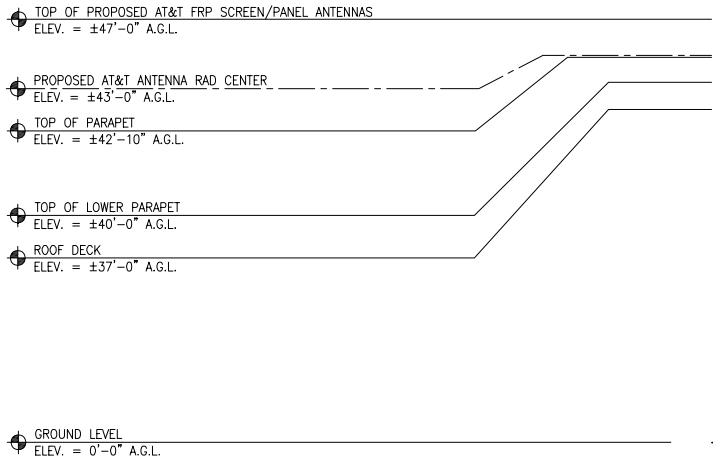


PROPOSED WEST ELEVATION

24"x36" SCALE: 3/32" = 1'-0"
11"x17" SCALE: 3/64" = 1'-0"



1



PROPOSED EAST ELEVATION

24"x36" SCALE: 3/32" = 1'-0"
11"x17" SCALE: 3/64" = 1'-0"



2



REV	DATE	DESCRIPTION
2	01/12/2024	PLANNING COMMENTS
1	05/05/2023	REVISED PER LATEST RFDS
0	02/21/2023	100% ZD'S
A	12/21/2022	90% ZD'S FOR REVIEW

ISSUED DATE: 01/12/2024

ISSUED FOR: PLANNING SUBMITTAL

LICENSURE:

PROJECT INFORMATION:
CSL04432
UPTOWN
123 E. 9TH ST.,
UPLAND, CA 91786

DRAWN BY: AMA
CHECKED BY: SVF

SHEET TITLE: ELEVATIONS

SHEET NUMBER: A-5



On Behalf of



Jermaine Taylor
101 W. Mission Blvd Suite 110-324
Pomona, CA 91766
909-917-1727
jttelecoms@gmail.com

AT&T Project Number: CSL04432

AT&T Project Name: Uptown

City of Upland
Application for a Conditional Use Permit
Project Information and Justification

AT&T Mobility (AT&T) is requesting approval for a Conditional Use Permit application to develop and operate an AT&T Wireless Telecommunications Facility. The following project information is listed below for your consideration:

Project Location

Address: 123 E. 9th St

APN: 1046-402-24

Zoning\Land Use: Specific Plan (SP)

Project Representative

Jermaine Taylor

Smartlink, LLC o/b/o AT&T Mobility

101 W. Mission Blvd Suite 110-324

Pomona, CA 91766

Mobile: (909) 917-1727

E-mail: jttelecoms@gmail.com

AT&T Mobility Contact

Sandra Santana

1452 Edinger Ave

Tustin, CA 92780

Office: (562) 547-8273

E-mail: sj9652@att.com

Project Description

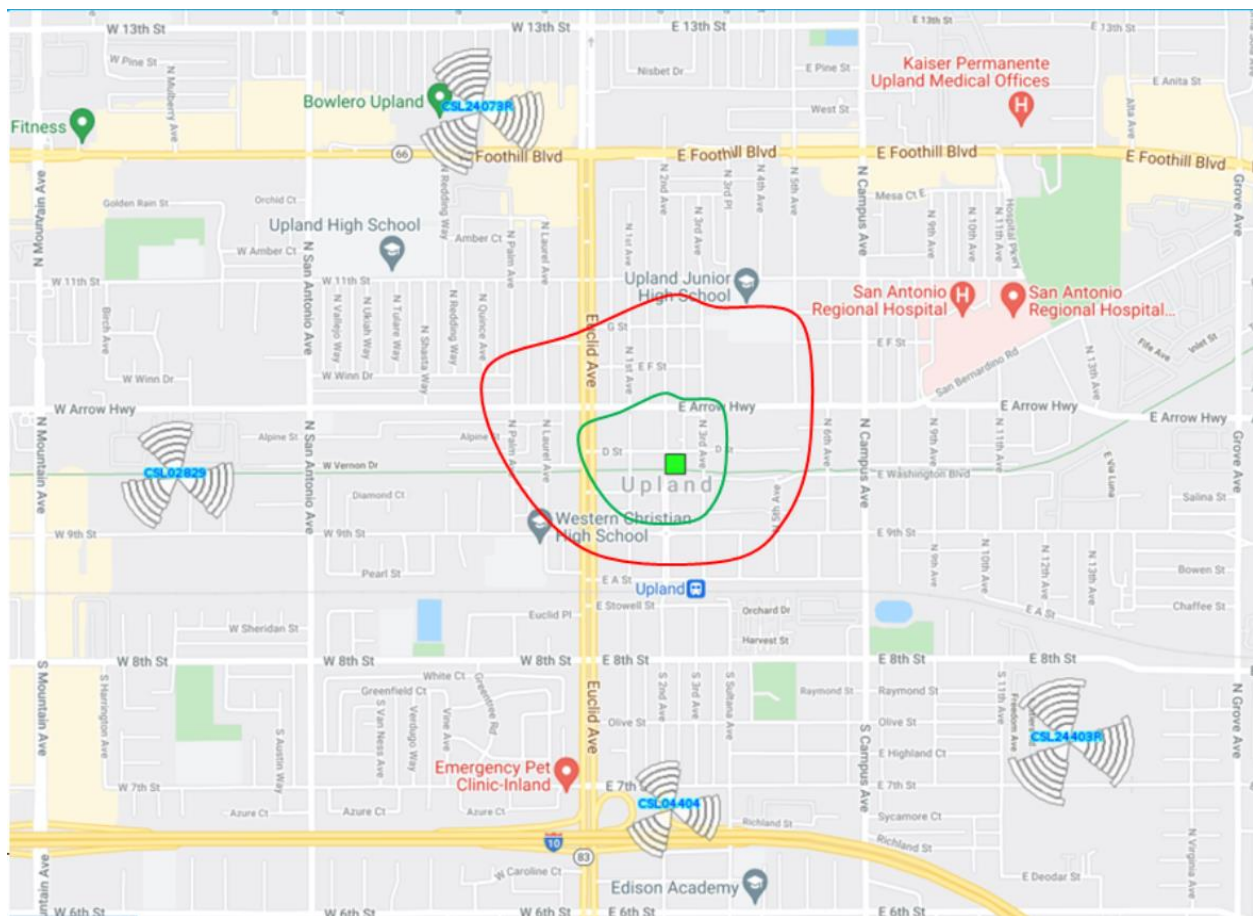
The building located at 123 E. 9th St is an existing Wireless Telecommunications Facility with antennas and other associated equipment located on the Rooftop behind screening. AT&T is proposing to collocate and install AT&T antennas and associated Equipment on the Rooftop of the existing Wireless Facility. The scope of work will consist of installing (10) Panel antennas, (16) RRU's and (3) DC9 Surge Suppressors behind screening on the Rooftop to match the Building. Install (4) Equipment Cabinets on the existing Equipment Platform on the Rooftop, and install (4) DC12 Surge Suppressors, (1) GPS antenna and other misc low voltage equipment on a new H-Frame on the existing Equipment Platform on the Rooftop. The antennas will be behind screening to match the texture and color of the Building, and the Equipment will be non-visible on the Rooftop. AT&T will work with the City of Upland and the local community to install the Wireless Facility which will provide benefits to the local community, visitors and emergency responders.

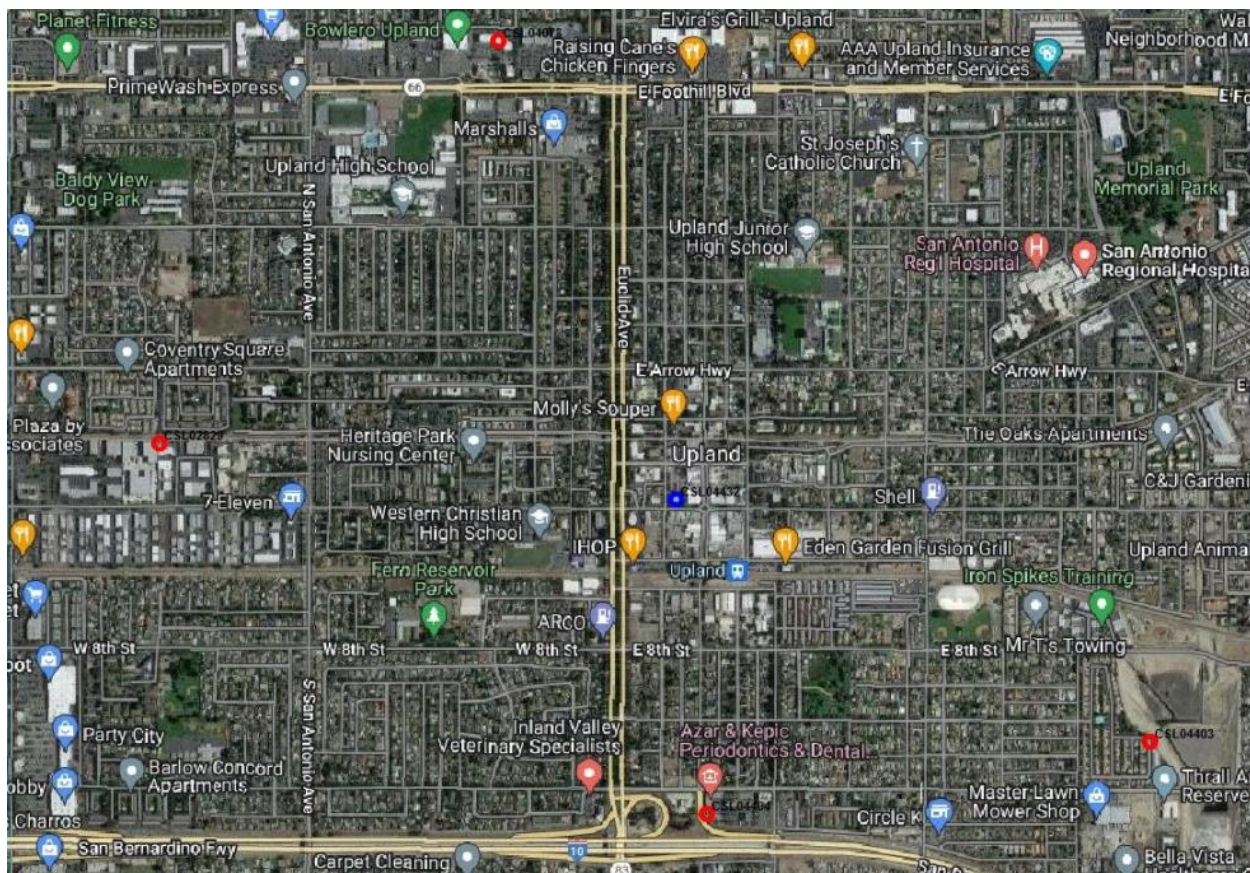
Project Objectives

There are several reasons why a wireless carrier requires the installation of a cell site within a specified area to close a “significant gap in coverage:”

- The radio signal must be of sufficient strength to achieve consistent, sustainable, and reliable service to the customers at a *level sufficient for outdoor, in-vehicle, and in-building penetration with good voice quality* (Threshold, -76db).
- When nearby other sites become overloaded, and more enhanced voice and data services are used (3G and other high-speed data services) signal contracts and a gap is created. With heavy use it is intensified due to the unique properties of digital radio transmissions.

In this specific case, this location was selected because AT&T’s radio-frequency engineers (RF) have identified a significant gap in coverage for the Downtown Upland area, and the surrounding community as demonstrated on the enclosed radio-signal propagation maps.





Alternative Site Analysis and other locations that were investigated are listed below:

Due to the lack of available space for a new Wireless Telecommunications Facility (WTF), and the available opportunity for Collocation at an existing Wireless Telecommunications Facility seemed to be the best decision moving forward. This location will meet the AT&T coverage objectives to close the gap in coverage, and has the available space for AT&T. This location previously had T-Mobile and Metro PCS as the existing Wireless carriers but due to the T-Mobile and Sprint Merger, Equipment has been removed. Now that some of the Wireless equipment has been removed/decommissioned from the location, AT&T will be installing there equipment in the place of that equipment. Collocation of existing facilities are highly recommended, and the scope of work for this project is a collocation to an existing facility.

Findings/Burden of Proof:

The site for the proposed use is adequate in size and shape.

This location is adequate in size and shape. The existing carrier (T-Mobile\Metro PCS) has removed equipment from the facility, so now there is enough space for another carrier installation of antennas and associated equipment on the Rooftop. There will be no visible change, and the site will continue to blend with the surrounding community and thereby has no visible change or impact.

The proposed location has sufficient access to streets and highways that are adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use.

The project site is an existing Office Building\Wireless Telecom Facility with existing access from the Public ROW. There are adequate access routes directly to the proposed facility, and all roadways and access routes are compliant with local, state, and federal regulations concerning width and pavement.

The proposed use will not have an adverse effect upon adjacent or abutting properties.

The proposed project is a replacement of antennas within the Rooftop area of the building behind screening, so there will be no adverse effect or visible change to the adjacent or abutting properties. This project will provide a public benefit of better Wireless Coverage for First Responders, Data services for the surrounding Downtown Upland area, Upland Retail establishments, and other benefits for the surrounding area of Downtown Upland.

The proposed use is deemed essential and desirable to the public convenience or welfare.

The essential and public benefit related to the Wireless Facility is the exclusive essential service only provided by AT&T for the First Responders. The need for a new wireless telecommunications facility is also in high demand from local residents and visitors of City of Upland for emergency services. Wireless communications are vastly used in this area and the need for this site was established entirely from increased usage of AT&T services in the vicinity of the requested project.

Site Maintenance:

The site will be maintained by AT&T Field Technicians. The AT&T Field Technicians will be visiting the site location every 30-60 days to make sure the site is in compliance and clean from Trash and vandalism.

GENERAL INFORMATION

Site Selection

Customer demand drives the need for new cell sites. Data relating to incomplete and dropped calls is gathered, drive-tests are conducted, and scientific modeling using sophisticated software is evaluated. Once the area requiring a new site is identified, a target ring on a map is provided to a real estate professional to begin a search for a suitable location.

During an initial reconnaissance, properties for consideration for the installation of a cell site must be located in the general vicinity of the ring, with an appropriate zoning designation, and appear to have enough space to accommodate an antenna structure and the supporting radio equipment. The size of this space will vary depending on the objective of the site. The owners of each prospective location are notified to assess their interest in partnering with AT&T.

Four key elements are considered in the selection process:

- **Leasing:** The property must have an owner who is willing to enter into a long-term lease agreement under very specific terms and conditions.
- **Planning:** It must be suitably zoned in accordance with local land-use codes to allow for a successful permitting process.
- **Construction:** Construction constraints and costs must be reasonable from a business perspective, and the proposed project must be capable of being constructed in accordance with local building codes and safety standards.
- **RF:** It must be strategically located to be able to achieve the RF engineer's objective to close the significant gap with antennas at a height to clear nearby obstructions.

The Benefits to the Community

Approximately 90-percent of American adults subscribe to cell phone service for themselves and children. People of all ages rely increasingly on their cell phones to talk, text, send media, and search the Internet for both personal and business reasons. More and more, they are doing these things in their homes, therefore, becoming reliant on adequate service within residential neighborhoods. 50% of people relocating are not signing up for landline service at their new location and are using their cell phone as their primary communication method.

The installation and operation of the proposed facility will offer improved:

- Communications for local, state, and federal emergency services providers, such as police, fire, paramedics, and other first-responders.
- Personal safety and security for community members in an emergency, or when there is an urgent need to reach family members or friends. Safety is the primary reason parents provide cell phones to their children. Currently 25% of all preteens, ages 9 to 12, and 75% of all teens, aged 13 to 19, have cell phones.
- Capability of local businesses to better serve their customers.
- Opportunity for a city or county to attract businesses to their community for greater economic development.
- Enhanced 911 Services (E911) – The FCC mandates that all cell sites have location capability. Effective site geometry within the overall network is needed to achieve accurate location information for mobile users through triangulation with active cell sites. (Over half of all 911 calls are made using mobile phones.)

Safety – RF is Radio

The FCC regulates RF emissions to ensure public safety. Standards have been set based on peer-reviewed scientific studies and recommendations from a variety of oversight organizations, including the National Council on Radiation Protection and Measurements (NCRP), American National Standards Institute (ANSI), Institute of Electrical and Electronics Engineers (IEEE), Environmental Protection Agency (EPA), Federal Drug Administration (FDA), Occupational Safety and Health Administration (OSHA), and National Institute for Occupational Safety and Health (NIOSH).

Although the purview of the public safety of RF emissions by the FCC was established by the Telecommunications Act of 1996, these standards remain under constant scrutiny. All AT&T cell sites operate well below these standards, and the typical urban cell site operates hundreds or even thousands of times below the FCC's limits for safe exposure.

AT&T Company Information

AT&T is one of the fastest growing nationwide service providers offering all digital voice, messaging and high-speed data services to nearly 30 million customers in the United States.

AT&T is a "telephone corporation", licensed by the Federal Communications Commission (FCC) to operate in the 150.2-164.8, 165.2-169.8 MHz and 180.2-184.8-189.8 MHz frequencies, and a state-regulated Public Utility subject to the California Public Utilities Commission (CPUC). The CPUC has established that the term "telephone corporation" can be extended to wireless carriers, even though they transmit signals without the use of telephone lines.

AT&T will operate this facility in full compliance with the regulations and licensing requirements of the FCC, Federal Aviation Administration (FAA) and the CPUC, as governed by the Telecommunications Act of 1996, and other applicable laws.

The enclosed application has been compiled for your review, analysis, and consideration. AT&T requests a favorable determination and approval of this CUP application to build this proposed wireless telecommunications facility. Please contact me at (909) 917-1727 or jttelecoms@gmail.com if you have any questions or comments.

Thank you,

A handwritten signature in black ink, appearing to read 'Jermaine Taylor', with a stylized flourish at the end.

Jermaine Taylor
Authorized Agent for AT&T Mobility



Planning Commission *Staff Report*

CITY OF UPLAND
"The City of Gracious Living"

DATE: August 28, 2024
TO: CHAIR AND PLANNING COMMISSIONERS
FROM: ROBERT D. DALQUEST, DEVELOPMENT SERVICES DIRECTOR
PREPARED BY: ANDREW R. ARELLANO, ASSISTANT PLANNER
SUBJECT: CONSIDERATION OF CONDITIONAL USE PERMIT NO. 24-0007 TO ALLOW THE SALES AND CONSUMPTION OF BEER AND WINE AS PART OF A BONA FIDE RESTAURANT UNDER A TYPE 41 (ONE-SALE BEER & WINE – EATING PLACE) ALCOHOLIC BEVERAGE CONTROL LICENSE AT 891 W. FOOTHILL BOULEVARD

RECOMMENDED MOTION

If the Planning Commission concurs with staff's recommendation, the following motions are provided:

- "I move to find that this project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301, Existing Facilities, Class 1 (a), of the CEQA Guidelines, as the proposed project consists of a negligible change in use within an existing structure."
- "I move to approve Conditional Use Permit No. 24-0007 to allow the sales and consumption of beer and wine as part of a bona fide restaurant known as "The Taco Man" under a Type 41 (On-Sale Beer & Wine – Eating Place) Alcoholic Beverage Control license located at 891 W. Foothill Boulevard, subject to the findings and conditions of approval contained in the Resolution." (See Attachment A)

REQUEST/PROJECT DESCRIPTION

The applicant is seeking approval of the following land use application:

Conditional Use Permit No. CUP-24-0007 to allow the sales and consumption of beer and wine as part of a bona fide restaurant known as "The Taco Man" under a Type 41 (On-Sale Beer & Wine – Eating Place) Alcoholic Beverage Control (ABC) license.

