

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UPLAND, CALIFORNIA RECOMMENDING THE CITY COUNCIL APPROVE ZONE CHANGE NO. ZC-21-0002 TO AMEND THE ZONING DESIGNATION OF THE PROJECT SITE FROM PUBLIC INSTITUTIONAL (PB/I) TO SPECIFIC PLAN (SP) AND TO AMEND UPLAND MUNICIPAL CODE SECTION 17.09.040 ADDING "VILLA SERENA SPECIFIC PLAN" AS SHOWN IN EXHIBIT B AND TO ADOPT THE VILLA SERENA SPECIFIC PLAN, SP-23-0002, FOR THE PROJECT SITE 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 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 17.48.060 provides that the Planning Commission, before it may recommend a Zoning Map Amendment, shall make a determination to allow the activity based upon the following findings:

1. Finding: The proposed amendment is consistent with the General Plan and any applicable community or specific plan as provided by Government Code Section 65860.

Evidence: The project is inclusive of a General Plan Amendment to amend the Land Use Designation of the Project from Public Utilities – Flood Control (PU-FC) to Specific Plan (SP). This Zoning Amendment is to amend the Zoning from Public/Institutional (PB/I) to Specific Plan (SP). Government Code Section 65860 requires a city's zoning ordinance to be consistent with the general plan, therefore the project is consistent with Government Code Section 65860.

2. Finding: The proposed amendment will not be detrimental to the public interest, health, safety, or welfare of the City.

Evidence: The proposed Zoning Amendment will not be detrimental to the public interest, health, safety, or welfare because the amendment will result in residentially zoned land via the Specific Plan, consistent with the surrounding residential land uses. The project will result in additional property tax generation. All impacts caused by the project have been determined to be less than significant, with potentially significant impacts being mitigated to ensure impacts are less than significant. The project has been reviewed and appropriately conditioned by Building and Safety, Public Works and Police and Fire Services to further ensure public interest, health, safety, or welfare of the City.

3. Finding: The proposed amendment is internally consistent with other applicable provisions of the Zoning Ordinance.

Evidence: The proposed text amendment adds the Villa Serena Specific Plan to the list of Specific Plans within the Zoning Ordinance, thereby making direct reference to the specific plan within the UMC 17.09.040 ensuring the document is consistent with and integrated with the Zoning Ordinance.

4. Finding: The affected site is physically suitable in terms of design, location, shape, size, and other characteristics to ensure that the proposed uses and development will not endanger, jeopardize, or otherwise constitute a hazard to the property, surrounding properties, and the community at large.

Evidence: Plans were submitted with the application that show the site is physically suitable in terms of design, location, shape, and size. The plans show adequate space for the implementation of the specific plan, including the development of the 65 residential homes, private and

common open space as well as necessary infrastructure improvements to serve the development. The plans show the proposed architectural and landscape design makes use of appropriate materials, texture, and color, and will remain aesthetically appealing and appropriately maintained. The Storm Drain Improvement plans show the basin will continue to operate adequately. The project has been appropriately conditioned by Police and Fire Services, and mitigation measures have been incorporated into the project to ensure the new development does not endanger, jeopardize, or otherwise constitute a hazard to the property, surrounding properties, and the community at large.

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

§ 17.09.040. Specific Plan Overlay Zone.

Refer to the applicable specific plan document for land use regulations, development standards, and application review procedures associated with that specific plan. The city contains the following specific plan areas:

1. The Colonies (SPR-7)
2. Upland Hills Country Club (SPR-6)
3. Historic Downtown Upland (SPR-16)
4. College Park (SPR-9)
5. College Commerce Center (SPR-8)
6. Harvest at Upland (SPR-12)
7. Foothill Benson Terrace (SPR-11)
8. Foothill Walk (SPR-10)
9. Wyeth Cove (SPR-13)
10. Park View (SPR-14)
11. Enclave (SPR-15-01)
12. Villa Serena Specific Plan (SP-23-0002)

Exhibit B

The Zoning District of the project site, highlighted below, APN: 1045-121-04 shall be amended from Public/Institutional (PB/I) To Specific Plan (SP) for the Villa Serena Specific Plan.

