

**RESOLUTION NO.**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UPLAND, CALIFORNIA RECOMMENDING THE CITY COUNCIL CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH NO. 2022020150) AND MITIGATION MEASURES FOR THE VILLA SERENA SPECIFIC PLAN (PROJECT) WHICH INCLUDES GENERAL PLAN AMENDMENT NO. 23-0002, ZONE CHANGE NO. 23-0002, SPECIFIC PLAN NO. 23-0002, TENTATIVE TRACT MAP NO. 23-0001 (TT-20245) AND DEVELOPMENT PLAN REVIEW NO. 23-0002 AND IS LOCATED AT ASSESSOR'S PARCEL NUMBERS (APN) 1045-121-04, 1045-151-35, AND 0207-483-46.**

## Intent of the Parties and Findings

WHEREAS, Colonies Partners L.P. c/o Brian Bush (Applicant) has filed applications requesting approval of the Project; and

WHEREAS, the development is considered a project as defined by the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq.; and

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

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

WHEREAS, The City of Upland is the lead agency for the preparation and consideration of environmental documents for the Project, as defined in the California Environmental Quality Act and the State of California Guidelines for the Implementation of the California Environmental Quality Act; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code § 21000 *et seq.*) ("CEQA"), the City of Upland as the lead agency determined that an Environmental Impact Report ("EIR") should be prepared to analyze all potential adverse environmental impacts of project; and

WHEREAS, in accordance with Sections 15063 and 15082 of the CEQA Guidelines, a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) was prepared and circulated on February 8, 2022. The NOP was circulated to the public, local and state agencies, and other interested parties to solicit comments on the project and a public scoping meeting was held on June 8, 2022

WHEREAS, based on the responses to the Notice of Preparation, the City prepared a Draft EIR and a formal Notice of Completion ("NOC") of the Draft EIR with

the State Clearinghouse and the Clerk of the Board of Supervisors on May 28, 2024; and

WHEREAS, a Notice of Availability was prepared and circulated for the required 45 day public review period from May 28, 2024, to July 11, 2024, pursuant to Section 15105(c) of the *State CEQA Guidelines*. Copies of the Draft EIR were available for public review at the Planning Division Public Counter and Public Library as well as the City of Upland website; and,

WHEREAS, due to a distribution error and the incorporation of updated technical studies and minor edits to the Specific Plan, the City recirculated the Draft EIR pursuant to Section 15088.5 of the CEQA Guidelines. A second full 45-day public review period ran from November 4, 2024 to December 18, 2024; and

WHEREAS, the City received a total of 22 comment letters from regional agencies, tribal parties, and individuals during the two rounds of review; and

WHEREAS, following the close of the public comment period and after review of the comments received on the Draft EIR, the City prepared a Final EIR, consisting of comments received on the Draft EIR, written responses to those comments, and minor modifications that do not require recirculation of the Draft EIR. For purposes of this Resolution, the "EIR" shall refer to the Final EIR and Draft EIR, including all of the technical studies and appendices to the Draft EIR; and

WHEREAS, all of the requirements of CEQA and the State CEQA Guidelines have been satisfied by the City of Upland in the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Proposed Project have been adequately evaluated; and

WHEREAS, the EIR prepared in connection with the Project sufficiently implement mitigation measures necessary to avoid the Project's potential environmental impacts in accordance with CEQA and the State CEQA Guidelines; and

WHEREAS, the City of Upland Planning Division on April 2, 2025 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 April 1, 2025, mailed the public hearing notice to each property owner within a 1500-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 April 2, 2025, 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

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

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

- A. The above Recitals are true and correct and are incorporated herein by this reference.
- B. In accordance with Section 15063 of the *State CEQA Guidelines*, the City's professional planning staff, with assistance from the City's environmental consulting firm (LSA), completed a Mitigated Negative Declaration, supported by an Initial Study (IS/MND) was adopted for the proposed project by the City of Upland City Council on April 13, 2020, and a Notice of Determination (NOD) was filed on April 14, 2020.<sup>1</sup> The IS/MND was subsequently challenged in the County of San Bernardino Superior Court in *Friends of Upland Wetlands v. City of Upland*. The court held that certain environmental impact discussions were inadequate and did not fully consider the potential scope of significant impacts; therefore, the IS/MND was "set aside". To move the project forward, the City elected to prepare an EIR to fully review the project's impact on the environment, including those issues raised during the legal challenge. Environmental issue topics subject to the challenge included aesthetics and scenic vistas; ambient noise; biological resources; and hydrology/groundwater recharge. The City has also elected to include evaluations of greenhouse gas emissions, transportation, and tribal cultural resources in the EIR.

The Draft EIR circulated for public review from May 28, 2024, to July 11, 2024, pursuant to Section 15105(c) of the *State CEQA Guidelines*. Due to a distribution error and the receipt of additional information, the City conservatively "recirculated" the EIR for a second full 45-day review period from November 4, 2024 to December 18, 2024. The City received a total of 22 comment letters from regional agencies, tribal parties, and individuals during the two rounds of review. Copies of all written comments received during the comment periods are included in Chapter 3.0, Comments and Responses, of the Final EIR. The comments resulted in minor clarifications to Mitigation Measures. Under *State CEQA Guidelines* Section 15088.5(b), recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The Final EIR finds that there is no substantial evidence in the administrative record supporting a fair argument that the Project may result in any significant environmental impacts after implementation of the mitigation measures. The FEIR and the responses to comments contain a complete, objective, and accurate reporting of the environmental impacts associated with the Project and reflect the independent judgement and analysis by the City. Therefore, no further analysis is necessary.

The Planning Commission recommends that the Upland City Council certify the Final EIR (SCH #2022020150).

Section 2. 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 3. 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 4. EFFECTIVE DATE. This Resolution shall become effective immediately.

PASSED, APPROVED and ADOPTED this 23<sup>rd</sup> day of April, 2025.

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Robin Aspinall, CHAIR

ATTEST:

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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 23rd day of April, 2025, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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Robert D. Dalquest, SECRETARY