Synopsis

Table 1

Applicant/Representative:	The Taco Man Taqueria Inc.
Property Owner:	Brixmor Upland Town SQ. LLC
Property Location:	891 W. Foothill Boulevard
Existing General Plan Land Use Designation:	Commercial/Residential (C/R-MU)
Existing Zoning Classification:	Commercial/Residential (C/R-MU)
Site Size:	6.56 Acres
Building/Suite Size:	Existing restaurant space: 1,680 square feet

Access:	4 ingress/egress driveways; 2 from San Antonio Avenue, and 2 from Foothill Boulevard.																							
Existing Conditions:	Existing restaurant																							
Surrounding Land Uses:	<table><tr><th>Direction</th><th>Land Use</th><th>General Plan</th><th>Zone</th></tr><tr><td>North</td><td>Single Family Residences</td><td>Residential Single-Family Low (RS-10)</td><td>Residential Single-Family Low (RS-10)</td></tr><tr><td>East</td><td>Commercial Center</td><td>Commercial/Residential Mixed-Use (C/R-MU)</td><td>Commercial/Residential Mixed-Use (C/R-MU)</td></tr><tr><td>South</td><td>Commercial Center</td><td>Commercial/Residential Mixed-Use (C/R-MU)</td><td>Commercial/Residential Mixed-Use (C/R-MU)</td></tr><tr><td>West</td><td>Commercial Center</td><td>Commercial/Residential Mixed-Use (C/R-MU)</td><td>Commercial/Residential Mixed-Use (C/R-MU)</td></tr></table> <p>See Attachment B – Vicinity Map</p>				Direction	Land Use	General Plan	Zone	North	Single Family Residences	Residential Single-Family Low (RS-10)	Residential Single-Family Low (RS-10)	East	Commercial Center	Commercial/Residential Mixed-Use (C/R-MU)	Commercial/Residential Mixed-Use (C/R-MU)	South	Commercial Center	Commercial/Residential Mixed-Use (C/R-MU)	Commercial/Residential Mixed-Use (C/R-MU)	West	Commercial Center	Commercial/Residential Mixed-Use (C/R-MU)	Commercial/Residential Mixed-Use (C/R-MU)
Direction	Land Use	General Plan	Zone																					
North	Single Family Residences	Residential Single-Family Low (RS-10)	Residential Single-Family Low (RS-10)																					
East	Commercial Center	Commercial/Residential Mixed-Use (C/R-MU)	Commercial/Residential Mixed-Use (C/R-MU)																					
South	Commercial Center	Commercial/Residential Mixed-Use (C/R-MU)	Commercial/Residential Mixed-Use (C/R-MU)																					
West	Commercial Center	Commercial/Residential Mixed-Use (C/R-MU)	Commercial/Residential Mixed-Use (C/R-MU)																					
Previous Applications/Entitlements:	N/A																							

Authorization/Guidelines

Upland Municipal Code Section 17.44.040 provides that the Planning Commission shall approve, conditionally approve, or deny all conditional use permit applications, therefore, the Planning Commission is the final acting body on the project.

BACKGROUND

The existing restaurant is located within an inline tenant space within a commercial shopping center known as the “Upland Town Square”. The approximately 9-acre shopping center was approved under Conditional Use Permit No. 32 in 1962. The center is currently anchored by Sprouts Farmer’s Market and the center supports a variety of retail, restaurant, health/fitness, and personal service uses. The tenant space has been used by multiple different types of businesses since it was constructed, with the most recent use being “Tropical Smoothie Cafe”. “The Taco Man” restaurant was established within the space in November of 2023, as a permitted use within the Commercial/Residential Mixed-Use (C/R-MU) Zoning District.

Technical Review Committee

The Technical Review Committee reviewed the project, and recommended approval, subject to conditions of approval that have been incorporated into the draft resolution. 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.

Public Notice

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

1. On August 15, 2024, a Notice of Public Hearing Postcard was mailed to all property owners within 300 feet of the project site. This resulted in a total of 29 property owners being noticed.
2. The Public Hearing Notice and posted in 2 physical locations (Upland City Hall and Upland Library) and on the city website on August 15, 2024.
3. The Public Hearing Notice was also published in the Inland Valley Daily Bulletin on August 16, 2024.

ANALYSIS

General Plan and Zoning

The project site has a Commercial/Residential Mixed-Use (C/R-MU) General Plan land use designation and is within the Commercial/Residential Mixed-Use (C/R-MU) Zoning District. The property is also located within the Foothill Boulevard special focus area within the General Plan. The C/R-MU zone is intended to provide for a full range of retail, service, and office uses to serve the daily and occasional needs of residents, workers, and visitors. The use is consistent with the intent and purpose of the General Plan land use designation and the zoning designation. Sit-down restaurants are permitted uses within the Commercial/Residential Mixed-Use (C/R-MU) zone, however, the addition of alcohol sales, as part of a restaurant, requires approval of a Conditional Use Permit, pursuant to Table 17.06-1 (Permitted Land Uses in the Mixed-Use Zones) within Section 17.06.020 of the Upland Municipal Code.

The project shows consideration for the following General Plan Goals and Policies shown in Table 2.

Table 2

General Plan Goal/Policy	Consistency
<p>Policy LU-3.1 Economic Development.</p> <p>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.</p>	<p>The proposed project will retain and allow expansion of an existing restaurant's menu, which will provide a tax generating business the opportunity to maintain employment and food services for residents by increasing their viability and allowing them to be more competitive in the market.</p>
<p>Policy ES-3.1 Business Attraction.</p> <p>As part of the Comprehensive Economic Development Strategy, identify and pursue businesses offering contemporary eating, entertainment and shopping experiences that fit the demographic charter of Upland's households and complement existing business.</p>	<p>The restaurant has been identified as a contemporary eating establishment that fits complements existing businesses within the center. The addition of the sales of beer and wine on their menu, ancillary to the use of a sit-down restaurant that serves meals, will allow the business to better suit its customers and increase its viability, allowing the existing restaurant to continue serving Upland residents and local businesses.</p>
<p>Policy FA-1.3 Commercial Uses.</p> <p>Encourage a combination of retail, office, entertainment, and other commercial uses that will strengthen the City's revenues and serve daily and occasional needs of residents of Upland.</p>	<p>The existing use of a restaurant is identified as a use within the Foothill Boulevard special focus area that will strengthen the City's revenues and serve the daily and occasional needs of residents. The addition of beer and wine service, as part of a bona fide restaurant, will continue to serve that vision and will complement the existing uses within the commercial shopping center.</p>

Operations

The existing restaurant operates from 11:00 a.m. to 9:00 p.m. on Sunday, 11:00 a.m. to 9:00 p.m. on Monday through Thursday, and 11:00 a.m. to 10:00 p.m. on Friday & Saturday. The sit-down restaurant is a taqueria style Mexican restaurant with a menu that includes dishes such as Tijuana and Sonora style tacos, burritos and burritos, nachos, and quesadillas, as well as vegetarian, low-carb, and keto options. The business also provides larger portions for catering. With approval of the Conditional Use Permit, the restaurant will offer beer and wine only, as part of the sales and service of meals within the restaurant.

Floor Plan

The entrance to the restaurant is located on the northwest side of the shopping center. Upon entrance to the restaurant, customers are greeted by the service counter and bar area, with access to the service and kitchen accessible only to staff. The restaurant space includes a fully built kitchen and dining room which totals 1,680 square feet. The applicant has proposed structural modifications to the unit and will be installing new grills, refrigerators, storage and improving bathroom facilities along with the sales of beer and wine to the restaurant's menu. All alcohol is stored within the refrigerator which is only accessible by employees. (See Attachment C – Floor Plan and Images)

Site Plan

The project site layout will remain as existing. No external modifications are proposed as part of this Conditional Use Permit application. Currently, the commercial shopping center is accessed from Foothill Boulevard and San Antonio Avenue and the on-site circulation adequately serves public and emergency vehicles. Restaurant uses are required to provide 1 parking space for every 100 square feet of floor area, therefore the existing restaurant use requires a total of 17 parking spaces. The shopping center contains a total of 410 parking spaces on site, which are shared amongst all tenants. The current on-site parking adequately serves the existing restaurant. The addition of beer and wine sales as part of the restaurant's menu does not increase the restaurant's parking requirement. (See Attachment D – Site Plan)

ABC License

The applicant is requesting the ability to sell beer and wine as part of their bona fide restaurant. After obtaining a Conditional Use Permit, the applicant will be required to obtain a Type 41 ABC License (On-Sale Beer & Wine Eating Place) from the California Department of Alcoholic Beverage Control, which authorizes the sale of beer and wine only for consumption on the premises where sold. Under this license type, the business must operate and maintain the licensed premises as a bona fide eating place. The business 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.

The Upland Police reviewed the Conditional Use Permit application and found the existing business does not cause criminal activity, and considering the use will continue to be operated as a restaurant, no negative impacts are anticipated. The Police Department does not oppose the approval of the Conditional Use Permit and has provided conditions of approval to ensure the use is operated in a manner that protects the public health, welfare and safety.

The use is required to maintain compliance with the performance standards contained within Section 17.21.050 of the Upland Municipal Code. These standards ensure the operation of the business comply fully with all rules, regulations, and orders of the California Alcoholic Beverage Control (ABC) Department; the owners and employees complete an approved, certified alcohol education course within 60 days of hire; provide adequate litter receptacles; managers at least 21 years of age; and ensure that the sale or service of alcoholic beverages are incidental and accessory to the primary permitted activity.

Overconcentration/Census Tract

Census tracts are defined as small geographical areas established by local committees and approved by the Census Bureau. The subject property is located within Census Tract 8.18. This Census Tract is located east of Euclid Avenue, West of Mountain Avenue, south of 16th Street and north of Foothill Boulevard.

Alcoholic Beverage Control (ABC) determines the concentration of ABC licenses based on the average number of alcohol licenses per capita in each census tract. Census Tracts that exceed the number of ABC licenses set by ABC are deemed to be “over-concentrated.” However, ABC and the City recognize that the addition of new licenses to “over-concentrated” Census Tracts should be reviewed on a case-by-case basis to ensure that such sales will not adversely affect surrounding residents, businesses, and institutions and to ensure that any such use operates in a manner compatible with existing and future adjacent uses.

Census Tract 8.18 permits 4 “On Sale” licenses and 3 “Off Sale” licenses. Currently, Census Tract 8.18 has 14 “On Sale” licenses and 6 “Off Sale” licenses, making the tract “over-concentrated”.

For informational purposes, staff identified the nearest ABC authorized facilities selling alcoholic beverages that are located within the census tract.

Nearby Licenses

Table 3

Establishment Name	License Type	Address	Distance
Sprouts	20	847 W. Foothill Blvd.	Approximately 120 feet
Red Devil’s Pizza	41	907 W. Foothill Blvd.	Approximately 160 feet
Hi Brow	48	925-927 W. Foothill Blvd.	Approximately 300 feet

License Type Description

Table 4

License Type	Description
20	(Retail Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.
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.
47	(Bars and Night Clubs) Authorizes the sale of beer, wine, and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see BPC § 25663.5 for exception, musicians). Food service is not required.

Public Convenience and Necessity

As required by Upland Municipal Code Section 17.21.070 (B), the decision-making authority for alcoholic beverages sales, shall make a finding of “public convenience and necessity” if the activity is in a census tract that has been determined by the State of California Department of Alcoholic Beverage Control (ABC) to have an undue concentration of licenses, as defined in Business and Professions Code section 23958.4. However, bona fide restaurants, including the requested Type 41 License, are exempt from these limitations pursuant to Business and Professions Code Section 23958.4. Therefore, the city is not required to make a finding of “public convenience and necessity”, and the ABC will make the necessary findings. That said, an over concentration is expected within this Census Tract as the tract includes significant segments of

Foothill Boulevard and Mountain Avenue, major commercial corridors in the City where several restaurants, shopping centers, and retail establishments are located.

Sensitive Receptors

The Upland Municipal Code (UMC) requires a Conditional Use Permit for the sale of alcoholic beverages to ensure there will be no adverse impact on surrounding land uses. The UMC does not establish a requirement for the separation of sensitive uses (i.e., park, school, day care, residential, etc.) in relation to on-site sales. However, as part of evaluating the appropriateness of the location and adequate conditions of approval, staff evaluated the proposed location in proximity to sensitive receptors.

Table 5

Nearest Park	Distance from Site
Baldy View Dog Park	1,700-feet
Nearest Residential	
Single Family Residences	160-feet
Nearest School	
Upland High School	900-feet

As shown in Table 5, above, the restaurant is in close proximity to residences. However, this is only due to the fact that the commercial shopping center, as a whole, backs up to a residential neighborhood. There is no internal access between the residential uses and the shopping center, which is separated by a tall masonry wall. The tenant space where the business is located is oriented away from residential uses and faces Foothill Boulevard. The use is operated entirely within the enclosed building with no outdoor activity, which will prevent any alcohol, loitering or noise issues. In addition, conditions of approval are included to ensure the use will be operated in a manner that protects the public health, safety, and welfare.

ENVIRONMENTAL ASSESSMENT

This project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301, Existing Facilities, Class 1 (a), of the CEQA Guidelines, since the proposed project consists of a negligible change in use within an existing structure.

REQUIRED FINDINGS

In order to approve the project, the Planning Commission is required to make certain findings for the Conditional Use Permit and the Development Plan Review. Section 1 of the Draft Resolution (Attachment A) contains recommended findings for the Planning Commission's consideration.

RECOMMENDED ACTION

The Planning Division recommends that the Planning Commission:

1. Find that this project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301, Existing Facilities, Class 1(a), of the CEQA Guidelines, since the proposed project consists of a negligible change in use within an existing structure; and

2. Adopt a Resolution approving Conditional Use Permit No. CUP-24-0007 to allow the sales and consumption of beer and wine as part of a bona fide restaurant known as “The Taco Man” under a Type 41 (On-Sale Beer & Wine – Eating Place) Alcoholic Beverage Control license located at 891 W. Foothill Boulevard, subject to the findings and conditions of approval contained in the Resolution.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UPLAND, CALIFORNIA APPROVING AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), PURSUANT TO SECTION 15301 EXISTING FACILITIES, OF THE CEQA GUIDELINES AND APPROVAL CONDITIONAL USE PERMIT NO. 24-0007 ALLOWING THE SALES AND CONSUMPTION OF BEER AND WINE AS PART OF A BONA FIDE RESTAURANT UNDER A TYPE 41 (ONE-SALE BEER & WINE – EATING PLACE) ALCOHOLIC BEVERAGE CONTROL LICENSE WITHIN THE COMMERCIAL/RESIDENTIAL -MIXED USE ZONE AT 891 W. FOOTHILL BOULEVARD (APN: 1045-602-22).

Intent of the Parties and Findings

WHEREAS, The Taco Man Taqueria Inc. (Applicant) has filed an application requesting approval of the Project; and

WHEREAS, The project site has a General Plan land use designation of Commercial/Residential (C/R-MU) and is located within the Commercial/Residential (C/R-MU) Zoning District, in which the Planning Commission may grant a Conditional Use Permit for the proposed use; and

WHEREAS, Upland Municipal Code Section 17.44.040(C) requires that the review authority is the Planning Commission, therefore the Planning Commission shall make a decision; and

WHEREAS, Upland Municipal Code Section 17.44.040(G), provides that the Planning Commission may attach conditions to the approval of the project as needed to ensure compliance with the Zoning Ordinance, other City Ordinances, the General Plan, and any other applicable community or specific plan, previously approved subdivisions and parcel maps and easements; 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 has determined that the project qualifies for a Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301, Existing Facilities, Class 1 (a), of the CEQA Guidelines, since the proposed project consists of a negligible change in use within an existing structure; and

WHEREAS, The City of Upland Planning Division on August 15, 2024, posted two (2) true and correct copies of the legal notice at the Upland City Hall Bulletin Board and at the Upland Public Library in accordance with the Upland Municipal Code Section 17.46.020; and

WHEREAS, The City of Upland Planning Division on August 15, 2024, 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 August 16, 2024, published a legal notice in the Inland Valley Daily Bulletin, a local paper of general circulation, indicating the date and time of the public hearing in compliance with state law concerning the Project; and

WHEREAS, The City of Upland Planning Commission conducted a duly noticed public hearing on August 28, 2024, at which time it received public testimony concerning the Project, and considered the CEQA for the proposed project; and

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

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

- A. The above Recitals are true and correct and are incorporated herein by this reference.
- B. The project is consistent with the following General Plan Policies:

- 1. 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.

Fact: The proposed project will retain and allow expansion of an existing restaurant's menu, which will provide a tax generating business the opportunity to maintain employment and food services for residents by increasing their viability and allowing them to be more competitive in the market.

- 2. Policy ES-3.1 Business Attraction. As part of the Comprehensive Economic Development Strategy, identify and pursue businesses offering contemporary eating, entertainment and shopping experiences that fit the demographic charter of Upland's households and complement existing business.

Fact: The restaurant has been identified as a contemporary eating establishment that fits complements existing businesses within the center. The addition of the sales of beer and wine on their menu, ancillary to the use of a sit-down restaurant that serves meals, will allow the business to better suit its customers and increase its viability, allowing the existing restaurant to continue serving Upland residents and local businesses.

3. Policy FA-1.3 Commercial Uses. Encourage a combination of retail, office, entertainment, and other commercial uses that will strengthen the City's revenues and serve daily and occasional needs of residents of Upland.

Fact: The existing use of a restaurant is identified as a use within the Foothill Boulevard special focus area that will strengthen the City's revenues and serve the daily and occasional needs of residents. The addition of beer and wine service, as part of a bona fide restaurant, will continue to serve that vision and will complement the existing uses within the commercial shopping center.

- A. Per Upland Municipal Code Section 17.44.040(F), the review and decision-making authority may approve an application for a conditional use permit only if the proposed project complies with applicable standards in the Zoning Ordinance, other City ordinances, the General Plan, and any other applicable community or specific plans, and as supported by all of the following findings:

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

Evidence: The existing restaurant is located on Foothill Boulevard, a major commercial corridor in the City where alcohol licenses are common and expected. The addition of beer and wine sales will add new menu options to the restaurant but will be ancillary to the primary use as a sit-down restaurant that serves meals. The site is of sufficient size to support the additional component of beer and wine sales. The tenant space has both a fully built kitchen and dining room sufficient in size for the operation of the business and continued operation as a bona-fide eating place. Appropriate conditions have been included to ensure the operating characteristics of the use remain compatible with current and future land uses. Finally, the use will enhance commercial offerings in the area and will bring employees and customers into the area.

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 shopping center and tenant space provide sufficient space to accommodate the proposed use. The parking lot provides an adequate number of parking spaces to accommodate the proposed restaurant and existing and future uses on site. Parking requirements will not be increased due to the addition of beer and wine sales and service for consumption on the premises as part of a bona fide restaurant. Circulation on-site will remain as existing and is sufficient for public and emergency vehicle (e.g. fire and medical) access.

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: No evidence exists to suggest that the proposed use will be detrimental to, or endanger the public health, safety, or general welfare. The use has been reviewed, and appropriately conditioned by Upland Police, ensuring the public health, safety, and welfare of the community. Conditions of approval are included to ensure the use maintains proper operations. Additionally, the use will have little to no impact on noise, odor, vibration, or other similar impacts to the surrounding uses because the use will operate within a wholly enclosed building and is required to comply with the requirements of the State of California Department of Alcoholic Beverage Control.

- B. Per Upland Municipal Code Section 17.21.070 the review and decision-making authority shall make a determination to allow a new alcoholic beverage sales activity based upon the following findings:

1. Finding: The proposed alcoholic beverage sales activity establishment is in a zoning district in which the establishment is a permitted use.

Evidence: The alcoholic sales activity is ancillary to the restaurant use on site, which is a permitted use in the underlying zoning district. Furthermore, alcohol sales as part of a restaurant is permitted with the approval of a conditional use permit within the C/R-MU zone.

2. Finding: A finding of "public convenience and necessity" if the activity will be located in an area that has been determined, by the State of California Department of Alcoholic Beverage Control, to have an undue concentration of licenses, as defined in Business and Professions Code Section 23958.4(a).

