

RESOLUTION NO.**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UPLAND, CALIFORNIA RECOMMENDING THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT NO. 23-0002 TO MODIFY THE GENERAL PLAN LAND USE DESIGNATION FROM PUBLIC UTILITIES – FLOOD CONTROL (PU-FC) TO SPECIFIC PLAN (SP) TO ESTABLISH THE VILLA SERENA SPECIFIC PLAN LOCATED AT ASSESSOR'S PARCEL NUMBER (APN) 1045-121-04 SHOWN IN EXHIBIT A.**

Intent of the Parties and Findings

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

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

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

- A. The above Recitals are true and correct and are incorporated herein by this reference.
- B. Upland Municipal Code Section 17.49.060 provides that the Planning Commission, before it may recommend a General Plan Map Amendment, shall make a determination to allow the activity based upon the following findings:

- 1. Finding: The proposed General Plan Amendment is in the public interest.

Evidence: The proposed General Plan Amendment is in the Public interest because the amendment shows consistency with the General Plan as discussed within the Specific Plan Section 6, including the utilization of underutilized land and the provision of a range of housing types for the community that is generally consistent with the surrounding residential development and land use. The amendment will result in a development that improves 15th Street to the ultimate with landscaping and pedestrian connectivity thereby activating an area currently unimproved and often used for nefarious activity. In addition, the Specific Plan includes a vehicular connection from the southwest corner of the project site, through the existing City of Upland Right-of-way, ultimately connecting to Campus Avenue to protect the neighborhood to the south from additional traffic. The density is generally consistent with surrounding residential neighborhoods.

2. Finding: The proposed General Plan Amendment is consistent and compatible with the rest of the General Plan.

Evidence: The Villa Serena Specific Plan identifies consistency with the General Plan elements including the Land Use Element, Community Character and Urban Design Element, Economic Sustainability Element, Circulation Element, Open Space and Conservation Element, Public Services and Facilities Element, Healthy Community Element and the Safety Element. Analysis is provided in Section 6 of the Villa Serena Specific Plan document.

3. Finding: The potential effects of the proposed General Plan Amendment have been evaluated and have been determined not to be detrimental to the public health, safety, or welfare.

Evidence: The proposed General Plan Amendment has been evaluated and determined not to be detrimental to public health, safety, or welfare. Review of the project included a review of Environmental Effects related to the project including traffic, noise, and air quality, which have been shown to not have any significant impacts. Any environmental effects potential caused by the project have been appropriately mitigated. The project has been reviewed, appropriately conditioned and approved by both the Upland Police Department and the San Bernardino County Fire Department. In addition, public input into the project has resulted in multiple changes to the project, resulting in improvements beneficial to public health, safety, and welfare.

4. Finding: The proposed General Plan Amendment has been processed in accordance with the applicable provisions of the California Government Code and CEQA.

Evidence: The proposed General Plan Amendment has been processed in accordance with the applicable provisions of the California Government Code including Title 7, Division 1, Chapter 3, Article 8, Section 65350 which regulates the amendment of General Plans and, specifically sections 65450-57, which grants authority to cities to adopt specific plans for purposes of implementing the goals and policies of their general plans. Pursuant to the California Environmental Quality Act (CEQA) Guidelines and the City's Local Guidelines, 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. The EIR was prepared and circulated in compliance with the required provisions of the CEQA Guidelines. Based on the findings contained in the EIR, it was determined that Mitigation Measures related to Biological Resources, Geology and Soils, Cultural Resources, Noise and Vibration and Tribal Cultural Resources were required. In Addition, Mitigation measures are carried over from the original project initial study, which includes Utilities and Service System mitigation related to hydrology.

Section 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). Pursuant to the California Environmental Quality Act (CEQA) Guidelines and the City's Local Guidelines, 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. Based on the findings contained in the EIR, it was determined that Mitigation Measures related to Biological Resources, Geology and Soils, Cultural Resources, Noise and Vibration and Tribal Cultural Resources were required. In addition, mitigation measures are carried over from the original project Initial Study and Mitigated Negative Declaration, which includes Utilities and Service System mitigation related to hydrology.

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

Section 5. EFFECTIVE DATE. This Resolution shall become effective immediately.

PASSED, APPROVED and ADOPTED this 23rd day of April, 2025.

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 23rd day of April 2025 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Robert D. Dalquest, SECRETARY

Exhibit A

The General Plan Land Use Designation of the project site, highlighted below, APN: 1045-121-04 shall be amended from Public Utilities – Flood Control (PU-FC) To Specific Plan (SP) for the Villa Serena Specific Plan.