Evidence: If the State of California Department of Alcoholic Beverage Control finds that Census Tract 8.18 would have an undue concentration of licenses due to the granting of an additional Type 41 license, the Planning Commission finds that the granting of the additional Type 41 license supports public convenience and necessity because the proposed use is desirable to the public convenience and public welfare, in that the option to purchase and consume beer and/or wine with meals provides the general public of legal drinking age additional eating and seating options within the community. Such availability of alcoholic beverages with meals is common among similar uses.

3. Finding: The alcoholic beverage sales activity will not aggravate the existing problems in the neighborhood created by the sale of alcohol, such as loitering, public drunkenness, alcoholic beverage sales to minors, noise, and littering.

Evidence: The Police Department has evaluated the proposed project and determined that with proper conditions of approval in place, the business will not aggravate alcohol-related problems in the neighborhood. Furthermore, the Police Department has included Conditions of Approval that adequately regulate the use in order to prevent loitering, public drunkenness, alcoholic beverage sales to minors, noise, and littering.

4. Finding: The proposed establishment will not detrimentally affect nearby neighborhoods considering the distance of the alcohol establishment to parks, playgrounds, religious institutions, schools, alcohol and/or drug abuse recovery or treatment facilities or adult businesses.

Evidence: The proposed establishment will not detrimentally affect nearby neighborhoods or sensitive uses. The proposed restaurant will not serve distilled spirits, and the use will take place in a wholly enclosed building with no outdoor activity which will prevent any alcohol, loitering or noise issues. In addition, conditions of approval are included to ensure the use will be operated in a manner that protects the public health, safety, and welfare.

5. Finding: The proposed establishment will otherwise be compatible with existing and potential uses within the general area.

Evidence: The proposed addition of beer and wine sales for on-site consumption will enhance the menu options available at the restaurant and provide surrounding residents and businesses with additional dining options. The existing shopping center currently contains similar uses on site, which operate in a manner consistent with the surroundings. Therefore, the proposed use, as conditioned, will be compatible with existing and potential uses within the general area.

6. Finding: The proposed establishment is not located in what has been determined to be a high-crime area or where a disproportionate number of police service calls occur.

Evidence: The Upland Police Department does not oppose the applicant's request for a Type 41 license and has provided Conditions of Approval. The subject property is in Beat 1. The business was the cause of minimal calls in Beat 1, according to Police Department data, with only 3 calls, all of which were related to burglary audible alarm. Therefore, the Police Department does not anticipate that this business operation will have a negative impact on public safety resources.

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 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 General Conditions

- 10.1 All Ordinances, Policy Resolutions, and Standards of the City in effect at the time this project is approved shall be complied with as a condition of this approval.
- 10.2 The project shall comply with development standards and guidelines prescribed within the Upland Municipal Code.
- 10.3 To the maximum extent permitted by law, Applicant must defend, indemnify, and hold City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City ("Indemnitees") harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Applicant's activities in connection with Conditional Use Permit No. CUP-24-0007 ("Project") on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Applicant's contractors, agents, tenants, employees or any other persons acting on Applicant's behalf, which relate to the development and/or construction of the Project. This indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this approval, or any other supporting document relating to the Project, the City will promptly notify the Applicant of the claim, action, or proceedings and will fully cooperate in the defense of the matter. Once notified, the Applicant must indemnify, defend and hold harmless the Indemnitees, and each of them, with respect to all liability, costs and expenses incurred by, and/or awarded against, the City or any of the Indemnitees in relation to such action. Within 15 days' notice from the City of any such action, Applicant shall provide to City a cash deposit to cover legal fees, costs, and expenses incurred by City in connection with defense of any legal action in an initial amount to be reasonably determined by the City Attorney. City may draw funds from the deposit for such fees, costs, and expenses. Within 5 business days of each and every notice from City that the deposit has fallen below the initial amount, Applicant shall replenish the deposit each and every time in order for City's legal team to continue working on the matter. City shall only refund to Developer any unexpended funds from the deposit within 30 days of: (i) a final, non-appealable decision by a court of competent jurisdiction resolving the

legal action; or (ii) full and complete settlement of legal action. The City shall have the right to select legal counsel of its choice that the Applicant reasonably approves. The parties hereby agree to cooperate in defending such action. The City will not voluntarily assist in any such third-party challenge(s) or take any position adverse to the Applicant in connection with such third-party challenge(s). In consideration for approval of the Project, this condition shall remain in effect if the entitlement(s) related to this Project is rescinded or revoked, whether or not at the request of the Applicant.

- 10.4 Within 15 business days of this approval the Property Owner or Project Applicant shall submit to the Development Services Department written evidence of agreement with all conditions of this approval before the approval becomes effective. (UMC 17.45.030)
- 10.5 Expansion of project beyond the scope and nature of the project, which would increase the projected scale of the project, shall not be permitted except upon application for and approval of modification to this approval.
- 10.6 Any improvement, building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained, or any use of any building or land which is conducted, operated or maintained contrary to the provisions of the Zoning Ordinance, or contrary to any detailed statement, plan, or condition of approval, approved in accordance with the provisions of the Zoning Ordinance shall be and the same is declared to be a violation of the Zoning Ordinance and is unlawful and a public nuisance.
- 10.7 Termination of approval if either: (1) development has not been diligently commenced and actively pursued to completion thereafter within a two (2) year period from the date of approval (i.e. August 28, 2026); or, (2) if the use approved hereunder is discontinued for a period of one hundred and eighty days or longer; or, (3) non-compliance with any provision of the Upland Municipal (UMC) not specifically waived in compliance with City procedures.

20.0 Planning Division Conditions

- 20.1 All uses allowed by the Conditional Use Permit shall be conducted indoors, within the approved tenant space. No uses shall occur outside of the building. No alcoholic beverages shall be consumed outside of the restaurant tenant space unless the activity occurs in an outdoor eating area approved by the City.
- 20.2 Alcoholic beverages shall not be sold and/or served to any persons under the age of 21. Change of the ABC license to a different license

type shall first require review and approval of a new Conditional Use Permit Application, associated materials, and fees.

- 20.3 Alcohol shall be kept behind the service counter only available upon customer request. No alcohol shall be kept in areas available to the public (e.g. ice buckets, refrigerators in the dining room, etc.)
- 20.4 Live entertainment uses, including karaoke or music provided by a disc jockey (DJ) are not permitted unless allowed via a Special Event permit approved by the Development Services Director or designee or modification of this CUP.
- 20.5 If, at the discretion of the Development Services Director and/or the Police Department, alcohol-related crime becomes a security issue or nuisance as a result of the use then changes to the business operational characteristics shall be required. These modifications may require a Conditional Use Permit modification at the discretion of the Development Services Director.
- 20.6 The operation of the business shall comply fully with all the rules, regulations, administrative procedures, 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.
- 20.7 The owners and all employees of the alcohol beverage sales establishment shall complete an approved, certified alcohol education course within 60 days of hire for employees hired after the passage of this ordinance or within 6 months of the passage of this ordinance for existing employees. To satisfy this requirement, a certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body designated by the State of California.
- 20.8 Adequate litter receptacles shall be provided inside and/or outside the business as necessary to maintain an orderly environment. All litter shall be removed from the exterior areas around the building as required and no less frequently than once each day the business is open.
- 20.9 Employees engaged in the sale or service of alcoholic beverages for on-site consumption shall be at least 21 years old. For all businesses and other facilities engaged in the sale or service of alcoholic beverages for on-site consumption other than bars and taverns, the sale of alcoholic beverages shall be incidental and accessory to other permitted activities.

30.0 Police Department

- 30.1 The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Upland Police Department, and City Planning.
- 30.2 A 6-month review/inspection by the Police Department 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. Abatements 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 applicant shall not sell any alcohol unless the applicant has an approved valid Alcoholic Beverage Control license.
- 30.5 Applicant shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment.
- 30.6 Staff shall ensure that there are no sales of alcoholic beverages to persons under 21 years of age.
- 30.7 Within 6 months of the effective date of this determination, all personnel acting in the capacity of a manager, bartender, and server of the premises shall attend a Standardized Training for Alcohol Retailers (STAR) session sponsored by the Alcohol and Beverage Control (ABC) and make arrangements for such training.
- 30.8 No staff, employee, or contracted employee shall consume or be under the influence of an alcoholic beverage during the course of their work shift.
- 30.9 No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while on the premises.
- 30.10 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.

- 30.11 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.
- 30.12 The applicant shall not require an admission charge or cover charge, nor shall there be a requirement to purchase a minimum number of alcoholic beverages. There shall be no live entertainment on the premises.
- 30.13 The business shall be strictly operated as a restaurant only, shall not be operated as a dance club.
- 30.14 All amplified recorded-music shall not be audible beyond the area under the control of the applicant.
- 30.15 Staff shall ensure that there are no sales of alcoholic beverages to obviously intoxicated persons. All such persons shall be requested to leave. All such persons who appear to pose a safety concern by being intoxicated and who have no suitable escort, or who is unable to care for himself/herself, or in any other appropriate situation, shall be offered a taxi service at the individual's expense. If said individual refuses such assistance, the business owner or business owner's agent shall notify the Upland Police Department.
- 30.16 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.
- 30.17 The developer, builder, contractor, sub-contractors, and/or any other persons associated with this project shall strictly adhere to the Upland Municipal Code (UMC) Section 17.15 (et Seq). No signage violating the aforementioned section is authorized other than delineated as a condition of the project. This will serve as the warning to anyone associated with this project and any violation of the aforementioned UMC will result in immediate issuance of a citation. Strictly adhere to the City of Upland's sign ordinance (UMC 17.15 et. Seq). Any type of advertisement signs are strictly prohibited unless otherwise properly permitted by the Planning Department and it adheres to the stated Sign Ordinance.
- 30.18 The management and employees of the premise shall be required to prevent loitering within the boundaries under their control. 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.
- 30.19 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).

- 30.20 A digital video surveillance system is required at the premise. It is required 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.
- 30.21 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 shall be remotely accessible to the Upland Police Department.
- 30.22 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: "PC 647(h), UMC 10.72.010" 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.
- 30.23 All exterior lighting lower than 12 feet from the ground level shall be enclosed in vandal-resistant covers.
- 30.24 All exterior doors shall be equipped with a lighting device capable of providing a minimum of two-foot candle power of light at ground level.
- 30.25 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.
- 30.26 Lighting shall be required in all areas of public access.
- 30.27 The business operator shall install and maintain at each point-of-sale an age verification device to prevent the sales of alcohol to minors.
- 30.28 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 of Security and Investigative Services as a security guard prior to employment within the City of Upland.

30.29 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.

30.30 The operation of the business shall not violate any federal, state, or local laws or ordinances, including the rules, regulations and orders of the State Alcoholic Beverage Control Department and all conditions of the City of Upland's Conditional Use Permit. Failure to comply with these requirements shall constitute grounds for revocation of a conditional use permit.

40.0 Building and Safety

40.1 Prior to conducting any tenant improvements to the restaurant, the applicant shall obtain all necessary building permits from the Building and Safety Division.

50.0 Review/Compliance

50.1 The Planning Commission may review the use 90 days, 180 days, and on an annual basis following the date of final inspection, or as needed at the discretion of the Development Services Director, to determine whether the applicant and operators are operating the use in a manner that is compatible with the community. The Planning Commission may establish additional conditions of approval that are necessary to eliminate any issues that arise from the operation of the use that adversely impact the public health, welfare, and safety, or may direct staff to initiate revocation proceedings. The conditional use permit may be revoked if the permittee, his agents or assigns, or employee(s) of the establishment, or any other person connected or associated with the permittee or his business establishment, or any person who is exercising managerial authority of the business establishment has:

- a. Violated any rule, regulation, or condition of approval adopted by the Planning Commission relating to the conditional use permit or contained in the Upland Municipal Code, or state or federal regulations. Violation of any provision of the Upland Municipal Code (UMC) or the conditions of approval set forth in this resolution, shall be deemed to constitute an infraction of the Upland Municipal Code, and shall be subject to the applicable fines and penalties, including the possibility of revocation of this permit.
- b. Conducted the operation permitted hereunder in a manner contrary to the peace, health, safety, and general welfare of the public, or in

a manner which either generates or contributes to noise and/or health/sanitation nuisances, or which results in undesirable activities that negatively affects adjacent properties or creates an increased demand for public services.

Section 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301, Existing Facilities, Class 1 (a), of the CEQA Guidelines, since the proposed project consists of a negligible change in use within an existing structure.

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

Section 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.

Section 7. EFFECTIVE DATE. This Resolution shall become effective ten (10) days after its passage and adoption unless appealed prior to that time.

PASSED, APPROVED and ADOPTED this 28th day of August, 2024.

Robin Aspinall, CHAIR

ATTEST:

Robert D. Dalquest, SECRETARY

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of Upland at a regular adjourned meeting thereof held on the 28th day of August, 2024, by the following vote:

AYES:

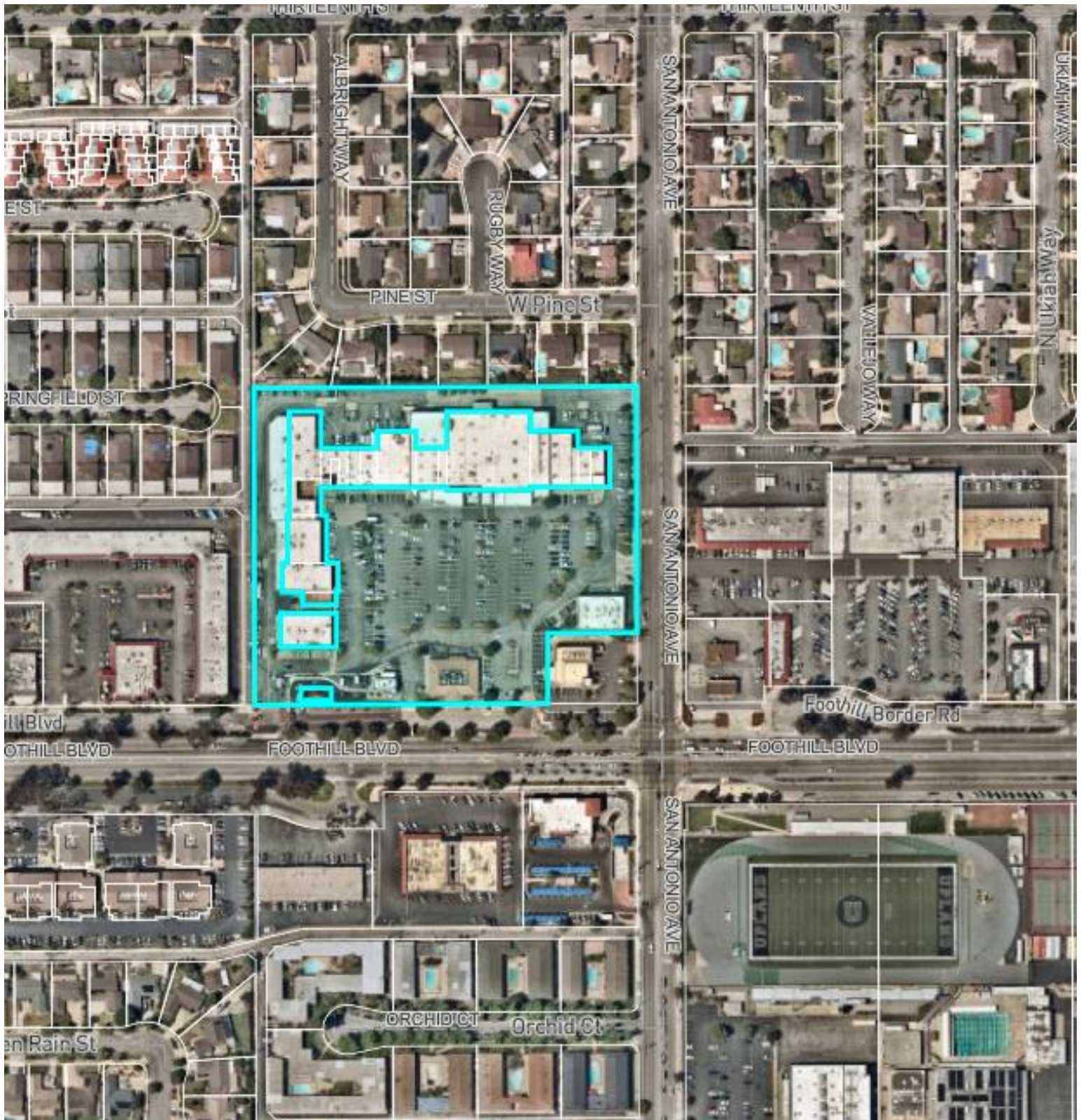
NAYS:

ABSENT:

ABSTAIN:

Robert D. Dalquest, SECRETARY

Exhibit B – Vicinity Map



BOOK 110, PAGE 12 (MAPS) MAYAL, SUSAN M. AND GILLEN, J. APN = 1045-602-07	BOOK 110, PAGE 12 (MAPS) CABRANET, JOSE G. LOS APN = 1045-602-08	BOOK 110, PAGE 12 (MAPS) MURRAY, CAROL A. W. S. O. VENTO APN = 1045-602-09	BOOK 110, PAGE 12 (MAPS) DEBBE, C. AND MARK P. APN = 1045-602-10	BOOK 110, PAGE 12 (MAPS) LOS TO APN = 1045-602-11	BOOK 110, PAGE 12 (MAPS) AYALA, AVILA APN = 1045-602-12	BOOK 110, PAGE 12 (MAPS) SIL, STACY L. APN = 1045-602-13
---	--	--	--	---	---	--

N89°30'21"W

695.29

LINE DATA:

- | | | |
|---|---------------|--------|
| 1 | N 00°32'07" E | 518.04 |
| 2 | N 00°32'07" E | 231.00 |
| 3 | N 00°32'07" E | 518.01 |
| 4 | N 00°32'07" E | 518.00 |

PARCEL 1 PER T.R.
FOR. OF LOT 510
BOOK 11, PAGE 6
OF MAPS

FOOTHILL

BOULEVARD

The Taco Man – Summary

Requesting approval from the City of Upland for a beer and wine license. The Taco Man's objective is to provide its customers with a variety of domestic and imported bottled beer. Extensive market research has been done which shows that offering beer complements our existing menu options and is highly common in similar types of establishments within the same geographic area. As the official LA Galaxy watch partner, adding beer will make a great addition to attract sport fanatics and increase foot traffic within our restaurant.

The Taco Man began with small and humble roots with a grill, a van, and the eagerness to turn his vision to life - catering small events at people's homes since 2003. The Taco Man is a casual dining restaurant serving home-style street tacos packed with vibrant and delicious flavors. With hand-crafted recipes for meat marination and delicious salsas The Taco Man opened its first restaurant in Montclair California and has since opened 3 more restaurants. Our menu provides customers with a taste of home every time with our tacos, nachos, quesadillas, and innovative menu items that are full of flavor.

Website: <https://www.thetacoman.com/>

Hours of operation

Sunday: 11am-9pm

Monday - Thursday: 11am- 9pm

Friday: 11am-10pm

Saturday: 11am- 10pm



Planning Commission *Staff Report*

CITY OF **UPLAND**
"The City of Gracious Living"

DATE: August 28, 2024
TO: CHAIR AND PLANNING COMMISSIONERS
FROM: ROBERT D. DALQUEST, DEVELOPMENT SERVICES DIRECTOR
PREPARED BY: JAMIE DAVIDSON, MANAGEMENT ANALYST
SUBJECT: RESOLUTION AMENDING THE RULES AND PROCEDURES FOR THE
UPLAND PLANNING COMMISSION

RECOMMENDED MOTION

If the Planning Commission concurs with staff's recommendation, the following motion is provided:

- "I move to approve the amended Rules and Procedures of the Upland Planning Commission."

BACKGROUND

Annually, the Planning Commission reviews the "Rules and Procedures of the Upland Planning Commission".

On January 23, 2023, City Council adopted Resolution No. 6704 which amended the policies and procedures relative to the establishment and operation of Commissions, Committees, Boards and Authorities appointed to advise the City Council. Changes included outlining the process for the selection of new Planning Commissioners when filling vacancies. This change did not impact any operational procedures relative to the Planning Commission, however the Planning Commission rules shall reference the new resolution number for consistency.

At a regular meeting on August 23, 2023, the Planning Commission adopted Resolution No. 4988 "Amending the Rules and Procedures of the Upland Planning Commission." Minor changes included clarification to the order of business during meetings that include the election of Chair and Vice Chair, clarification to the election process of Chair and Vice Chair and updating the City Council and Planning Commission resolution numbers for consistency. The adoption of this resolution was in accordance with City Council Resolution No. 6704.

ANALYSIS

Staff is proposing minor revisions, indicated in red font in the Draft Resolution (attached) which include the following:

- Section A, Item 8, the addition of a definition of majority vote and supermajority vote.
- Section B, subsection 6, moving this to Section C to be with related topics.
- Section E, clarification to the procedure for conducting a public hearing.
- Section F, clarification to the general rules for public hearings.
- Section G, addition of Airport Land Use Committee
- Update to City Council and Planning Commission resolution numbers for consistency.

Should the Commission feel any section of the Rules and Procedures need further consideration, it should be brought up for discussion at this time.

RECOMMENDED ACTION

The Planning Division recommends that the Planning Commission approve the amended Rules and Procedures for the Upland Planning Commission.

RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF UPLAND AMENDING RULES AND PROCEDURES
FOR THE CITY OF UPLAND PLANNING COMMISSION
AS SET FORTH IN RESOLUTION NO. 49~~8873~~.**

WHEREAS, the City of Upland Planning Commission ("Planning Commission") previously adopted Rules and Procedures for the Planning Commission pursuant to Planning Commission Resolution No. 49~~8873~~; and

WHEREAS, on January 23, 2023, the City Council of the City adopted City Council Resolution No. 6704, entitled "A Resolution of the City Council of Upland Amending the Policies and Procedures Relative to the Establishment and Operation of Commissions, Committees, Boards, and Authorities Appointed to Advise the City Council," regarding Rules and Procedures, which revised the selection process for new Planning Commissioners to fill vacancies; and

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

WHEREAS, the Planning Commission desires to reorganize this Resolution to have all relevant information relative to the election of officers in one place; and

WHEREAS, the Planning Commission desires to discuss at every January regular meeting the annual meeting schedule in order to make any initial adjustments to accommodate the schedules of the Planning Commissioners around holidays; and

WHEREAS, the Planning Commission annually reviews the rules and procedures of the Upland Planning Commission to either reaffirm or amend, and was the basis for the adoption of Planning Commission Resolution No.'s ~~4988~~, 4973, 4956, 4927, 4904, 4862, 4819, 4762, 4618, 4516, 4371, 4295, 4232, 4031, 3927, 3762, 3724, 3643, 3568, 3484-D, 3412, 819, and 637; and

WHEREAS, the Planning Commission desires to clarify the order of business given that occasionally there may be a need for a study session/public workshop or presentation; and

WHEREAS, the Planning Commission desires to clarify details of the Election of Chair and Vice Chair; and

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

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

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

A. PLANNING COMMISSION MEETINGS

1. REGULAR MEETINGS:

PLANNING COMMISSION RESOLUTION
RULES & PROCEDURES

- a. Regular meetings of the Planning Commission shall be held on the fourth Wednesday of each month, at 6:30 p.m. in the Council Chambers of the City Hall, unless otherwise determined by the Commission.
- b. Whenever a regular meeting falls on a public holiday, no regular meeting shall be held on that day. Such regular meeting may be rescheduled to another business day, or canceled by motion adopted by the Planning Commission.
- c. At the regular meeting each January, the Planning Commission shall consider the annual meeting schedule and make any initial adjustments, as needed, to accommodate schedules in light of regular holidays.

2. SPECIAL MEETINGS:

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

3. STUDY SESSIONS/WORKSHOPS:

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

4. PRESENTATION OR ELECTION OF CHAIR AND VICE CHAIR:

- a. Occasionally there may be a need for a presentation or election, provided that no official action by resolution shall be taken.
- b. Regarding the order of business, a presentation or election shall generally occur at the start of a meeting after roll call is conducted.
- c. There ~~shall~~may be a 5-minute recess immediately following an election as staff ~~will~~may need to reprogram the voting equipment.

5. ORDER OF BUSINESS:

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

PLANNING COMMISSION RESOLUTION
RULES & PROCEDURES

- a. Chair calls meeting to order. The Chair may take items out of order with a majority vote of the Planning Commission present.
- b. Pledge of Allegiance.
- c. Roll call.
- d. *Presentation and/or Election of Chair and Vice Chair (if applicable).*
- e. Approval of minutes of previous meeting.
- f. Council Action(s) of special interest.
- g. Future Agenda Items.
- h. Oral Communications.
- ~~i.~~ Consent Calendar (if applicable).
- ~~j.~~ Instruction to the public.
- ~~k.~~ Public Hearings:
 - i. Continued items;
 - ii. New items.
- ~~l.~~ Business Items:
 - i. Continued items;
 - ii. New items.
- ~~m.~~ Study Session/Workshop (if applicable).
- ~~n.~~ Planning Commission ~~Communications~~Comments.
- ~~o.~~ Adjournment.

6. PROCEDURE:

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

7. QUORUM:

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

8. MAJORITY VOTE AND SUPERMAJORITY VOTE

The Planning Commission generally needs only a simple majority vote of quorum present to pass any item, except when otherwise required. Unless otherwise specified, a supermajority vote requirement is when there is a requirement for an affirmative majority vote of the total membership of the Planning Commission (e.g., General Plan Adoption/Amendment, Specific Plan Adoption/Amendment, Zoning Code Adoption/Amendment).

Formatted: Heading 2

Formatted: Double underline, Font color: Blue

B. ELECTIONS, APPOINTMENTS AND TERMS OF OFFICE

1. The Planning Commission shall, at the start of the regular meeting every other August, elect from among the appointed members, a Chair and Vice Chair to begin serving immediately. In accordance with City Council Resolution No. 6704, the term of the Chair and Vice Chair shall be for 2 years, and no Chair shall serve for more than two (2) consecutive terms without the approval of the City Council by an affirmative 4/5ths vote.

PLANNING COMMISSION RESOLUTION
RULES & PROCEDURES

2. Election shall be by a roll call vote with votes being cast separately for each office. Members may self-nominate and the vote will occur in the order received. Voting for Vice Chair shall follow election of the Chair. In each case, the Commission member with the highest number of votes shall be declared elected, and shall begin serving immediately
3. The Chair or Vice Chair may be removed from office at any time by two-thirds vote of the Commission.
4. In case of the absence, or the inability to act, of the Chair and the Vice Chair, the members present at any meeting shall, by an order entered into the Minutes, select one of the members as Chair Pro Tem for that meeting.
- ~~5. The Development Services Director or a designee shall serve as Secretary and shall fix the dates of public hearings and prepare the Planning Commission Agenda.~~

C. DUTIES OF OFFICERS AND MEMBERS

1. The presiding officer shall preserve order and decorum and shall decide questions of order.
2. The Chair, or in the Chair's absence, the Vice Chair, or in the Vice Chair's absence, the Chair Pro Tem, shall be the presiding officer at all Planning Commission meetings.
3. All Planning Commission members wishing to make a statement or to ask a question shall first gain recognition by the Chair.
4. The Chair shall facilitate the business of the Commission. Any member of the public addressing the Commission shall limit their ~~address comments~~ to five (5) minutes unless further time is granted by the Chair or majority of the Commission. However, the Chair may limit the amount of time which a person may use in addressing the Planning Commission based on the number of items on the agenda or the number of speakers on an item, or other factors necessary to facilitate the business of the Commission.
5. The Chair shall appoint and discharge all committees.
6. With the approval of the Commission, the Chair may suspend or vary the regular order of business.
7. Any member who believes that he or she has a conflict of interest on the matter to be decided should state the general nature of the conflict and voluntarily leave the room until after the disposition of the matter is concluded. If any member of the Commission believes that another member has such a conflict, the alleged conflict should be brought to the attention of the Commission as a whole, with the request that the member who allegedly has the conflict should consider the same before entering into the discussion on the issue.
- ~~8.~~ The Chair shall sign resolutions and such other documents as may be required and shall perform all other duties necessary or incidental to the office.

PLANNING COMMISSION RESOLUTION
RULES & PROCEDURES

~~8-9.~~ The Development Services Director or a designee shall serve as Secretary and shall fix the dates of public hearings and prepare the Planning Commission Agenda.

Formatted: Justified

~~9-10.~~ The Secretary shall maintain minutes of the Commission meetings and shall record the official actions of the Planning Commission as required by law. The Secretary shall certify all official documents and resolutions of the Commission. The Secretary shall examine all incoming mail for proper referral and answer correspondence for the Commission. The Secretary shall maintain records of operations and perform such other duties as may be assigned by the Planning Commission.

~~10-11.~~ The Development Services Director shall be the administrative head of the Development Services Department. The Development Services Director shall furnish professional and technical advice to the Commission and shall assist the Commission in the discharge of its responsibilities.

~~11-12.~~ All questions of law shall be referred to the City Attorney for opinion.

D. GENERAL RULES OF PROCEDURE

1. All meetings shall be held in full compliance with the provision of State law, ordinances of the City, and these Rules and Procedures.
2. Requests for appearance before the Commission shall be made at the Development Services Department office prior to the filing deadline set forth in the *Development Services Department Application Schedule*. Such requests shall be made on forms provided and shall state the nature of the business to be considered.
3. Any urgency matters may be considered by the Planning Commission upon request of any member of the Commission or upon request of the Development Services Director. In the interest of facilitating the Planning Commission meeting, a member of the Planning Commission requesting consideration of an urgency matter should notify the Secretary at the earliest time practical.
4. Scheduled Agenda items shall take precedence over urgency matters; however, the Chair may allow consideration of an urgency matter at such time as the Chair deems appropriate.
5. Any of the Rules and Procedures not required by law may be suspended, changed, or modified by a two-thirds vote of the quorum present.
6. The rules and procedures of the Planning Commission shall be reviewed annually in August, or the next regular meeting thereafter, to either reaffirm or amend. Additionally, the Planning Commission shall update the rules and procedures for consistency soon thereafter as the City Council amends the resolution regarding the policies and procedures relative to the establishment and operation of Commissions, Committees, Boards, and Authorities appointed to advise the City Council.

PLANNING COMMISSION RESOLUTION
RULES & PROCEDURES

E. PROCEDURE FOR CONDUCT OF PUBLIC HEARINGS

1. Chair announces the subject of the hearing, as advertised; the staff shall be asked to present the substance of the application, the staff report, and the recommendations, and to answer any technical questions of the Commission.
2. Chair declares the public hearing open and offers the applicant an opportunity to give testimony.
3. Chair calls for testimony from those in the audience.
4. Chair offers the applicant an opportunity to deliver a closing statement.
5. Chair may call for the Development Services Director and/or other staff member to present a summary, alterations, and/or recommendations.
6. Chair declares the public hearing closed.
7. Chair calls for discussion by members of the Commission in rotation. Chair requests a motion from the Commission. Findings of fact must be relied upon in making a motion.
8. Chair asks if there is a second to the motion or need for further discussion on the motion.
9. Question is called, second to the motion is announced.
10. Vote is taken. In most instances, the vote is majority rules. However, in certain instances, a super-majority vote is needed. The City Attorney will indicate when a super-majority is needed.
11. Chair announces decision of Commission and indicates applicable appeal period. Chair proceeds to the next item on the Agenda.

Formatted: Not Highlight

F. GENERAL RULES FOR PUBLIC HEARINGS

1. Persons presenting testimony to the Commission are requested (but not required) to give their name and address for the record and to present the Commission Secretary with a speaker's card stating their name and address. In the event the speaker does not complete a card before presenting testimony, the speaker may fill out this card subsequent to giving the testimony.
2. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in and of itself to support a finding of fact, and no decision may be supported solely by hearsay evidence.
- ~~3. Findings of fact must be relied upon in making a motion.~~
- ~~4-3.~~ All questions and comments should be directed through the Chair. The Planning Commission may answer questions as they see fit but are not required to engage in a direct dialogue with applicants or members of the public.
- ~~5-4.~~ All questions shall be directed to the floor by the Planning Commission while the hearing is in its "open" phase. The hearing, once closed, may only be

Page 6 of 8

PLANNING COMMISSION RESOLUTION
RULES & PROCEDURES

reopened for questions to the floor by a motion, second and voted by the Planning Commission; however, the Chair may, as a practical matter, ask the Commission as a whole if anyone objects to reopening the public hearing to allow the questions. If an objection is raised, the formality of a motion, second, and vote should follow. If no objection is raised, substantial compliance with the rule has taken place, and the hearing may be declared reopened by the Chair.

- ~~6.5.~~ Any member of the public addressing the Commission shall limit their ~~address~~ comments to five (5) minutes unless further time is granted by the Chair or majority of the Commission.

G. AIRPORT LAND USE COMMITTEE

1. Occasionally the Planning Commission acts as the Airport Land Use Committee (ALUC) and the section of the meeting is referred to as the Special Joint meeting of the Planning Commission and Airport Land Use Committee.
2. When the Planning Commission acts as the Airport Land Use Committee (ALUC), they are only acting on the Airport Land Use Compatibility.
3. The ALUC vote is taken before the other project applications.
4. ALUC actions shall require a majority vote to be approved, unless otherwise specified. Where supermajority votes are required, the vote required shall consider the total membership of the ALUC, unless otherwise specified.
5. Once the ALUC vote is completed, the ALUC portion of the special joint meeting is closed and the Planning Commission resumes their regular meeting.

Formatted: Justified

Formatted: Heading 2, Justified

G.H. 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 28th day of August 2024.

Robin Aspinall, CHAIR

PLANNING COMMISSION RESOLUTION
RULES & PROCEDURES

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 meeting thereof held on the 28th day of August 2024, by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:

Robert D. Dalquest, SECRETARY

RESOLUTION NO. 4988

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UPLAND AMENDING RULES AND PROCEDURES FOR THE CITY OF UPLAND PLANNING COMMISSION AS SET FORTH IN RESOLUTION NO. 4973.

WHEREAS, the City of Upland Planning Commission ("Planning Commission") previously adopted Rules and Procedures for the Planning Commission pursuant to Planning Commission Resolution No. 4973; and

WHEREAS, on January 23, 2023, the City Council of the City adopted City Council Resolution No. 6704, entitled "A Resolution of the City Council of Upland Amending the Policies and Procedures Relative to the Establishment and Operation of Commissions, Committees, Boards, and Authorities Appointed to Advise the City Council," regarding Rules and Procedures, which revised the selection process for new Planning Commissioners to fill vacancies; and

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

WHEREAS, the Planning Commission desires to reorganize this Resolution to have all relevant information relative to the election of officers in one place; and

WHEREAS, the Planning Commission desires to discuss at every January regular meeting the annual meeting schedule in order to make any initial adjustments to accommodate the schedules of the Planning Commissioners around holidays; and

WHEREAS, the Planning Commission annually reviews the rules and procedures of the Upland Planning Commission to either reaffirm or amend, and was the basis for the adoption of Planning Commission Resolution No.'s 4973, 4956, 4927, 4904, 4862, 4819, 4762, 4618, 4516, 4371, 4295, 4232, 4031, 3927, 3762, 3724, 3643, 3568, 3484-D, 3412, 819, and 637; and

WHEREAS, the Planning Commission desires to clarify the order of business given that occasionally there may be a need for a study session/public workshop or presentation; and

WHEREAS, the Planning Commission desires to clarify details of the Election of Chair and Vice Chair; and

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

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

RULES AND PROCEDURES FOR CITY OF UPLAND PLANNING COMMISSION

A. PLANNING COMMISSION MEETINGS

1. REGULAR MEETINGS:

- a. Regular meetings of the Planning Commission shall be held on the fourth Wednesday of each month, at 6:30 p.m. in the Council Chambers of the City Hall, unless otherwise determined by the Commission.
- b. Whenever a regular meeting falls on a public holiday, no regular meeting shall be held on that day. Such regular meeting may be rescheduled to another business day, or canceled by motion adopted by the Planning Commission.
- c. At the regular meeting each January, the Planning Commission shall consider the annual meeting schedule and make any initial adjustments, as needed, to accommodate schedules in light of regular holidays.

2. SPECIAL MEETINGS:

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

3. STUDY SESSIONS/WORKSHOPS:

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

4. PRESENTATION OR ELECTION OF CHAIR AND VICE CHAIR:

- a. Occasionally there may be a need for a presentation or election, provided that no official action by resolution shall be taken.
- b. Regarding the order of business, a presentation or election shall generally occur at the start of a meeting after roll call is conducted.
- c. There shall be a 5-minute recess immediately following an election as staff will need to reprogram the voting equipment.

5. ORDER OF BUSINESS:

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

- a. Chair calls meeting to order.

- b. Pledge of Allegiance.
- c. Roll call.
- d. *Presentation and/or Election of Chair and Vice Chair (if applicable).*
- e. Approval of minutes of previous meeting.
- f. Council Action(s) of special interest.
- g. Future Agenda Items.
- h. Oral Communications.
- i. Consent Calendar.
- j. Instruction to the public.
- k. Public Hearings:
 - i. Continued items;
 - ii. New items.
- l. Business Items:
 - i. Continued items;
 - ii. New items.
- m. *Study Session/Workshop (if applicable).*
- n. Commission Communications.
- o. Adjournment.

6. PROCEDURE:

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

7. QUORUM:

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

B. ELECTIONS, APPOINTMENTS AND TERMS OF OFFICE

- 1. The Planning Commission shall, at the start of the regular meeting every other August, elect from among the appointed members a Chair and Vice Chair to begin serving immediately. In accordance with City Council Resolution No. 6704, the term of the Chair and Vice Chair shall be for 2 years, and no Chair shall serve for more than two (2) consecutive terms without the approval of the City Council by an affirmative 4/5ths vote.
- 2. Election shall be by a roll call vote with votes being cast separately for each office. Members may self-nominate and the vote will occur in the order received. Voting for Vice Chair shall follow election of the Chair. In each case, the Commission member with the highest number of votes shall be declared elected, and shall begin serving immediately
- 3. The Chair or Vice Chair may be removed from office at any time by two-thirds vote of the Commission.

4. In case of the absence, or the inability to act, of the Chair and the Vice Chair, the members present at any meeting shall, by an order entered into the Minutes, select one of the members as Chair Pro Tem for that meeting.
5. The Development Services Director or a designee shall serve as Secretary and shall fix the dates of public hearings and prepare the Planning Commission Agenda.

C. DUTIES OF OFFICERS AND MEMBERS

1. The presiding officer shall preserve order and decorum and shall decide questions of order.
2. The Chair, or in the Chair's absence, the Vice Chair, or in the Vice Chair's absence, the Chair Pro Tem, shall be the presiding officer at all Planning Commission meetings.
3. All Planning Commission members wishing to make a statement or to ask a question shall first gain recognition by the Chair.
4. The Chair shall facilitate the business of the Commission. Any member of the public addressing the Commission shall limit their address to five (5) minutes unless further time is granted by the Chair or majority of the Commission. However, the Chair may limit the amount of time which a person may use in addressing the Planning Commission based on the number of items on the agenda or the number of speakers on an item, or other factors necessary to facilitate the business of the Commission.
5. The Chair shall appoint and discharge all committees.
6. With the approval of the Commission, the Chair may suspend or vary the regular order of business.
7. Any member who believes that he or she has a conflict of interest on the matter to be decided should state the general nature of the conflict and voluntarily leave the room until after the disposition of the matter is concluded. If any member of the Commission believes that another member has such a conflict, the alleged conflict should be brought to the attention of the Commission as a whole, with the request that the member who allegedly has the conflict should consider the same before entering into the discussion on the issue.
8. The Chair shall sign resolutions and such other documents as may be required and shall perform all other duties necessary or incidental to the office.
9. The Secretary shall maintain minutes of the Commission meetings and shall record the official actions of the Planning Commission as required by law. The Secretary shall certify all official documents and resolutions of the Commission. The Secretary shall examine all incoming mail for proper referral and answer correspondence for the Commission. The Secretary shall maintain records of operations and perform such other duties as may be assigned by the Planning Commission.
10. The Development Services Director shall be the administrative head of the Development Services Department. The Development Services Director shall

furnish professional and technical advice to the Commission and shall assist the Commission in the discharge of its responsibilities.

11. All questions of law shall be referred to the City Attorney for opinion.

D. GENERAL RULES OF PROCEDURE

1. All meetings shall be held in full compliance with the provision of State law, ordinances of the City, and these Rules and Procedures.
2. Requests for appearance before the Commission shall be made at the Development Services Department office prior to the filing deadline set forth in the *Development Services Department Application Schedule*. Such requests shall be made on forms provided and shall state the nature of the business to be considered.
3. Any urgency matters may be considered by the Planning Commission upon request of any member of the Commission or upon request of the Development Services Director. In the interest of facilitating the Planning Commission meeting, a member of the Planning Commission requesting consideration of an urgency matter should notify the Secretary at the earliest time practical.
4. Scheduled Agenda items shall take precedence over urgency matters; however, the Chair may allow consideration of an urgency matter at such time as the Chair deems appropriate.
5. Any of the Rules and Procedures not required by law may be suspended, changed, or modified by a two-thirds vote of the quorum present.
6. The rules and procedures of the Planning Commission shall be reviewed annually in August, or the next regular meeting thereafter, to either reaffirm or amend. Additionally, the Planning Commission shall update the rules and procedures for consistency soon thereafter as the City Council amends the resolution regarding the policies and procedures relative to the establishment and operation of Commissions, Committees, Boards, and Authorities appointed to advise the City Council.

E. PROCEDURE FOR CONDUCT OF PUBLIC HEARINGS

1. Chair announces the subject of the hearing, as advertised; the staff shall be asked to present the substance of the application, the staff report, and the recommendations, and to answer any technical questions of the Commission.
2. Chair declares the public hearing open and offers the applicant an opportunity to give testimony.
3. Chair calls for testimony from those in the audience.
4. Chair offers the applicant an opportunity to deliver a closing statement.
5. Chair may call for the Development Services Director and/or other staff member to present a summary, alterations, and/or recommendations.
6. Chair declares the public hearing closed.

7. Chair calls for discussion by members of the Commission in rotation. Chair requests a motion from the Commission.
8. Chair asks if there is further discussion on the motion.
9. Question is called.
10. Vote is taken.
11. Chair announces decision of Commission and proceeds to the next item on the Agenda.

F. GENERAL RULES FOR PUBLIC HEARINGS

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

G. CERTIFICATION


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

PASSED, APPROVED and ADOPTED this 23rd day of August 2023.

A handwritten signature in cursive script, reading "Robin Aspinall", written in dark ink. The signature is positioned above a horizontal line.

Robin Aspinall, CHAIR

ATTEST:



Robert D. Dalquest, SECRETARY

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of Upland at a regular meeting thereof held on the 23rd day of August 2023, by the following vote:

AYES: Chair Aspinall, Vice Chair Grahn, Commissioners Andrews, Caldwell
NAYS: Commissioners Johnson, Marroquin, Staton
ABSENT: none
ABSTAIN: none


Robert D. Dalquest, SECRETARY

RESOLUTION NO. 6704

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UPLAND
AMENDING THE POLICIES AND PROCEDURES RELATIVE TO THE
ESTABLISHMENT AND OPERATION OF COMMISSIONS,
COMMITTEES, BOARDS, AND AUTHORITIES APPOINTED TO
ADVISE THE CITY COUNCIL

Whereas, the use of citizen Commissions, Committees, Boards, and Authorities to advise the City Council on issues of public concern is an efficient and effective means of involving citizens in policy development; and

Whereas, Chapter 2.16 and Section 2.20.030 of the Upland Municipal Code provides that the City Council shall by resolution, establish a process for the screening of individuals desiring to serve as City Commission, Committee, Boards or Authority members; and

Whereas, the effective use of these Commissions, Committees, Boards, and Authorities is furthered by clear guidelines governing their creation and operation; and

Whereas, the City Council adopted Resolution No. 4331 which established guidelines governing the creation and operation of established Commissions, Committees, Boards and Authorities; and

Whereas, from time to time there is a need to eliminate or amend the established rules governing the operation and creation of Commissions, Committees, Boards, and Authorities, which was the basis for the adoption of Resolution Nos. 5786, 6038, 6270, 6397, 6504, 6539, 6581, 6583, 6608, and 6681; and

Whereas, the City desires to provide a fair and equitable manner by which citizens are appointed to City Commissions, Committees, Boards, and Authorities, which is free of undue influence, but which advances the authority provided by Government Code Section 40605; and

Whereas, the City Council may establish standing committees of the legislative body to provide an opportunity for fact finding prior to consideration by the entire Council; and

Whereas, the City Council established the Recreation Committee by Resolution No. 4839 on June 9, 1997, and rescinded previously adopted Resolution Nos. 2600, 3324, 3626, 4212 and 4474 and amended Resolution Nos. 4331 and 5007; and

Whereas, the City Council later amended the composition of the Recreation Committee with Resolution No. 5007, dated February 8, 1999, adding two School Board Members to the Committee; and

Whereas, the City Council added the Finance & Economic Development Committee, Police & Fire Committee, and Public Works Committee with Resolution No. 5290, dated December 10, 2001; and

Whereas, the City Council amended the Standing Legislative Committees by Resolution No. 6539 to include Economic Development Committee, Finance Committee, Police & Fire Committee, and Public Works Committee; and

Whereas, the Council amended, by Resolution No. 6581, the Economic Development Committee, Finance Committee and Public Works Committee to include five citizen advisory members; and

Whereas, the City Council established, by Resolution No. 6583, the Environmental Sustainability Advisory Committee and the Parks, Arts, Recreation, and Community Services (PARCS) Advisory Committee and dissolved the Traffic Safety Advisory Committee; and

Whereas, the City Council amended, by Resolution No. 6608, the Finance Committee Membership to include the City Treasurer without restriction; and

Whereas, the City Council amended, by Resolution No. 6681 the process for selection of new Planning Commissioners to fill vacancies; and

Whereas, the City Council now desires to consolidate certain City Commissions, Committees, Boards, and Authorities as further set forth below.

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

Section 1. The City Council hereby amends the established guidelines and policies governing Commissions, Committees, Boards and Authorities of the City ("Guidelines and Policies") attached hereto and incorporated herein by reference, including the changes set forth in sections 2, 3, 4, 5, and 6 of this Resolution, and further including by incorporating, by reference, all prior actions taken by the City Council to eliminate or modify Commissions, Committees, Board, and Authorities to the extent they are not inconsistent with the attached Guidelines and Policies.

Section 2. The City Council hereby amends the Guidelines and Policies by dissolving and eliminating the Public Safety Committee.

Section 3. The Council hereby amends the Guidelines and Policies by consolidating the duties of the Community Development Block Grant Committee with the City Council Advisory Committee.

Section 4. The City Council hereby amends the Guidelines and Policies by consolidating the duties of the Environmental Sustainability Advisory Committee and the Street Tree Advisory Committee with the Public Works Committee.

Section 5. The City Council hereby amends the Guidelines and Policies by eliminating certain citizen advisory members from the Economic Development Committee and the Finance Committee.

Section 6. The City Council hereby amends the Guidelines and Policies by reducing the number of members on the Parks, Arts, Recreation, and Community Services (PARCS) Advisory Committee members to five and changing the meeting frequency to quarterly. In order to reduce the membership to five, each Councilmember shall nominate only one individual to serve on the Committee.

Section 7. The City Council finds that this Resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Further, if the activity is deemed a project this City Council finds that this Resolution is exempt pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

Section 8. Certification. The City Clerk shall certify the adoption of this Resolution and enter it into the book of original resolutions.

Section 9. Effective Date. This Resolution shall become effective immediately.

PASSED, APPROVED and ADOPTED this 23rd day of January 2023.



Bill Velto, Mayor

I, Keri Johnson, City Clerk of the City of Upland, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 23rd day of January, 2023 by the following vote:

AYES: Mayor Velto, Councilmembers Garcia, Breitling, Maust, Zuniga
NOES: None
ABSENT: None
ABSTAINED: None

ATTEST:



Keri Johnson, City Clerk

GUIDELINES AND POLICIES GOVERNING
COMMISSIONS, COMMITTEES, BOARDS, AND AUTHORITIES.

SECTION 1. CREATION OF COMMISSIONS, COMMITTEES, BOARDS, AND AUTHORITIES

The Upland City Council shall have the power from time to time by resolution to create such Commissions, Committees, Boards, and Authorities which are necessary or deemed advisable by the Council to carry out the governmental functions of the City in the manner reflecting the best interest of its citizens. The number of members to each Commission, Committee, Board, and/or Authority shall unless otherwise required by law, correspond to the number of members of the appointing body as authorized by law. Each active member of the Upland City Council shall have an appointee on each Commission, Committee, Board and/or Authority. Each appointee shall be a citizen nominated by the Mayor or Councilmember, respectively, and approved by a majority vote of the City Council and appointed by the Mayor.

SECTION 2. DEFINITION

"Commission" shall be any group established pursuant to the Upland Municipal Code. "Committee" shall be any group of individuals which shall have any ongoing charge from the City Council and which are formed by resolution. "Committee" shall not include Committees composed solely of elected officials. "Board" shall be any group formed pursuant to State law providing for same. "Authority" shall be any group formed pursuant to State law providing for same. "Standing Legislative Committee" shall include committees comprised of elected officials who will review operational concerns prior to official council action.

SECTION 3. APPLICABILITY

The provisions of this resolution shall apply to all Commissions, Committees, Boards, and Authorities hereafter created by resolution of the City Council and to existing Commissions, Committees, Boards, and Authorities as identified on the attachments hereto. The provisions of this resolution shall supersede any minute motion or resolution of any prior City Council of Upland which is in conflict with the provisions of this document. Insofar as possible, the provisions of this resolution shall govern the operation and creation of Commissions, Committees, Boards, and Authorities appointed by the City Council except in those instances where the provisions of this resolution conflict with provisions of State or Federal law.

SECTION 4. APPOINTMENT AND APPLICATION PROCESS

The City Clerk shall maintain a roster of individuals who expressed interest in serving on City Commissions, Committees, Boards, and Authorities, who may be nominated by a serving member of the City Council, and who have completed an application form in a manner established or approved by the City Council. Said application shall indicate among other things, the Commission, Committee, Board, or Authority on which said individual is interested in serving. Any application filed shall be valid for a period of three (3) years. Incumbent Commission, Committee, Board, or Authority members shall submit an application prior to the end of their term if they would like to be considered for reappointment. Members of the City Council shall make appointments from this roster.

SECTION 5. SELECTION AND APPOINTMENT

Members of the City Council requiring representation on a particular Commission, Committee, Board, or Authority shall review the list of applicants and submit a nominee to the City Clerk. Councilmembers will give consideration to candidates who reside in their respective district. If a Councilmember cannot find a suitable candidate to nominate from the Councilmember's respective district, the Councilmember may nominate a candidate from a different district at

that Councilmember's discretion. The City Clerk shall place nominations before the City Council for its review and approval as and when necessary.

For selections made by the Mayor and ratified by the City Council, the Mayor shall review the list of applicants and submit a nominee to the City Clerk. The City Clerk shall place the nominations before the City Council for its review and approval as and when necessary.

In appointing Planning Commissioners, whenever there is a vacancy on the Planning Commission, the City Council shall form a temporary ad hoc committee which shall consist of the Mayor (or another Councilmember appointed by the Mayor) and the Mayor Pro Tem (or another Councilmember appointed by the Mayor). The ad hoc committee may call upon individuals to advise the committee. The committee advisors may include, but are not limited to, the Chair of the Planning Commission (or other Planning Commissioner designated by the Mayor if the Chair is seeking re-appointment) and the Development Services Director. The committee advisors shall have no voting power during the selection process. The ad hoc committee meetings shall not be subject to the Brown Act. However, at the Mayor's discretion, the ad hoc committee meetings where candidate interviews are conducted may voluntarily be conducted open to the public, while the rating and discussion of candidates may be closed to the public. Each City Councilmember may recommend at least one applicant from their District for an interview by the ad hoc committee. Once a Planning Commissioner vacancy is filled by the Mayor's appointment and the City Council's ratification, the ad hoc committee shall disband.

Appointments to standing legislative committees (Economic Development, Finance Committee, and Public Works Committee) are made by the Mayor biannually to coincide with elections and may be reviewed and reassigned annually or as needed. The Public Works Committee, will also include five advisory members, one advisory member appointed by each Councilmember.

SECTION 6. TERMS OF COMMISSION, COMMITTEES, BOARDS, AND AUTHORITIES

For Council nominated appointments the term of each Commission, Committee, Board, and Authority member shall coincide with the holding of office by the nominating member of the City Council, unless otherwise prescribed by resolution creating the Commission, Committee, Board, or Authority.

For appointments made by the Mayor, the term shall be as outlined in the creation of the Commission, Committee, Board, or Authority.

No Commission, Committee, Board, or Authority member shall serve for more than two (2) consecutive terms on any individual Committee, Commission, Board, or Authority without the approval of the City Council by an affirmative 4/5ths vote.

SECTION 7. REMOVAL FROM COMMISSION, COMMITTEES, BOARDS, AND AUTHORITIES

Any Committee, Commission, Board, or Authority member may be removed from office during their unexpired term upon vote of the City Council, when in the sole discretion of the Council said removal is deemed appropriate. If the request for removal is from the appointing Councilmember, removal of the appointee will require a majority vote of the Council. Any request for removal from any member of the Council other than the nominating Councilmember will require a 4/5 vote of the Council. Notwithstanding the foregoing, if the appointee's nominating Councilmember is no longer a part of the Upland City Council or Mayor, that appointee shall be deemed to have automatically resigned the seat they hold upon the filling of the City Council vacancy.

SECTION 8. RESIDENCY OF COMMISSION, COMMITTEE, BOARD, AND AUTHORITY MEMBERS

In order to be appointed to a Commission, Committee, Board, or Authority, a prospective appointee must be a resident of the City of Upland and must remain in residence throughout the term of their appointment, unless a member is appointed by another entity. This provision may be waived upon an affirmative 4/5ths vote of the Council.

SECTION 9. CHAIRPERSON SELECTION

With the exception of the Planning Commission, the Library Board, and the Personnel Board of Review, the member appointed by the Mayor to any Commission, Committee, Board, and/or Authority shall serve as the Chairperson of that body. With regard to the Planning Commission, the Library Board, and the Personnel Board of Review, the members of said bodies shall select, nominate, and appoint by majority consensus, a sitting member of the Body to the position of Chairperson. The term of the Chairperson shall be for 2 years. No Chairperson shall serve for more than two (2) consecutive terms without the approval of the City Council by an affirmative 4/5ths vote.

SECTION 10. POSTING REQUIRED

The City Clerk shall, before December 31st of each year, develop a listing of all scheduled vacancies on City Commissions, Committees, Boards, and/or Authorities expected during the next twelve (12) months. In addition to the requirement of the Government Code, said list shall be posted at City buildings and other locations as may be designated from time to time by City Council resolution, for a period of thirty (30) days and announced at a Council meeting in December. Said listing shall advise interested parties to obtain application forms and related materials at the City Clerk's office. In addition, the City Clerk shall publish said list in the city newsletter seeking applications from interested parties and listing scheduled vacancies during the same thirty (30) day period. Unscheduled vacancies shall be advertised in accordance with the Government Code and posted at the same location as scheduled vacancies.

SECTION 11. DUTIES

The Commissions, Committees, Boards, and Authorities established by the Council shall perform such duties and have such powers as may be established from time to time by the Council.

SECTION 12. ATTENDANCE

In any case where a Commission, Committee, Board, and/or Authority member has missed three (3) regularly scheduled meetings in a twelve (12) month period without notifying the Chair of said Commission, Committee, Board, and/or Authority in advance of said meeting, the City Clerk shall contact the Commission, Committee, Board, and/or Authority member with a request to provide the reasons therefore, which shall be forwarded to the City Council.

SECTION 13. OPEN MEETINGS

All Commission, Committee, Board, and Authority meetings, except those meetings specifically exempted herein, shall be conducted pursuant to the provisions of the Ralph M. Brown Act and the City Clerk shall maintain a copy of all agendas and minutes of all meetings.

BUILDING APPEALS BOARD

PURPOSE

To determine the suitability of alternate materials and methods of construction and to provide reasonable interpretations of the Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, the Uniform Housing Code, Uniform Code for the Abatement of Dangerous Buildings, National Electric Code, and the Seismic Hazards Reduction Ordinance.

MEMBERSHIP

5 Members Total

Selected from the following classifications:

- a. Architect or Engineer
- b. Attorney
- c. Contractor – Electrical, Mechanical, Plumbing or General

LENGTH OF TERM/FREQUENCY OF MEETINGS

4 Year Term / Meetings are scheduled as needed as appeals are received.

No member may serve more than two full consecutive terms, unless approved by a 4/5ths vote of the Council

SELECTION PROCESS

- The City Clerk causes a request for volunteers to be posted
- Using the criteria for membership, the Building Official determines if applicants are qualified and passes all qualified candidates to the City Clerk
- Each member of the City Council shall submit their nomination from the list of qualified candidates to the City Clerk for consideration at a Council meeting

CODE REFERENCES

Resolution 4107

Resolution 2725

Ordinance 1882

(effective July 27, 1992)

CITY COUNCIL ADVISORY COMMITTEE

PURPOSE

Review of any matters which may be referred to the Committee from time to time. If so directed, the City Council Advisory Committee will be responsible for performing an analysis and present recommendations to the City Council.

Annually review applications for Community Development Block Grant funds, conduct hearings to determine the most effective use of the grant funds and provide recommendations to the City Council.

MEMBERSHIP

5 Members Total
Nominated by Councilmembers

LENGTH OF TERM/FREQUENCY OF MEETINGS

- 4 year terms to coincide with the terms of Mayor and Councilmember making nomination
- No applicant may serve more than two full consecutive terms, unless approved by a 4/5ths vote of the Council
- Meets quarterly, the first Wednesday of March, June, September, and December
- Special meetings held from January through April, on an as needed basis to review Community Development Block Grant Applications.

SELECTION PROCESS

Each member of the City Council shall submit their nomination to the City Clerk for consideration at a Council meeting.

CODE REFERENCE

- Ordinance 1812, 10/8/2006
- Ordinance 1428, Section 2, 6/20/88
- Ordinance 1416, Section 1, 12/21/87
- Ordinance 1563, Section 1, 10/26/72
- Council Minutes 7/3/72

LIBRARY BOARD

PURPOSE

The Upland Public Library serves the community by providing materials and staff assistance for meeting the informal and educational needs of the library users.

MEMBERSHIP

- 5 Citizens at Large
- 1 Council Liaison (advisory)
- 1 Friends of the Library Liaison (advisory)

LENGTH OF TERMS/FREQUENCY OF MEETINGS

- 3 Year Term
- Meetings held the second Wednesday of the month, except the month of August.
- No applicant shall serve more than two full consecutive terms, unless approved by a 4/5ths vote of the Council

SELECTION PROCESS

Mayor shall appoint with Council ratification

CODE REFERENCES

- Council Minutes 3/14/89
- UMC Section 2.28.010
California Library laws, Education Code 1990
Ordinance No. 99

PARKS, ARTS, RECREATION, AND COMMUNITY SERVICES (PARCS) ADVISORY COMMITTEE

PURPOSE

This Committee shall act in an advisory capacity in matters pertaining to parklands, trails, recreational programs, youth and senior services, cultural arts programs, and special events throughout the City.

MEMBERSHIP

5 Members Total

Nominated by Councilmembers (one senior liaison member and one youth liaison member to be designated annually by the committee)

LENGTH OF TERM

- 4 year terms to coincide with the terms of Mayor and Councilmember making nomination
- No applicant may serve more than two full consecutive terms, unless approved by a 4/5ths vote of the Council

MEETINGS

Meetings held the first Tuesday of February, May, August, and November.

SELECTION PROCESS

Each member of the City Council shall submit their nomination to the City Clerk for consideration at a Council meeting.

CODE REFERENCE

- Resolution No. 6583
- Council Minutes 4/26/21

PERSONNEL BOARD OF REVIEW

PURPOSE

The functions of the board shall be to hear appeals as provided by this part and by rule, except matters pertaining to the meet and confer process.

MEMBERSHIP

3 Members Total
1 Alternate Member

LENGTH OF TERM/FREQUENCY OF MEETINGS

- 4 Year Term
- No applicant shall serve more than two full consecutive terms, unless approved by a 4/5ths vote of the Council
- On call by the Human Resources Manager

SELECTION PROCESS

- 1 member - Council appointment shall be made by the Mayor, with Council ratification
- 1 member - Employee Associations submits name(s) and Council selects appointment
- 1 member agreed upon by Council and Employee Associations
- 1 alternate member agreed upon by Council and Employee Associations

CODE REFERENCE

UMC Section 2.36.160
Ordinance 1566
Ordinance 1494
Minute Action 5/31/1945

PLANNING COMMISSION

PURPOSE

The powers and duties of the Planning Commission shall be to:

1. Prepare, periodically review, and revise, as necessary the General Plan
2. Annually review the Capital Improvement Program of the City and the local public works projects of other local agencies for their consistency with the General Plan
3. Perform other functions as the City Council provides
4. Perform such other land use-related functions pursuant to State laws pertaining to conservation, planning, and zoning as the council may direct or provide
5. Serve as the Airport Land Use Committee, applying the procedures and findings set forth in the Municipal Code in regards to all processes relating to a request for an implementation/land use compatibility decision, preparation, adoption and amendment to the Comprehensive Airport Land Use Plan of the City of Upland conforming to requirements set forth in Public Utilities Section 21670.1
6. Serve as the Historic Preservation Committee as outlined in the Upland Municipal Code

MEMBERSHIP

7 Members Total

Airport Land Use Committee consists of:

7 Planning Commissioners

2 ALUC members (possess expertise in aviation)

LENGTH OF TERM/FREQUENCY OF MEETINGS

- 4 year terms
- No applicant may serve more than two full consecutive terms, unless approved by a 4/5ths vote of the Council
- Once a month, 4th Wednesday
- Commissioners receive \$100 compensation per meeting (not to exceed \$200 per month)

SELECTION PROCESS

- The City Clerk causes a request for volunteers to be posted
- Mayor (or Mayor designee) and Mayor Pro Tem (or Mayor designee) shall comprise an ad hoc committee and shall interview applicants. The ad hoc committee may call upon advisors such as, but not limited to, the Planning Commission Chair (or designee selected by the Mayor if the Chair is seeking re-appointment) and the Development Services Director.
- The ad hoc committee shall recommend at least one candidate per opening to the Mayor for ratification by the City Council.
- Once a candidate is appointed by the Mayor and ratified by the City Council, the ad hoc committee shall disband.
- Airport Land Use Commissioners - Mayor shall appoint with Council ratification.

CODE REFERENCE

UMC Chapter 17.43.030
Resolution No. 6681
Resolution 6397
Resolution 6270

Resolution 4697
Ordinance 1202
Ordinance 415

ECONOMIC DEVELOPMENT COMMITTEE

PURPOSE

The function of the Committee is to provide an opportunity for review and fact finding relative to significant projects, programs, or activities in economic development operations prior to consideration by the entire Council.

MEMBERSHIP

2 City Council Members

1 Upland Chamber Member – advisory member only

LENGTH OF TERM/FREQUENCY OF MEETINGS

- Appointments may coincide with elections biannually or be reviewed and reassigned annually as desired by the Mayor
- Meets quarterly, the first Monday of March, June, September, and December

SELECTION PROCESS

Council Members on all Standing Legislative Committees are appointed by the Mayor. The Chamber of Commerce shall submit their nomination to the City Clerk for ratification at a Council meeting.

CODE REFERENCE

UMC Section 2.16.010

Ordinance No. 1913

Resolution No. 6583

Resolution No. 6581

Resolution No. 6397

Resolution No. 5290

Upland City Council Minutes, 12/01/2001

PUBLIC WORKS COMMITTEE

PURPOSE

The function of the Committee is to provide an opportunity for review and fact finding relative to significant projects, programs, or activities in Public Works operations prior to consideration by the entire Council.

This Committee shall act in an advisory capacity on issues pertaining to environmental impacts, sustainability practices, and legislative mandates that impact the environmental health and the well-being of the City of Upland and its residents. The Committee will collaborate on environmental matters to promote environmental sustainability within the community. The Committee will make recommendations in regard to community clean-ups, beautification campaigns, Earth Day events, public outreach, and education on issues including recycling, storm water pollution, water conservation and sustainability practices.

The Citizen Advisory Members of this Committee shall study and review the proposed Urban Forestry Management Plan and make appropriate recommendation to Council and staff regarding the matters contained therein; to provide an avenue for citizens to appeal special circumstantial tree problems (i.e., tree removals, street tree designations, spraying for fruit insects); and shall review tree removal and other policies, as well as handle any and all citizen appeals regarding tree matters under Upland Municipal Code Chapter 12.26. Said appeals shall be heard by the citizen members of the Committee only (i.e., not the serving City Council members, who shall take no part in such appeals).

MEMBERSHIP

2 City Council Members
5 Citizens - advisory members

LENGTH OF TERM/FREQUENCY OF MEETINGS

- Appointments may coincide with elections biannually or be reviewed and reassigned annually as desired by the Mayor
- Meets quarterly, the 2nd Tuesday of January, April, July, and October

SELECTION PROCESS

Council Members on all Standing Legislative Committees are appointed by the Mayor. Citizens at Large - Each member of the City Council shall submit their nomination to the City Clerk for ratification at a Council meeting.

CODE REFERENCE

UMC Section 2.16.010
Resolution No. 6583
Resolution No. 6581
Resolution No. 5290
Upland City Council Minutes, 12/01/2001

FINANCE COMMITTEE

PURPOSE

The Committee shall be responsible for reviewing matters pertaining to the finances of the City. This may include reviewing warrants and registers, financial statements, investment reports, the City's annual independent audit, City fees and service charges, and operating budgets

MEMBERSHIP

2 City Council Members
City Treasurer
Finance Officer - advisory only (staff)

LENGTH OF TERM/FREQUENCY OF MEETINGS

- Appointments may coincide with elections biannually or be reviewed and reassigned annually as desired by the Mayor with the exception of the Finance Officer
- Meets quarterly, the 4th Wednesday of January, April, July, and October

SELECTION PROCESS

The City Treasurer is an established elected position and shall review and provide input on the quarterly investment reports.
Council Members on all Standing Legislative Committees are appointed by the Mayor.

CODE REFERENCE

UMC Section 2.16.010
Resolution No. 6608
Resolution No. 6583
Resolution No. 6581
Resolution No. 6397
Resolution No. 6394 (Investment Policy)



Planning Commission *Staff Report*

CITY OF **UPLAND**
"The City of Gracious Living"

DATE: August 28, 2024
TO: CHAIR AND PLANNING COMMISSIONERS
FROM: ROBERT D. DALQUEST, DEVELOPMENT SERVICES DIRECTOR
PREPARED BY: JOSHUA WINTER, SENIOR PLANNER
SUBJECT: WORKSHOP – DOWNTOWN UPLAND PARKING STRUCTURE

RECOMMENDED MOTION

It is recommended that the Planning Commission receive the presentation and provide comments and direction to staff regarding the conceptual layout and designs of the Downtown Upland parking structure project.

REQUEST/PROJECT DESCRIPTION

The project entails the development of a multiple story parking structure within Downtown Upland, located on the existing parking lot at the southeast corner of First Avenue and C Street. The City of Upland is currently in the conceptual design stage for the Downtown Parking Structure project. This workshop is the third of four that is planned in the scope of work for the project. The intent of the workshop is to provide staff comments on the project and a number of design and layout issues which needs to be resolved before the project goes to the final design phase.

BACKGROUND

On June 10, 2024, the City Council approved a Professional Services Agreement (PSA) with Watry Design, Inc. to complete conceptual and schematic design and preliminary engineering services for a multiple-story parking structure in Downtown Upland.

Upon execution of the PSA, the Planning Division staff worked with Watry to discuss the scope of work in their proposal and in the request for proposal that staff distributed. This included a "span over" design where the parking structure utilized the northeast and southeast parking lots at the intersection of C street and First Avenue, and a "Standalone" design utilizing only the parking lot at southeast corner of C Street and First Avenue. Several initial concepts and preliminary designs were developed, as well as preliminary costs. The "span-over" design was eliminated due to substantial costs to construct the structure, and design problems created by the height required of the second level to span over C Street which resulted in the second level on the northeast parking lot to be eliminated. Staff and Warty focused on the standalone design and developed two concepts. Both design concepts were proposed to be 4-stories-tall, with one design being all parking, and the other design including retail/commercial space on the ground floor. Both conceptual designs were presented at a public workshop held in the Carnegie Library on July 15, 2024, and at a workshop with the City Council on August 12th.

ANALYSIS

After the initial public workshop, the conceptual design was further refined and presented to the City Council at its workshop, which generated further discussion and comments. Comments from both workshops are summarized below:

- Incorporate a 5th story. Many members of the public, including the City Council, expressed support of the structure increasing from 4-stories to 5-stories. A fifth story would increase the total parking provided by approximately 100 spaces and reduce the cost-per-space of the structure. The height of the structure on the fifth story would be approximately 50 feet. The three-story office building to the south is 47 feet in height.
- Retail/Commercial Component. The City Council and members of the public were in support of the project including a commercial component on the ground floor and expand the commercial frontage as much as possible by eliminating one of two ingress/egress points from the street. The inclusion of commercial square footage would generate a substantial amount of revenue that could be used for on-going maintenance costs and/or debt service on any loans to construct the parking structure.
- Security. The public indicated the project should include security cameras and other security measures in the design of the structure to promote safety.
- Overnight Parking. Most members of the public preferred prohibiting overnight parking in the structure. Hours of operation would need to consider the operation of downtown businesses which at least one is open until 2:00 a.m. and the Metrolink schedule, shown below in Table A:

Table A

Metrolink Schedule	First Ride	Last Ride
M-F	4:16 a.m.	10:45 p.m.
Sat-Sun	7:12 a.m.	10:45 p.m.

- Solar. Many attendees were interested in incorporating solar panels on the top floor of the project. Although this will increase the cost of the project, the other option could be to design the structure to be “solar ready” for a future solar installation project.
- Electric Vehicle (EV) chargers. The Building Code requires the installation of EV Chargers. A total of 5% of spaces are required to have EV chargers, with an additional 20% required to be “EV-ready” for future EV installation. Most members of the public suggested that EV parking be located on the top floor. In addition, some suggested that more spaces should be “EV-ready”.
- Eliminate Alley Egress. The City Council reasoned that the proposed egress onto the alley should be eliminated to reduce vehicle trips passing by neighboring buildings.

Design

Multiple design concepts were presented at the public workshop. Most of the attendees preferred the Spanish architectural design of the Temecula “Old Town Garage.” At the August 12th workshop, the City Council, was presented with 2 architectural styles: a Spanish design and an Art Deco design. Both styles are supported in the Historic Downtown Upland Specific Plan. The Council had numerous comments on the design but were generally favorable towards the Spanish design.

Some members of the Council expressed open-mindedness to additional design styles. As such, the Planning Division has discussed an additional design option with Watry, which will be presented to the Planning Commission during the workshop. This style is inspired by Upland’s historic “packing house” structures within downtown.

Landscape design concepts were also presented to the City Council, which included an enhanced pedestrian pathway on the east side of the structure. Comments from the Council included the installation of evergreen

trees, pedestrian friendly lighting, no benches, and avoiding the use of bricks and or pavers as an enhanced paving material, instead opting for a stamped colored concrete.

Attached please find slides that provide an overview of the project's concept (Attachment 1). The presentation contains conceptual design information, as well as options for architecture and landscaping. Furthermore, the proposed design options for discussion include the following options in Table B:

Table B

Structure Options	Option 1 (4 Stories)	Option 1 (5 Stories)	Option 2 (4 Stories with Retail)	Option 2 (5 Stories with Retail)
Parking Stalls	365	465	308	408
Structure Height (Top of Parapet)	36.5 feet	47-feet	40-feet	50.5-feet
Commercial Space	0 SF	0 SF	9,900 SF	9,900 SF

ENVIRONMENTAL ASSESSMENT

Staff determined that the workshop activity is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to §15061(b)(3) of the CEQA Guidelines. This is known as the commonsense exemption covering activities with no possibility of having a significant effect on the environment. The workshop only concerns conceptual design discussion and does not entail any development approval of the project or other physical change to the environment. Once the final design is completed, the plans will be used to process the land use entitlement which will include the CEQA determination.

RECOMMENDED ACTION

No action will be taken at this time. The purpose of this workshop is to establish a conceptual design for a parking structure within Downtown Upland. After a conceptual design is established, the project will return to the Planning Commission for a recommendation to the City Council.

City of Upland

Planning Commission Workshop - Parking Review

August 28, 2024



WATRY DESIGN, INC.

Architects • Engineers • Parking Planners

Watry Design, Inc.

- 45+ year parking design legacy
- 1900+ parking projects completed

Michael Pendergrass, AIA

- Principal
- Parking Designer for 20+ years



Meghana Prabhune

- Assistant Project Manager



Project Background & Goals

- Increase density in Downtown by developing some of the existing parking lots
 - Requires rebuilding displaced parking first
- Parking lot on First Avenue on both sides of C Street identified as feasible lots for a new garage
- Structure was studied on North side of C Street but eliminated due to size of lot



Project Program

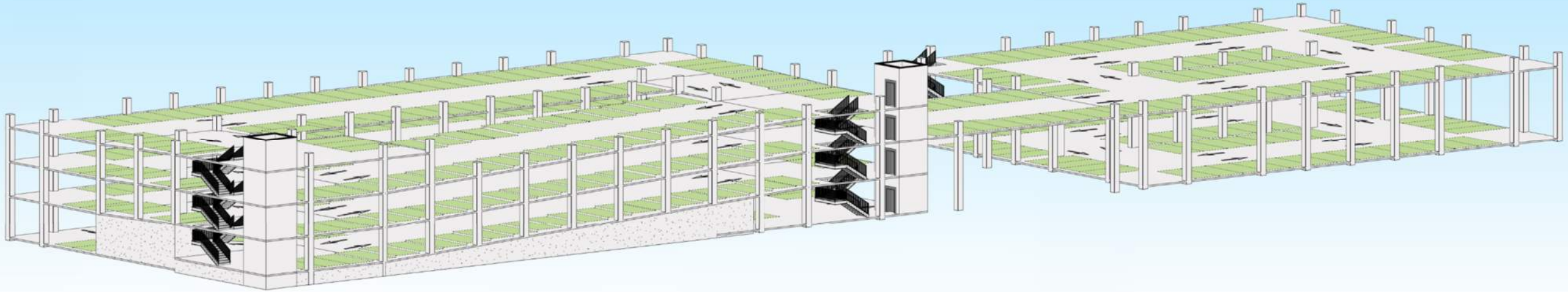
- ~400 Stall Parking Structure
 - Support downtown visitors
 - Metro parking
- Conveniently located to Downtown & Metro
- 4-5 levels (Stay under 55' height limit)
- Ground floor Retail/Restaurant space
- Incorporate existing trash facilities
- Architectural style complementary to downtown design guidelines

Public Workshop Summary

- Spanish Architecture Style preferred
- Retail desired on ground floor
- Single ingress/egress location for vehicles
- Garage needs to be secured – closed overnight
- EV Parking – desire for more EV parking infrastructure for future and distributed on all levels
- Maximize parking and add 5th level



Bridge-Over Option



Challenges:

- Bridge requires EVA clearance (~15' min.)
- North lot is too small for a ramp, requires connection to main structure at each level
- Requires extra floor height at north garage, can only connect at Level 3 or above
- Only adds 1 level of net new stalls on 3rd level (+75 stalls max.)

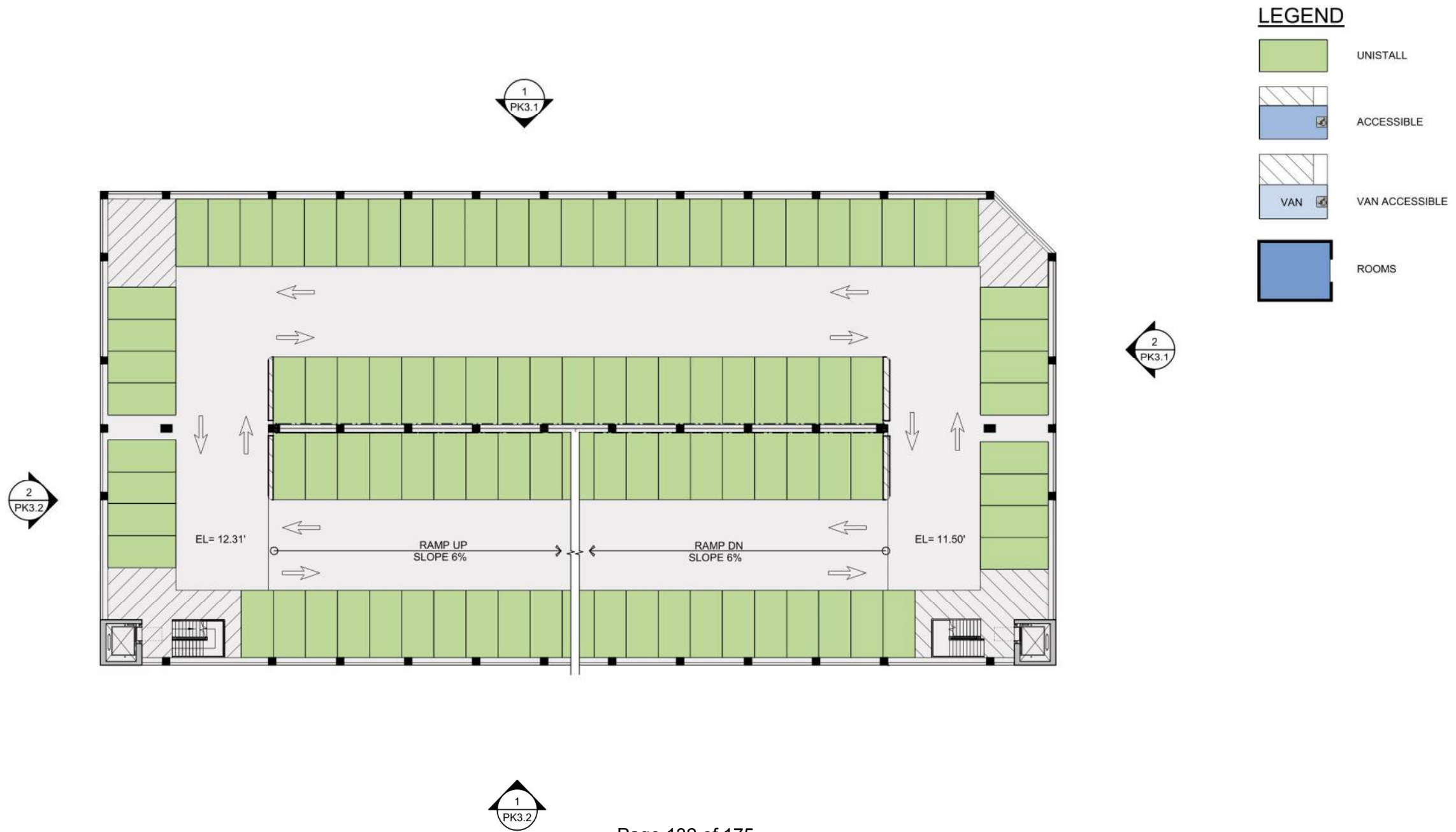
OPTION 1: ALL PARKING



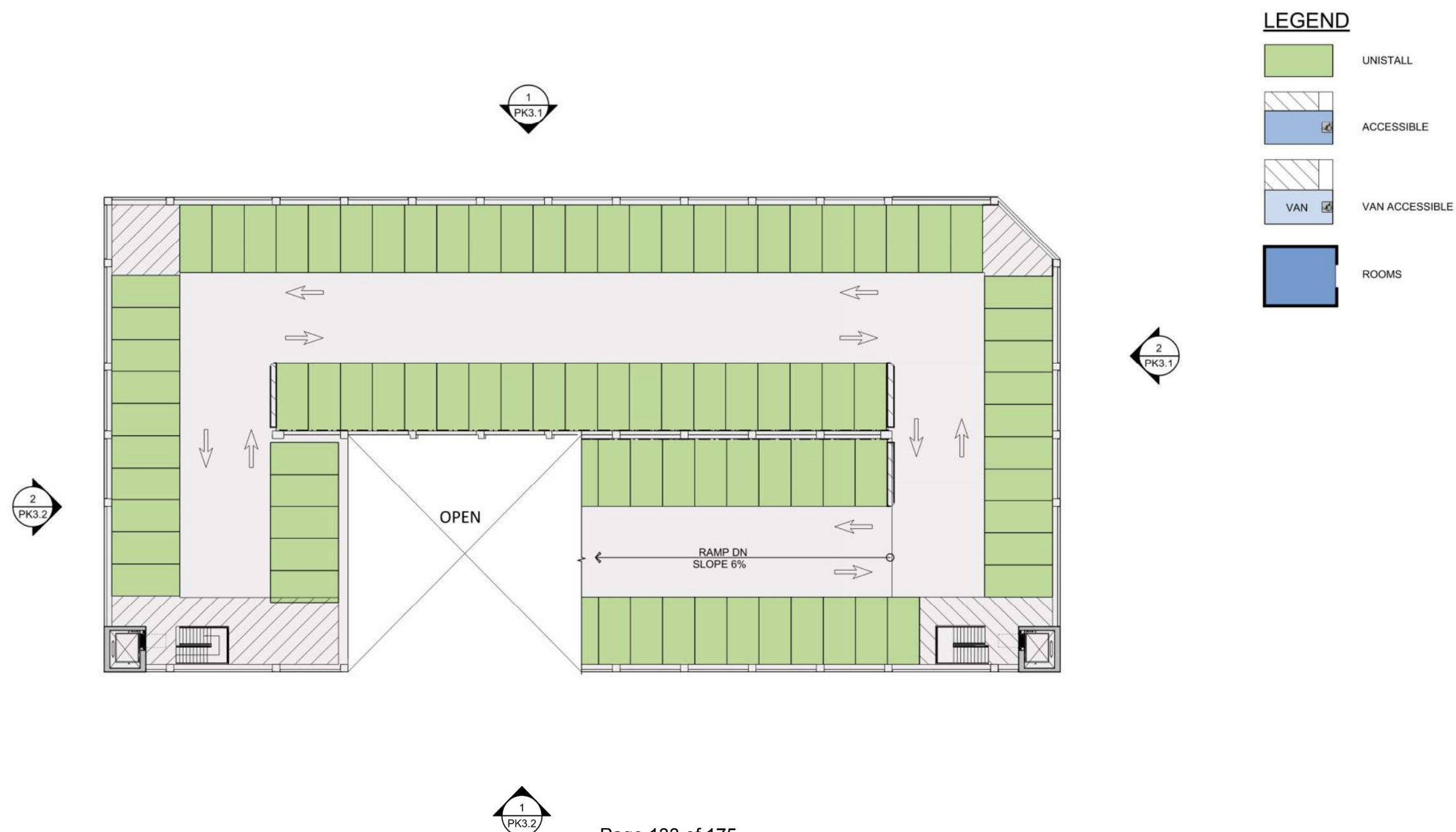
OPTION 1: LEVEL 1



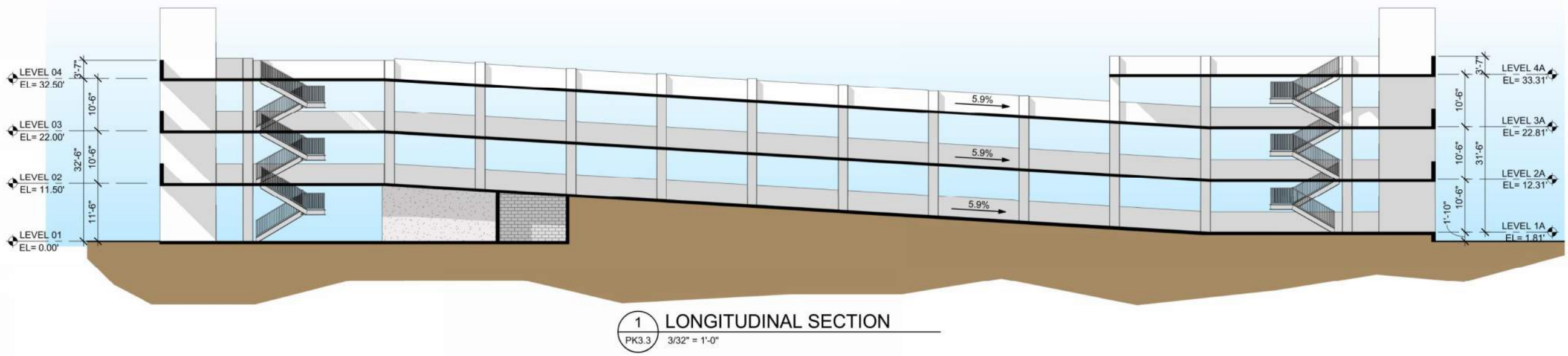
OPTION 1: TYPICAL LEVEL



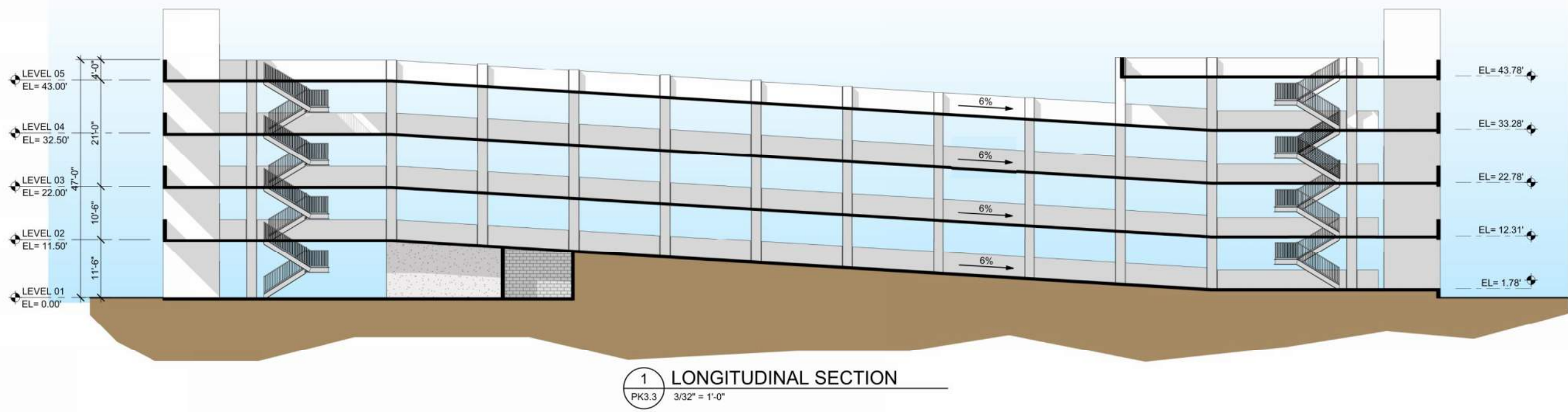
OPTION 1: ROOF LEVEL



OPTION 1: SECTION (4 LEVEL)



OPTION 1: SECTION (5 LEVEL)



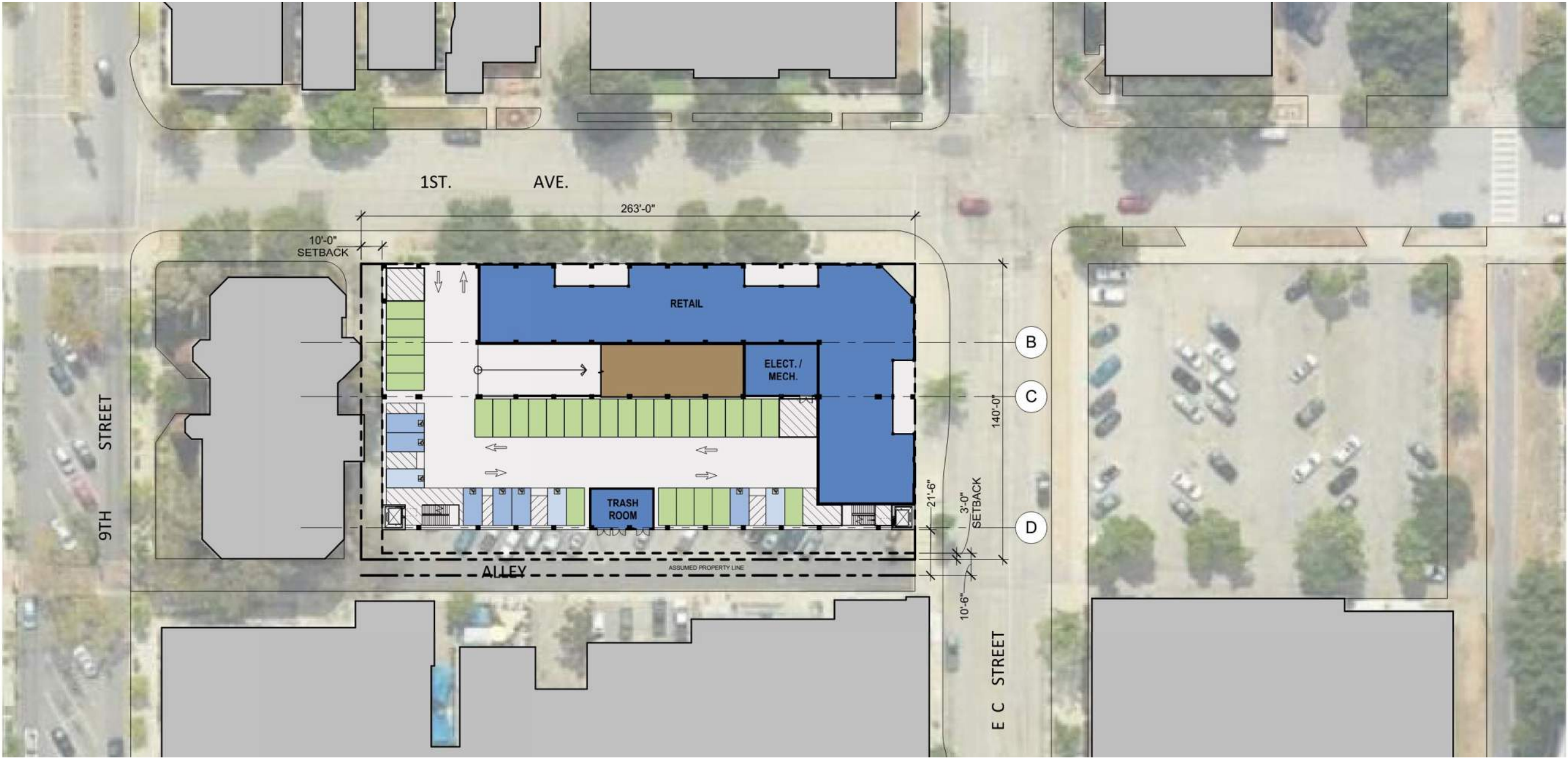
OPTION 1: 3D (4 LEVEL)



OPTION 1: 3D (5 LEVEL)



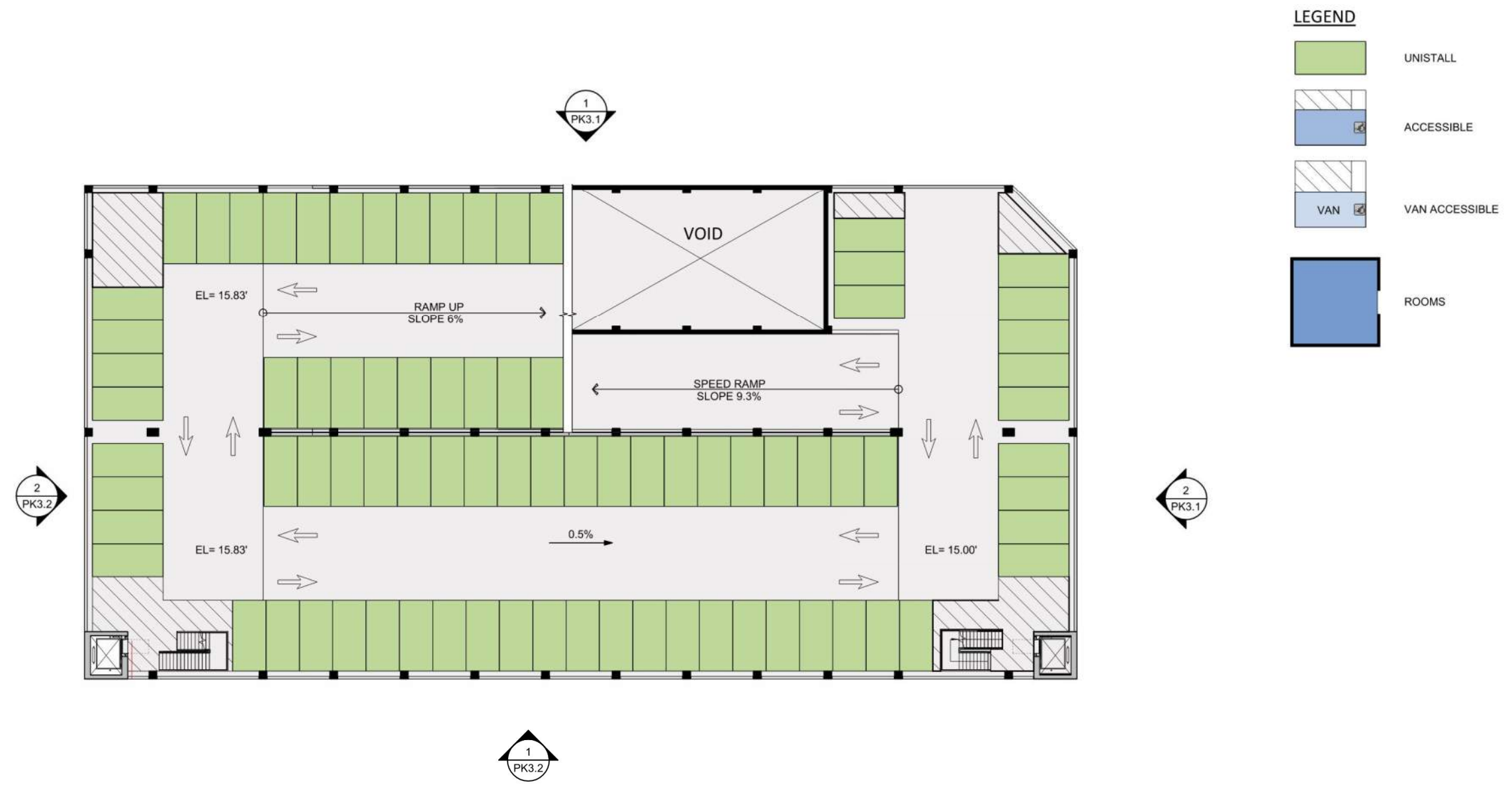
OPTION 2: RETAIL MIXED-USE



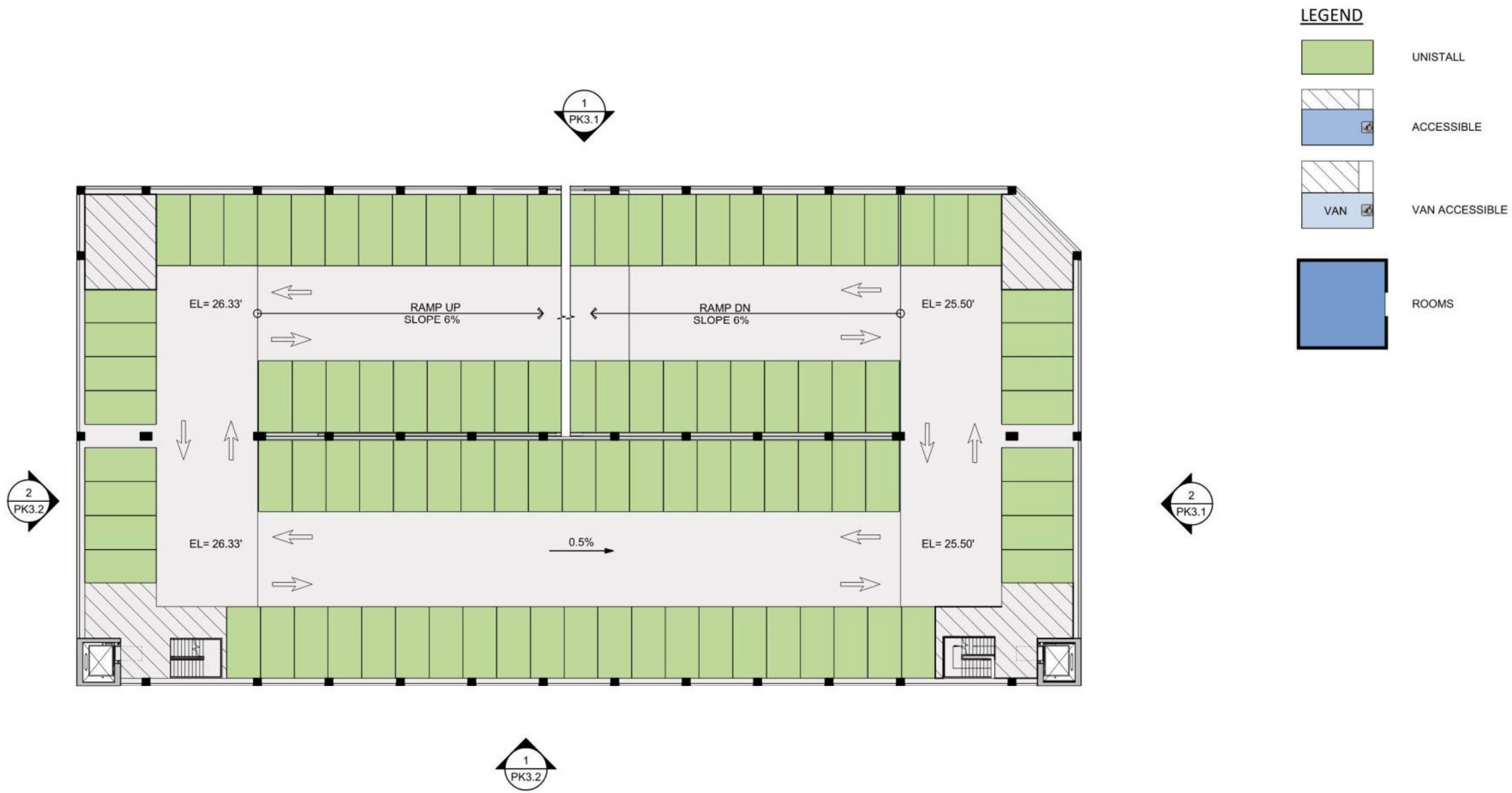
OPTION 2: LEVEL 1



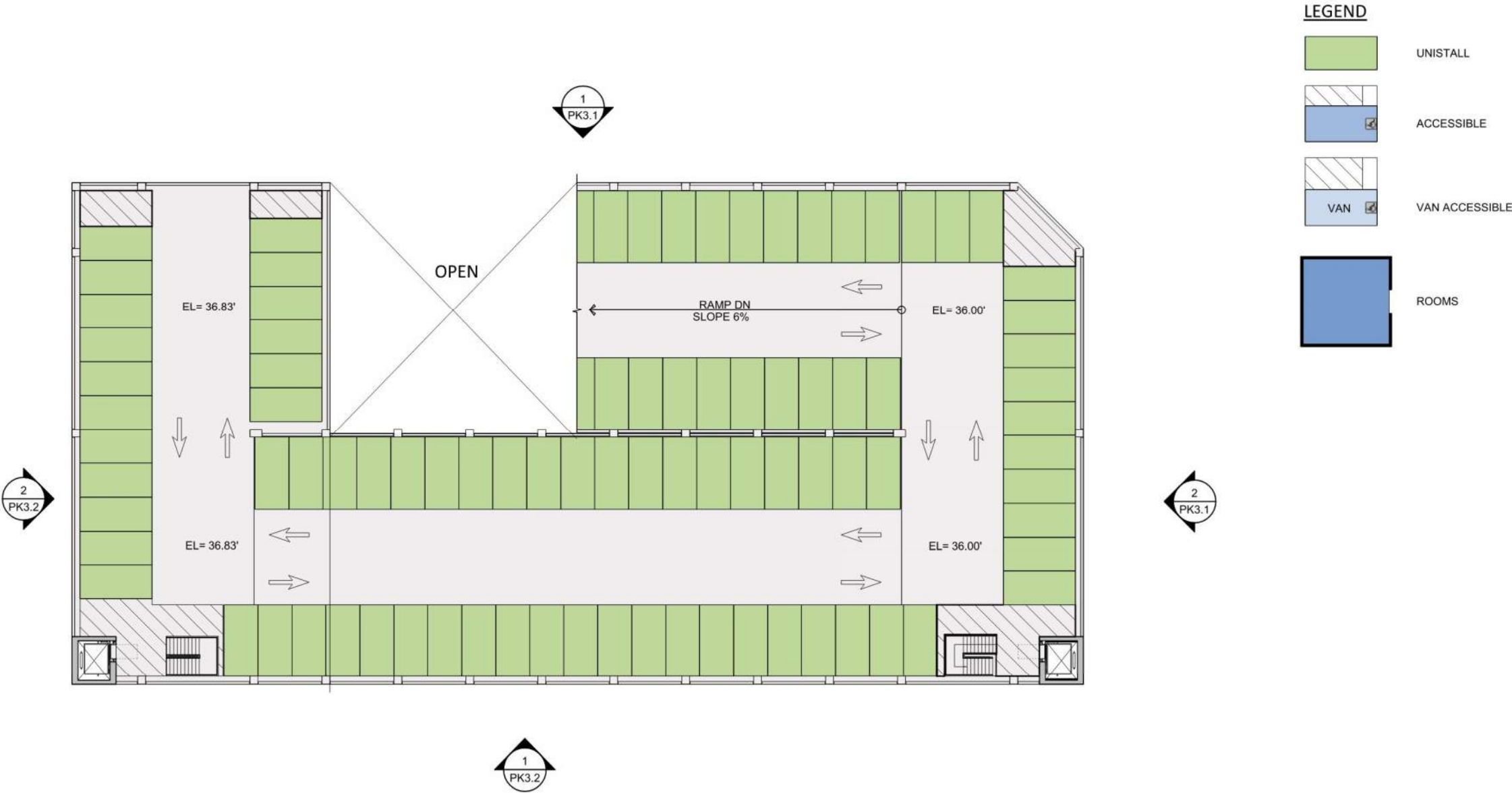
OPTION 2: LEVEL 2



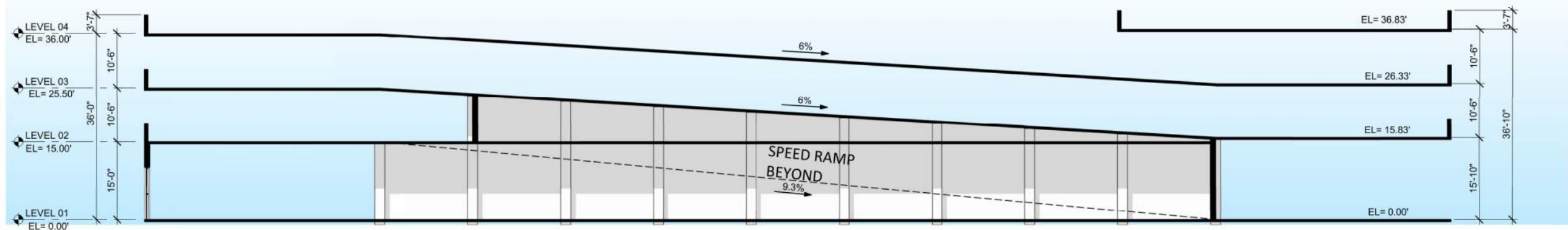
OPTION 2: TYPICAL LEVEL



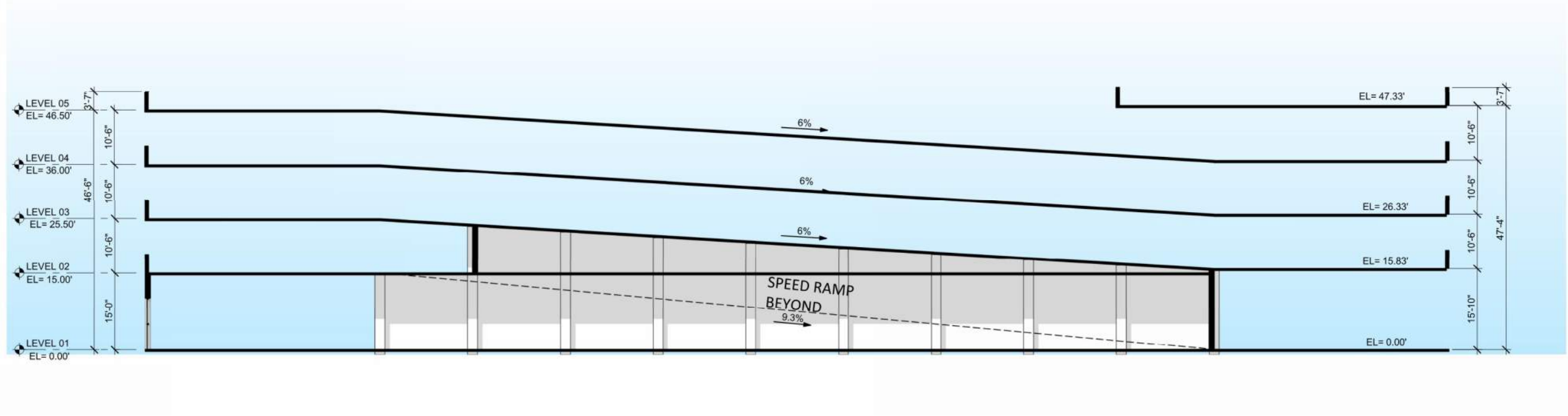
OPTION 2: ROOF LEVEL



OPTION 2: SECTION (4 LEVEL)



OPTION 2: SECTION (5 LEVEL)



OPTION 2: 3D (4 LEVEL)



OPTION 2: 3D (5 LEVEL)

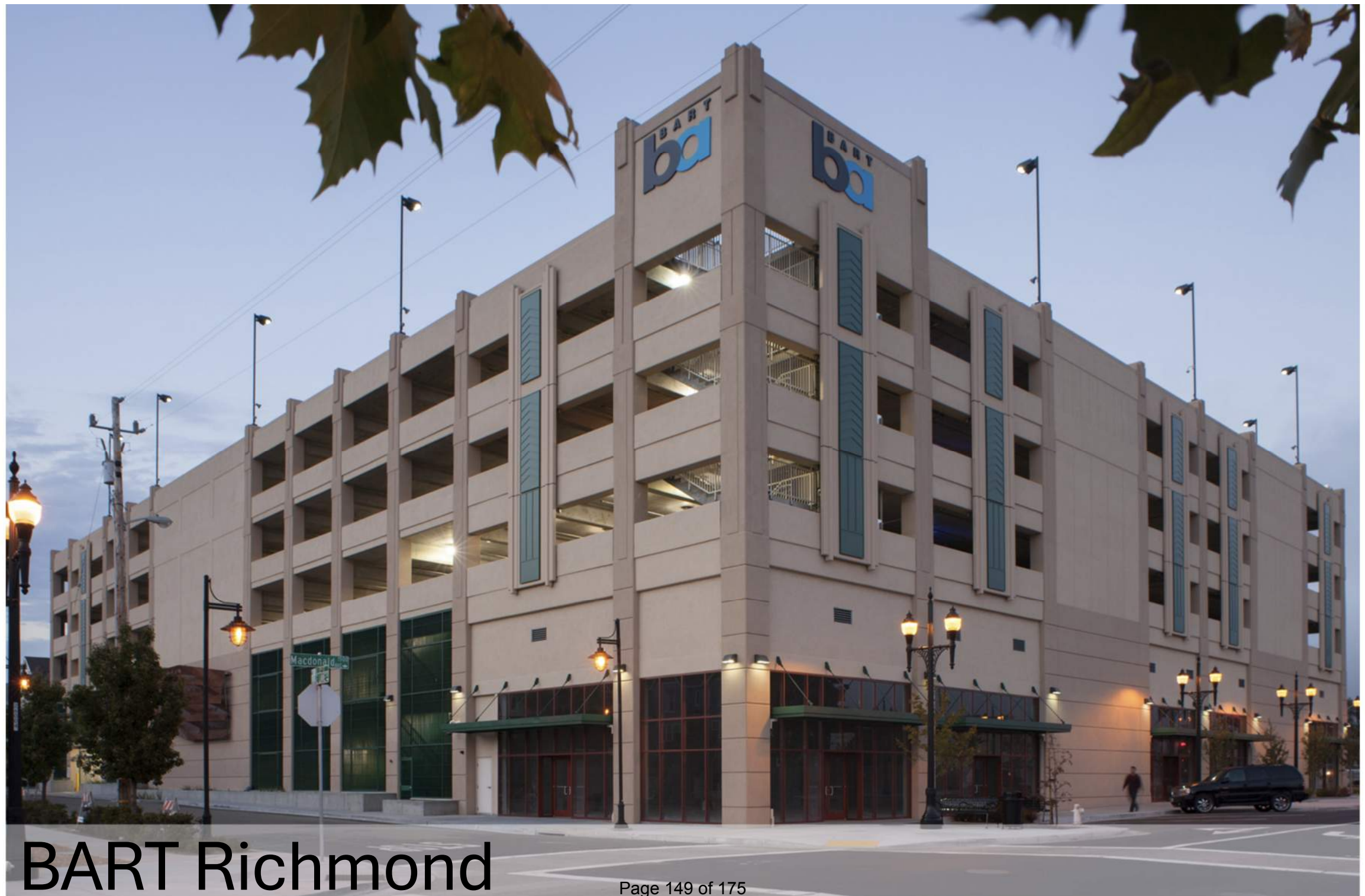


SUMMARY

	OPTION 1 – PARKING 4 LEVEL	OPTION 1 – PARKING 5 LEVEL	OPTION 2 – MIXED-USE 4- LEVEL	OPTION 2 – MIXED-USE 5- LEVEL
Parking Stalls	365 STALLS	465 STALLS	308 STALLS	408 STALLS
Building S.F. (Efficiency)	119,600 SF 328 sf/stall	150,900 SF 325 sf/stall	118,700 SF 384 sf/stall	150,000 SF 367 sf/stall
Height	36.5’ (Top of Parapet)	47’ (Top of Parapet)	40’ (Top of Parapet)	50.5’ (Top of Parapet)
Commercial Space	0 SF	0 SF	9,900 SF	9,900 SF
Estimate of Probable Cost	\$17.30M \$47k/stall	\$20.00M \$43k/stall	\$19.30M \$62k/stall	\$22.00M \$54k/stall

PV canopy costs additional \$2M for approximately 30% roof coverage.

Art Deco



BART Richmond



Alameda Civic Center



Main Street Cupertino



Richmond 6th Street Garage

Spanish



Granada Santa Barbara



Temecula Civic Center



City of Riverside PS 6



SLO Cultural Arts District

Architectural Style - Others



City of Mountain View



City of Whittier Uptown PS



Plaza Escuela



SLO Palm & Morro



BART Fruitvale

Architectural Designs



Spanish



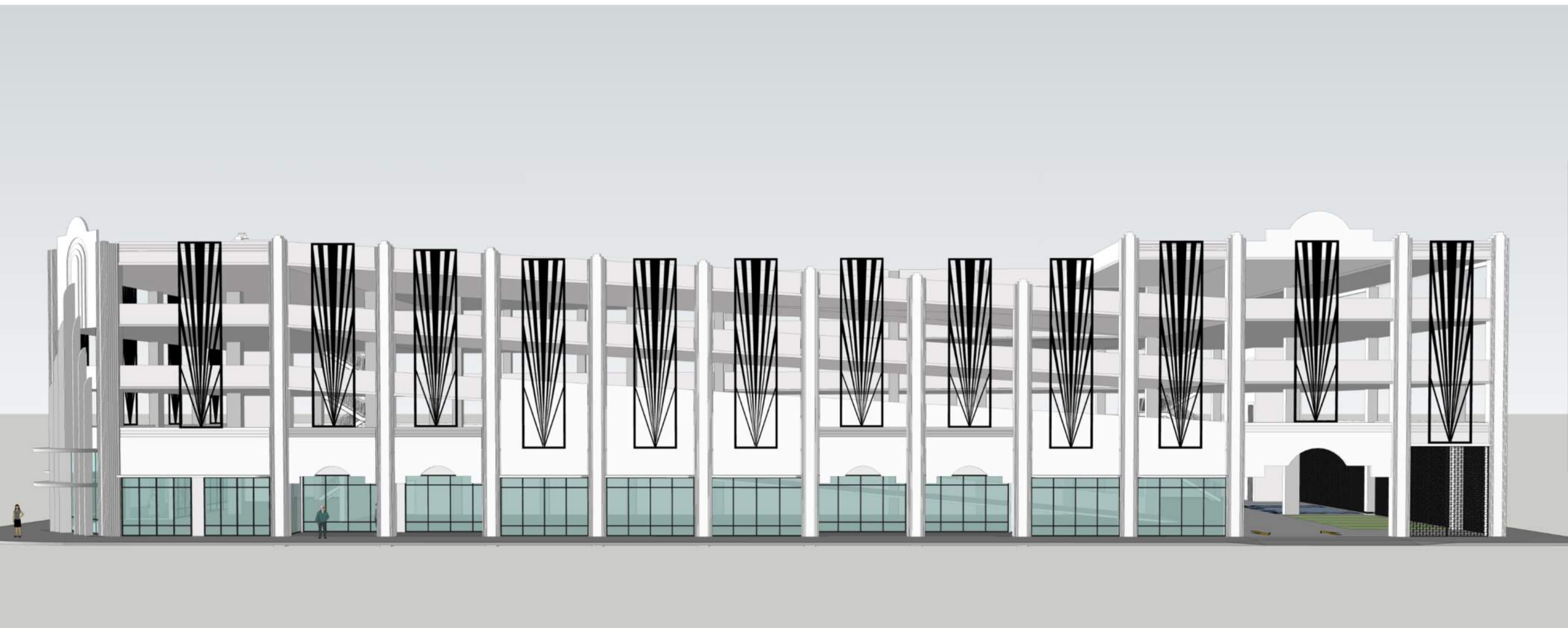
Spanish



Spanish



Contemporary / Art-Deco

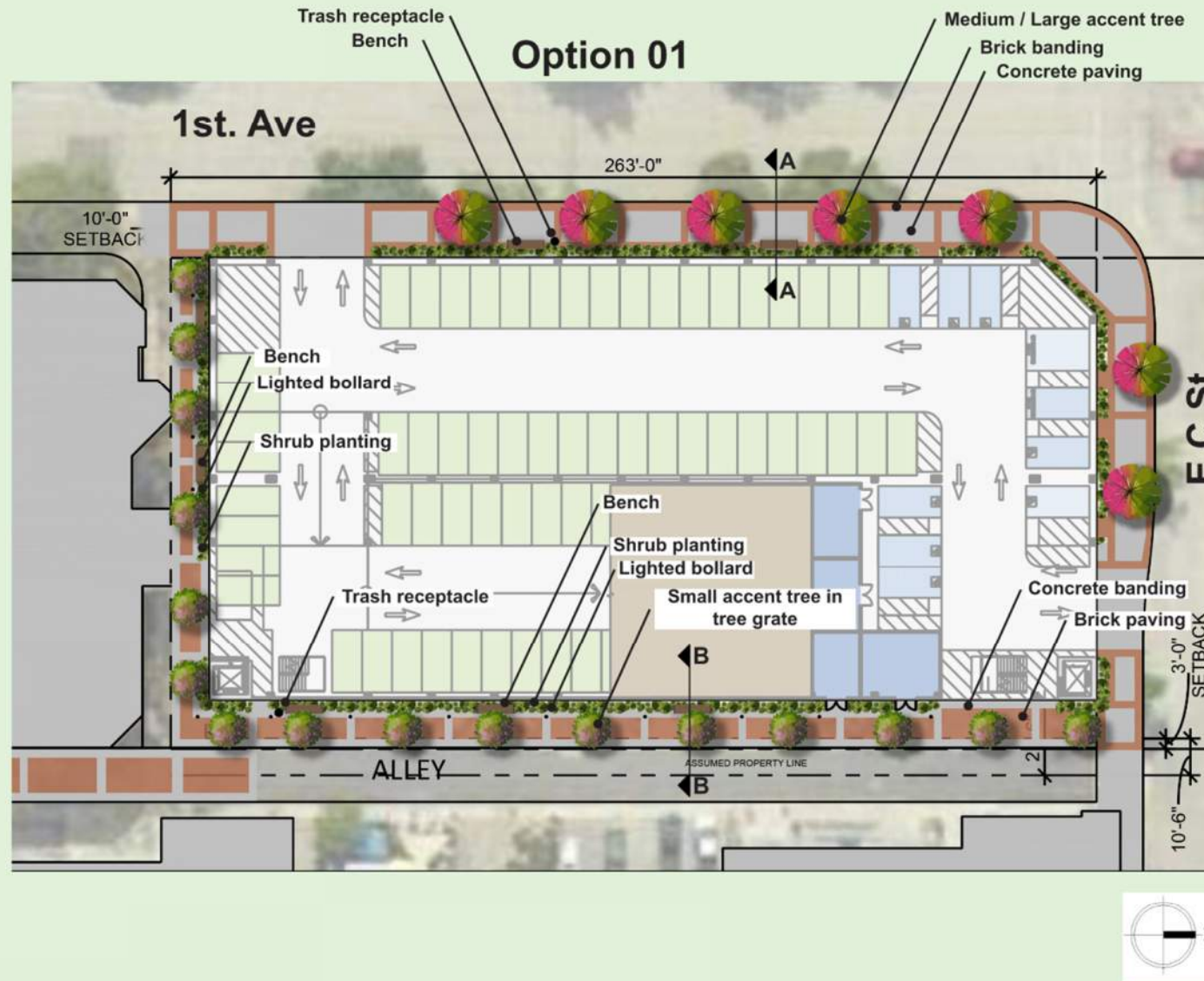


Contemporary / Art-Deco



Contemporary / Art-Deco

Landscape Design



Sections



City of Upland Parking Structure

Option 01





Sections



Section A - A



Section B - B

City of Upland Parking Structure

Option 02





Pedestrian alleyway design examples



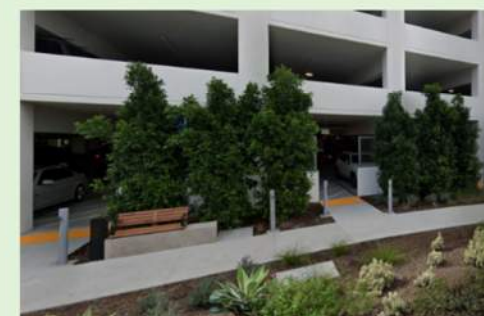
Pedestrian brick paving examples



Existing City of Upland brick paving



Brick pedestrian sidewalk example



Seating and planting adjacent to parking structure

City of Upland Parking Structure

Pedestrian Space Imagery





Bench



Trash receptacle



Tree grate



Bike rack



Bollards



Planter pot



Possible street trees - Crape Myrtle



Potential planting adjacent to parking structure



Potential shrub planting

City of Upland Parking Structure

Site Amenities and Planting

